

## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 7 JANUARY 2014

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

4. **Minutes of the Meetings Held on:**

4.1 **19 November 2013** **3 - 14**

4.2 **3 December 2013** **15 - 28**

5. **Development Control and Enforcement Matters**

5.1 **13/00927/FUL - Phase 4, Land at Manor Drive, Gunthorpe, Peterborough** **29 - 48**

5.2 **13/00928/FUL - Phase 6, Land at Manor Drive, Gunthorpe, Peterborough** **49 - 68**

5.3 **13/01539/FUL - 15-17 High Street, Glinton, Peterborough, PE6 7LS** **69 - 84**



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.

5.4	<b>13/00951/OUT - Land to the South of Woburn Drive, Thorney, Peterborough</b>	<b>85 - 104</b>
5.5	<b>13/01485/HHFUL - 11 Barnard Way, Bretton, Peterborough, PE3 9YZ</b>	<b>105 - 110</b>
5.6	<b>13/01585/WCPP - Battlefield Live, French Drove, Thorney, Peterborough</b>	<b>111 - 126</b>
5.7	<b>Article 4 Direction - 270 Eastfield Road, Peterborough, PE1 4BE</b>	<b>127 - 130</b>

Committee Members:

Councillors: Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Simons, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto: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 19 NOVEMBER 2013**

**Members Present:** Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Todd, Shabbir, Sylvester and Harrington

**Officers Present:** Theresa Nicholl, Development Management Support Manager  
John Wilcockson, Landscape Officer  
Jez Tuttle, Senior Engineer (Development)  
Sarah Hann, Acting Senior Engineer (Development)  
Ruth Lea, Planning and Highways Lawyer  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Simons and Councillor Lane.

**2. Declarations of Interests**

Councillor Todd declared that item 5.1, Anteon UK Ltd was in her ward, but this would in no way affect her decision.

Councillor Shabbir declared that item 5.1, Anteon UK Ltd was in his ward, but this would in no way affect his decision.

**3. Members' Declaration of Intention to Make Representation as Ward Councillor**

There were no declarations of intention to make representation as Ward Councillor.

**4. Minutes of the Meeting held on 22 October 2013**

The minutes of the meeting held on 22 October 2013 were approved as a true and accurate record.

**5. Development Control and Enforcement Matters**

**5.1 13/01292/OUT – Erection of shelter to encapsulate a holding food freezer to rear of site (retrospective). Anteon UK Ltd, Newark Road, Fengate, Peterborough**

The application site comprised a large detached storage and distribution warehouse (Use Class B8) set centrally within its plot and surrounded entirely by concrete hardstanding. The existing unit was of dual pitched design with buff brick construction to the ground floor and metal cladding at first and second floors. The

principal elevation of the unit was entirely glazed. Parking was provided on-site to the front and sides of the unit, with vehicular access taken from Newark Road to the south-western corner of the site. The area of hardstanding to the rear of the unit was previously used for the manoeuvring of delivery vehicles and overflow car parking. The building was set back from the adopted public highway by a small strip of landscaping comprising grass, semi-mature trees and shrubbery.

The site lay within the allocated Eastern General Employment Area with the surrounding area comprising a mix of industrial and commercial units.

The application sought planning permission for the construction of a detached cold storage building to the rear of the site measuring 23.75 metres (width) x 61.275 metres (length) x 11.6 metres (height to eaves). The development had been substantially completed and as such, the scheme was retrospective.

The Development Management Support Manager provided an overview of the application and the main issues for consideration. It was advised that there had been no consultation responses received, but three representations had been received from local residents. It was further advised that, should Members be minded to grant the application, a condition was requested from Highways to 'restrict delivery vehicles from accessing the site during normal working hours owing to conflict with visitor parking and the site entrance'. The officer recommendation was to grant the application subject to the imposition of relevant conditions and the amended condition from as proposed by Highways.

Mr Mark Foster, an objector on behalf of the Lindum Group, addressed the Committee and responded to questions from Members. In summary, key points highlighted included:

- There were serious concerns regarding the development;
- A large investment had been placed in the surrounding site;
- There had been no permission sought for the development and no regard to planning procedures;
- The development was out of keeping with the buildings in the surrounding vicinity and existing buildings were dwarfed by its overbearing appearance;
- The development was not in line with a number of planning policies, including Policy CS16, Policy PP2 and PP3;
- The scale of the development meant that there was a lack of car parking on site;
- There were a number of concerns around the impact that the development would have on highways safety;
- How could the condition C1 'no delivery vehicles shall enter or exit the site during the hours of 8.30am to 5.30pm' be enforced? Such a condition would require daily monitoring, this was unfeasible; and
- The development would have an impact on expansion opportunities in the future.

Following questions to the speaker, Members debated the application and raised points for and against. Further clarification was also sought from the Highways Officer as to the enforceability of the requested condition. In response, it was

advised that the condition would be enforceable as neighbours would advise of any breaches.

Concerns remained as to the enforceability of the aforementioned condition along with concerns regarding the overbearing nature of the structure. There had been no representation made by the Applicant in support of the application and therefore the Committee had been unable to ascertain the rationale behind the build. It was felt that special dispensation for the size of the structure should not be granted just because the building was situated within commercial development, the surrounding development being mainly single storey in nature.

The Applicant was present within the audience and requested permission to address the Committee. A vote was taken and this request was denied with three voting for, four voting for and one not voting.

A motion was put forward and seconded to refuse the application, contrary to officer recommendation. The motion was carried by 3 votes, with 1 voting against and 3 not voting.

**RESOLVED:** (3 For, 1 Against, 3 Not Voting) to refuse the application, contrary to officer recommendation.

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

The development was contrary to:

- Policy CS16 in that the design should be of high quality, appropriate to the site and area, should 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;
- Policy PP2 in that permission would only be granted for development which made a positive contribution to the built and natural environment; did not have a detrimental effect on the character of the area; was sufficiently robust to withstand/adapt to climate change; and was designed for longevity; and
- Policy PP3 in that permission would not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution and fail to minimise opportunities for crime and disorder.

Therefore the application was considered unacceptable.

#### **5.2 13/01521/CTR – Section 211 Notice of intent to carry out works to trees in Eye Conservation Area. 25-27 High Street, Eye, Peterborough, PE6 7UP**

A Section 211 Notice had been submitted by Councillor Dale McKean, a notification to carry out tree work at 25-27 High St, Eye, Peterborough. The notification was registered within the Local Planning Authority (LPA) on 11 October 2013.

The proposed works were to reduce (T1) Cypress by 2 metres and lateral reduction by 1 metre. To reduce (T2) Hazel by 2 metres overall and to reduce (T3)

Twisted Willow by 2 metres overall.

The trees were located in the rear garden of the property and the garden was largely screened by surrounding properties.

The main considerations were:

- Were the proposals in line with sound Arboricultural practice, reasonable and justified having regard to any representations received?; and
- Were the trees worthy of inclusion into a Tree Preservation Order (TPO) in terms of public visual amenity value, condition and health?

The Landscape Officer gave an overview of the proposal and advised that the officer recommendation was that no objections be raised and the works be approved.

A motion was put forward and seconded to raise no objections to the notice, and therefore authorising the works. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to raise no objections to the notice.

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

Under a section 211, anyone proposing to cut down or carry out work on a tree in a Conservation Area was required to give the Local Planning Authority (LPA) six weeks' prior notice. The purpose of the requirement was to give the LPA an opportunity to consider whether a TPO should be made in respect of a tree.

The works to T2 Hazel and T3 Willow were repeat works for which a Notice was received in 2012 under 12/00191/CTR. No objections were raised by the Council to this application and the works were therefore approved. Neither tree was worthy of inclusion into a TPO due to lack of visual amenity value and the works were arboriculturally sound.

The works to the Cypress had been requested by the Applicant to allow more light into the garden. Whilst reducing the height of a tree for light was not considered to be sound Arboricultural practice, the Cypress was not worthy of inclusion into a TPO due to lack of visual amenity value.

#### **5.3 TPO 5\_2013 – Provisional Tree Preservation Order, 15 Park Crescent, Peterborough, PE1 4DX**

Officers had served a provisional Tree Preservation Order (TPO) 5\_2013 at 15 Park Crescent, Peterborough following the submission of a Section 211 Notice of intent to carry out works to a tree in a Conservation Area which threatened the loss of a Cedar tree. Following the public consultation period, objections had been raised.

The main considerations were:

- Was the tree worthy of inclusion into a TPO in terms of public visual amenity value, condition and health?; and
- Were the proposals reasonable and justified having regard to any representations received?

The tree T1 (Cedar) was located to the front of the Care Home at 15 Park Crescent, Peterborough PE1 4DX.

The tree was in good condition and health and provided significant public visual amenity value as viewed from Park Crescent and contributed significantly to the appearance of the conservation area. The tree was therefore considered worthy of protection by way of a Tree Preservation Order.

The Landscape Officer gave an overview of the proposal and advised that the owner of the tree had been approached with a proposal that remedial works be carried out as well as coming to a longer term arrangement regarding the tree's maintenance. This had been declined by the owner who had submitted a number of comments during the consultation period relating to the size of the tree, the needle drop of the tree causing a slip hazard and the tree causing access problems for emergency services.

The tree was of a good age and offered visual amenity value and added character to the area. The reasons proposed for the felling of the tree were considered to be inadequate and therefore the officer's recommendation was to confirm the TPO.

Members' attention was drawn to additional information contained within the update report. A letter had been submitted from a representative of the Park Vista Care Home, along with a number of incident reports and photographs.

Mr Simarjit Barjwa, Peterborough Care Ltd, addressed the Committee in objection to the application and responded to questions from Members. In summary the key concerns highlighted included:

- The tree was extremely large and located roughly about 45 metres from the road;
- The tree could not be easily noticed and there were other more visually attractive trees in the vicinity;
- Mr Barjwa agreed that the tree did look in good health, however this was outweighed by the health and safety concerns;
- One of the main concerns was the needle drop, there were a number of elderly and infirm residents living in the home and the ground became extremely slippery when the needles fell. The needles had to be swept on a regular basis and this could take up to two hours each time;
- There was also a lot of bird waste under the tree and the residents had commented that they would like to be able to view Central Park, the view currently being blocked by the tree;
- The tree could be replaced with a different species of tree;
- There were issues with larger vehicles entering and exiting the site due to the location of the tree; and
- The tree was situated close to the building and it had caused damage in the

past with branches dropping and needles filling the guttering.

Following questions to the speaker, Members debated the application and raised a number of points for and against the application. Further clarification as to the age of the tree and its potential lifespan were sought from the Landscape Officer. In response it was advised that the tree had been planted in Victorian times and although not a rare tree, Cedars were a fantastic landscape tree and this specimen could live for another two hundred years.

Members further debated the application and raised a number of concerns in relation to the location of the tree next to a care home for the elderly. However, it was noted that the tree had been planted and had flourished in a residential area, and the area was still primarily residential in nature. Furthermore, any replacement tree would possibly pose similar issues down the line. It would be of more benefit for the owner of the tree to agree to work alongside the Landscape Officer as the tree was an asset to the area and it would be more sensible for the tree to be maintained going forward.

A motion was put forward and seconded to confirm the TPO. The motion was carried by 5 votes, with 2 voting against and 1 not voting.

**RESOLVED:** (5 For, 2 Against, 1 Not Voting) to confirm the TPO.

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

The tree offered public visual amenity value and it was considered that the loss would be of detriment to the greater public and the landscape in the location.

There has been no substantiated evidence to support the felling of this tree and it was the opinion of the Case Officer that the tree could provide 50 years + visual amenity value based on its current condition.

The meeting was adjourned for five minutes.

Due to there being speakers on the item, it was proposed to alter the order of the agenda and to take item 5.5, 78 Crowland Road as the next item of business. This was agreed by the Committee.

#### **5.4 13/01343/FUL – Construction of two-bed dwelling. 78 Crowland Road, Eye, Peterborough, PE6 7TR**

The application site was located on the eastern side of Crowland Road and was part of the side garden to number 78 which was owned by the Applicant. The site was approximately 7 metres in width and extended rearwards for approximately 19 metres where the width increased to 13 metres and extended a further 28 metres to the rear. The site was enclosed by 1.8 metre fencing to the north and south and there were mature trees further to the rear of the site. The character of Crowland Road comprised ribbon development with development fronting the road. Within the immediate vicinity the properties to the west of Crowland Road were predominantly two storey semi-detached dwellings and on the east side there was a more varied character. Directly to the north was a chalet bungalow which was



set back from the road by 12 metres. Directly to the south was a pair of modest sized semi-detached dwellings fronting the road.

The application sought permission for the erection of a two storey detached two bedroom dwelling. The property would be positioned in line with the neighbouring property to the north (no. 80) and set back from the highway by 12 metres. The dwelling would be 5 metres in width and the two storey element would be 8.4 metres in length. To the rear would be a single storey element which would be 6.8 metres in width and 6 metres in length. Parking would be provided to the front of the proposed property for two vehicles and one parking space would be provided for the existing property at no. 78.

The Development Management Support Manager provided the Committee with an overview of the proposal and the main issues for consideration. There had been no objections raised to the proposal, however it was considered that the building would have a detrimental impact on the rear and garden area of number 78. The officer's recommendation was therefore to refuse the application.

A letter had been submitted by the Applicant, Mr Deegan, providing background to the proposal. Mr Deegan was also present to answer any questions that the Committee may have. Key points were highlighted during questioning as follows:

- An original application had been submitted to the Planning Department, but subsequently withdrawn following advice from the case officer;
- The case officer had provided advice on a resubmission, which involved a complete redesign;
- Owing to the confidence placed in the advice and the likely success of a resubmitted application, the application was redesigned and submitted;
- All parties had gone out of their way to ensure all issues had been resolved;
- The application had subsequently been refused to the dismay of the Applicant; and
- The house would be lived in by Mr Deegan and his family.

Following questions to the speaker, Members debated the application and commented that the advice given by the Planning Department had been confusing from the point of view of the Applicant. The positioning of the property and the fact that it would be so visible from the rear garden of number 78 was of slight concern, but not a planning consideration, and that coupled with the fact that there were no objections raised to the application meant that the Committee could see no adequate grounds for refusal.

A motion was put forward and seconded to approve the application, contrary to officer recommendation. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to approve the application, contrary to officer recommendation.

## Reasons for the decision

The proposal was considered acceptable in the light of relevant planning policy and it was noted that there had been no objections received against the application.

### **5.5 12/01414/FUL – Installation of street furniture at external entrances to Queensgate Shopping Centre, comprising new Publicly Available Specification (PAS) 68:2007 rated bollards (static, removable and rising variations), vehicle blockers and PAS rated cycle racks. New gatehouse to be installed at one service entrance. Management Office, Queensgate Shopping Centre, Westgate, Peterborough**

The application site involved the entrances to the Queensgate Shopping Centre. The Centre lay at the heart of the central retail area and was juxtaposed both modern and historic development.

The proposal was to install new Publicly Available Specification (PAS) 68:2007 rated street furniture at all external entrances to Queensgate shopping centre, including bollards (in rising, removable and static variations), planters and new vehicle blocker barriers to the service yards. The Truckstopper bollard by Safetyflex was proposed in most locations. This had an elliptical shaped sleeve in stainless steel and single black band the dimensions of the sleeve are c.130mm(w) x 220mm(d) x 1000mm(h).

The specific design details of the bollards at each location were to be agreed by condition, however indicative design styles were outlined by the Development Management Support Manager. The counter terrorism measures were proposed as follows:

#### 1. Queensgate entrance off Westgate adjacent to John Lewis entrance

- Removal of existing chain, cycle racks and bollards and make good surfaces;
- Installation 14 no. PAS68:2007 rated bollards with 1.2 metres width clearing. Two of the bollards would be sleeved with a 'shark fin' bicycle rack; and
- Installation of 1 no PAS68:2007 rated bollard and surface mounted vehicle blocker within service yard adjacent to 'Fleure'

#### 2. Entrance to Westgate Arcade

- Removal of existing bollards and street furniture and make good surfaces; and
- Installation of 14 no. PAS68:2007 rated bollards with 1.2 metres width clearing including 2 no. removable bollards at central point of build out. The bollards would be location 0.45 metres from the kerb line and would follow the kerb line. Sleeve to bollards would have a 'Westminster'

design. (This element has been revised since the initial submission which including bollards crossing the footway.)

3. Frontage to Long Causeway/Entrance to Queensgate

- Installation of 1 no PAS68:2007 rated bollard;
- Installation of 6 no. PAS68 rated planters, Marshalls Rhinoguard Optima 952 with timber surround; and
- Installation of 6 no PAS68:2007 rated bollards with 1.2 metres width clearance at Long Causeway entrance to Queensgate.

4. Exchange Street/Cathedral Square entrances to Queensgate

- Installation of 6 no PAS68:2007 rated bollards with 1.2 metres width clearance to replace existing bollards on Exchange Street, including 2 no. removable bollards; and
- Installation of 4 no PAS68:2007 rated bollards with 1.2 metres width clearance and 1.2 metres from façade of entrance to Queensgate. (This element has been revised since the initial submission and the bollards will now replace existing bollards).

5. Exchange Street/St John's Square

- Replacement of existing bollards with 4 no. PAS68:2007 rated bollards with 1.2 metres width clearance including 2 no removable bollards to be positioned adjacent to corner of fence line on church boundary to minimise vehicle approach line.

6. Argos entrance to Queensgate

- Replacement of existing bollards with 6 no. PAS68:2007 rated bollards with 1.2 metres width clearance and make good existing surfaces.

7. Security Hut

- Erection of brick built security hut, dimensions: 1.8 metres x 1.8 metres x 2.35 metres in height to be positioned at entrance to Queensgate service yard; and
- New PAS68:2007 rated surface mount Vehicle Blockers to entrance and exit.

8. Queensgate Undercroft south end

- Installation of 4 no PAS68:2007 rated bollards with 1.2 metres width clearance; and
- Installation of PAS68:2007 rated Vehicle Blocker.

9. Queensgate Undercroft north end

- Installation of 4 no PAS68:2007 rated bollards with 1.2 metres width clearance; and
- Installation of PAS68:2007 rated Vehicle Blocker.

#### 10. Steps and car park entrance Bourges Boulevard

- Installation of 9 no PAS68:2007 rated bollards with 1.2 metres width clearance.

The Development Management Support Manager provided the Committee with an overview of the proposal and the main issues for consideration. It was advised that there had been objections raised by both the Conservation Officer and English Heritage in relation to the visual effect that the proposals would have on the Conservation Area. There had also been comments received from the Peterborough Civic Society stating that it was disappointing that some sections of newly installed paving along Exchange Street would need to be destroyed to install new bollards. In response to this point, it was advised that there was a proposed condition, requiring all paving to be reinstated with the same materials. Further comments had also been received from the Police Architectural Liaison Officer in full support of the proposals.

There had been a number of objections raised by Transport and Engineering Services and the Highways Officer advised that an amendment to Condition C2 was sought requesting that no development should take place until details of the bollards had been provided and the location of the bollards in relation to existing street furniture.

The Development Management Support Manager advised that the officers recommendation was to grant the application, subject the imposition of relevant conditions and approval from Transport and Engineering Services following submission of details of the bollards.

Members debated the application and raised a number of points including:

- The residents of Peterborough needed to be protected against any incidents;
- The Disability Forum had been consulted on the proposals;
- The high street scene would not be unduly unattractive and it was proposed to remove the majority of the existing bollards, this being subject to the submission of finer details of the scheme; and
- The proposals would only progress should Highways have no issues with the detailed drawings submitted.

A motion was put forward and seconded to grant the application, as per officer recommendation and with the amendment to Condition C2 as detailed by the Highways Officer. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, subject to:

1. The conditions numbered C1 and C3 to C5 as detailed in the committee report;

and

2. The updated condition C2 to read;

**C2** 'No development shall take place until details of the bollards have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include firstly, the name of the manufacturer, the product type, dimensions and reference number (where applicable) and secondly the location of the bollards in relation to existing street furniture. The development shall not be carried out except in accordance with the approved details'.

### **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 benefits of addressing vulnerability to crime outweighed the limited harm the proposal would have on the character and appearance of the Conservation Area or the setting of Listed Buildings surrounding the site;
- A suitable design of bollards/planters would be available which were sympathetic to the character and appearance of the area in which they would be placed while meeting the required highway standard; and
- The proposal would not result in any adverse highway implication and would not impede the flow of pedestrians or people with disabilities

Hence the proposal was in accordance with Policies CS14, CS16, CS17 of the Peterborough Core Strategy DPD, Policies PP1, PP2, PP3, PP12 and PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (2012).

1.30pm – 3.37pm  
Chairman

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**MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL  
PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 3 DECEMBER 2013**

**Members Present:** Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, Todd, Sylvester, Lane, Shabbir and Harrington

**Officers Present:** Nick Harding, Group Manager Development Management

Jez Tuttle, Senior Engineer (Development, Highway Control)  
Ruth Lea, Lawyer  
Hannah Vincent, Planning and Highways Lawyer  
Karen S Dunleavy, Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor North and Councillor Simons.

**2. Declarations of Interest**

Councillor Sylvester declared an interest in item 4.1, in that the owner of the stables was known to her, however, the association would in no way affect her decision.

Councillor Serluca declared an interest in item 4.3, in that the two speakers registered for item 4.3 were known to her, however, the association would in no way affect her decision.

**3. Minutes of the Meeting held on 5 November 2013**

The minutes of the meeting held on 5 November 2013 were agreed as a true and accurate record.

**4. Development Control and Enforcement Matters**

Following a request for additional speakers, the Committee unanimously agreed that Mr Peppercorn was permitted to speak regarding item 4.1 and Councillor Over was permitted to speak regarding item 4.3.

**4.1 13/00147/FUL - Land to The Rear of Barsby Cooked Meats, Northey Road, Peterborough – Construction of Stables - Retrospective**

The application site comprised a small narrow parcel of land measuring approximately 2,236 sq. metres and was located on the west side of Northey Road approximately 1.8 km from the urban area boundary and within land designated as open countryside. The stable had already been erected on site. Notwithstanding the site was on agricultural land and it had previously been used as a horse paddock. A 2 metre tall close boarded timber fence had been erected around that part of the site closest to Northey Road and enclosed on three sides the hardstanding/turning area and stable building. There was an unauthorised Gypsy and Traveller pitch to the

South of the site, which was to be considered by the Committee. To the east were sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes with its wooded surroundings, otherwise the surrounding character was flat open agricultural land. There was an existing access to the site from Northey Road. The site lay at a slightly lower level than the public highway which formed the eastern boundary.

The site was 300 metres south of the Flag Fen Scheduled Ancient Monument (SAM). Flag Fen was recognised as one of the most important complexes of Bronze Age archaeology in the country and had an international reputation as an archaeological site. The site was also to the North of the Roman SAM.

The application sought planning permission for retention of a stable block 3.69 x 11 metres by 3 metres high and the area of hardstanding which formed the parking and turning area for the stable. The fencing and entrance gate did not require planning permission.

The officer's recommendation was to approval subject to the imposition of relevant conditions.

The Committee's attention was drawn to a number of photographs taken in relation to concerns raised over visibility splays by the Highways Authority in relation to a bend at Northey Road/North Bank. The Group Manager Development Management advised that in his opinion (and contrary to Highway Officer advice) the visibility splays were acceptable. In addition the Committee's attention was drawn towards the success of a recent appeal regarding a decision in relation to a similar Gypsy & Traveller pitch, which was situated closer to the SAM than that of the retrospect application.

The Committee was also advised that the site had been subject to a significant number of enforcement cases involving the site due to unauthorised developments. These developments and remediation works as well as the development now in place would have disturbed any archaeological remains near the surface. A condition was recommended so that if there were further ground works, these would be subject to archaeological assessment.

Mr Peppercorn addressed the Committee and raised a number of points in response to a neighbour's objection to the planning application. In summary the points raised included:

- The site address had been provided by the Planning Officer;
- The high mound at the front of the site that had reduced visibility had been removed;
- No horses had ever escaped from the field;
- It was rare for children to visit the site, which demonstrated that there had been no apparent danger to them; and
- The Planning Officer had recommended the application for approval.

The Senior Engineer (Development, Highway Control) reiterated the concerns raised by Highways regarding the issue of distances in relation to the visibility splays. The main issue raised was in regard to the earth bund in that as the land was not in the ownership of the applicant there was no control over how high it may reach, which could affect the visibility splays in the future.

Members debated the application and were not concerned with the issues raised by



Highways over the visibility splays, due to the fact that it had been demonstrated that there was a sufficient visibility due to the width and length of road at the front of the site. However, Members had appreciated the highway concerns raised. Members also felt that the site would fit in well with the surrounding area.

The Group Manager Development Management asked if the Committee was content to include the proposed condition regarding the planting of hedgerows along the pony paddock. Following the advice, the Committee was minded to go with the officer recommendation for removal of the hedgerow condition, as it had been felt that there needed to be a degree of open aspect to the area.

A motion was put forward and seconded to grant the application subject to the imposition of relevant conditions and the removal of condition C1 in relation to the planting of hedges. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, as per officer recommendation subject to:

- The conditions numbered C2-C4 as detailed in the report; and
- The removal of condition C1.

#### **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: it had been considered that there would be no unacceptable impact on the amenities of neighbours, that there had been sufficient parking and there was a safe vehicular access. It had been considered that the small scale harm (including cumulative) caused to setting of Flag Fen was acceptable. The proposal would not be harmful in ecological terms. The proposal was therefore in accordance with Policy CS14, CS20, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies PP01, PP02, PP03, PP12, PP13, PP16 PP19 of the Peterborough Planning Policies DPD (2012).

#### **4.2 13/00384/FUL - Land To The North Of Barsby Cooked Meats, Northey Road, Peterborough - change of use to include 1 No static caravan and 2 No touring caravans with the erecting of a facilities block and relocation of stables for one extended Gypsy / Traveller family – part retrospective**

The application site comprised of a small narrow parcel of land measuring approximately 1,450 sq. metres and was located on the west side of Northey Road approximately 1.8 km from the urban area boundary and within land designated as open countryside. The site was on agricultural land and was most recently used as a horse paddock. A close boarded timber fence had been erected to the front of the site. The southern boundary was made up of a mature hedgerow. Barsby Cooked Meats, a meat wholesaler, was sited to the South of the site. To the east are sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes with its wooded landscape, otherwise the surrounding character had been flat open agricultural land. A new access to the site from Northey Road had been formed. The site lay at a lower level than the public highway.

The site was 300 metres south of the Flag Fen Scheduled Ancient Monument (SAM). Flag Fen was recognised as one of the most important complexes of Bronze Age archaeology in the country and had an international reputation as an archaeological site. The site was also to the North of the Roman SAM which was located on the

opposite side of the River Nene to the application site.

The application sought planning permission for the siting of one static caravan 3.2 metres by 9.2 metres by 3 metres high and two touring caravans 2.4 metres by 7.2 metres for use by a single extended Gypsy/Traveller family. Associated ancillary development included internal driveway, parking, turning and a facilities block 3.1 metres by 4.5 metres by 3.4 metres high. The proposal also involved the relocation of a stable block 3.69 metres by 11 metres by 2.9 metres high from its as built location to a revised location.

The Committee was advised by the Group Manager Development Management that there had been similar planning applications for Northey Road and Newborough, which had been successful in appeal following planning refusal due to considerable weight being given to Peterborough's lack of site provision for Gypsy & Traveller sites and the conclusion that in its modified form, the proposal would not impact on the setting of the Flag Fen Scheduled Ancient Monument. The officer's recommendation was to grant the application subject to imposition of relevant conditions.

If any further groundworks were to take place there would be a requirement to undertake an archeological investigation.

Mr Barry Nicholls addressed the Committee and raised a number of points. In summary the points raised included:

- The applicant had been living at the site since March 2013;
- The highways visibility issues raised were further away from similar site applications for the area;
- The application was in line with the National Planning Policy Framework (NPPF), which included provision for the Local Authority to introduce further Traveller & Gypsy sites;
- Additional sites were needed to accommodate the Traveller & Gypsy communities;
- In a recent SAM (Scheduled Ancient Monument) appeal it had been demonstrated that Traveller & Gypsy sites were a part of the setting of the countryside; and
- The current residents wish to live a peaceful life on the site.

Members debated the application and in the main were in agreement with Mr Nicholls' address in that there had not been increased provision of Traveller & Gypsy sites made by the Authority. There had also been a historical issue with the overcrowding of current Gypsy & Traveller sites.

A motion was put forwarded and seconded to grant the application subject to the imposition of relevant conditions. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, as per officer recommendation subject to:

1. Conditions numbered C1 to C17 as detailed in the committee report.

### **Reasons for the decision**

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against

relevant policies of the development plan and specifically: it had been considered that there would be no unacceptable impact on the amenities of neighbours, that the site was within a reasonable distance of local services and facilities, that there had been sufficient parking and had a safe vehicular access. It had been considered that there was no significant harm to the setting of the nearby scheduled ancient monuments and any as yet uncovered archaeology would be investigated by way of condition. The very limited harm caused to character and appearance of the local area would be mitigated by a conditioned landscape scheme. The proposal would not be harmful in ecological terms and foul and surface water conditions would ensure that the risk of pollution and flooding was mitigated. The proposal was therefore in accordance with Policy CS9, CS14, CS20, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies PP01, PP02, PP03, PP12, PP13, PP16 PP19 of the Peterborough Planning Policies DPD (2012), the NPPF and the Planning Policy for Traveller Sites (DCLG) March 2012.

**4.3 13/01360/FUL - Compass Barn, Main Street, Ufford, Stamford - Extension of curtilage of dwelling into paddock to enable the building of a two storey garage office and gym building, with associated excavations and re-profiling of ground levels, tennis court and lake.**

The application site was a C18 barn with adjoined stable range which had been converted into a dwelling. It was located within the Ufford Conservation Area and was constructed from coursed stone with steeply pitched Collyweston stone roof with coped gable ends. The dwelling had large enclosed grounds with various outbuildings and paddock area to the rear.

Permission was sought to change the use of the paddock to residential curtilage to facilitate the construction of a garage block, tennis court and lake.

The garage, office and gym building would be two storeys, curved and measuring 27 metres wide at its widest point by 7.7 metres tall, 5.1 metres projecting above the ground. The tennis court would measure 11 metres x 24 metres within an 18 metres by 25 metres area. The lake would measure approximately 64 metres by 25 metres, no information regarding its profiling or depth had been submitted with the application.

The Group Manager Development Management outlined officer responses to a letter sent to Members by the applicant. In summary the responses included:

- The site was within the village conservation area contrary to the statement submitted in the information letter;
- Whilst the land was not in agricultural production, its authorised planning use was for agriculture and not as a domestic garden;
- The application had, contrary to what was now suggested by the agent, included the change of use for the whole of the paddock not just the part covered by the buildings and tennis court
- There had been landscape implications arising from the development as there would be a significant amount of excavation that would be required to take place. In addition there had been no clarity over where the spoil would be placed and therefore there were concerns the proposal would be detrimental to the conservation area;
- There had been a suggestion by the agent that the tennis court would be sunken and planting provided to the west point of the site, but this would be impractical because of the lack of space between the tennis court and the

- property boundary; and
- A late submission by the applicant of additional plans did not appear to be wholly accurate.

The Group Manager Development Management also presented a number of photographs outlining the surrounding buildings to the proposed application including the street scene. The officer's recommendation was for refusal, due to the development location outside of the village boundary which was against and would be detrimental to the character of the conservation area and the street scene.

Councillor Over addressed the Committee and responded to comments and questions raised by Members. In summary the address and responses to questions included:

- There had been a large number of objections received from the Parish Council and from residents;
- The application was outside the planning envelope which the Parish Council and villagers had spent a large amount of time developing;
- The application was located inside a conservation area;
- The Parish Council had spent a large amount of time towards maintaining the village's rural character;
- The Parish Council had recently invested £1k and had planted trees, flowers and ponds in order to create rural corridors;
- The Parish Council received two applications to extend gardens which were refused due to the sites reaching beyond the village envelope; and
- The applicant's consultant had attended one PC meeting in order to reach an agreement on the way forward with the application.

Mr Scott Weavers-Wright addressed the Committee and responded to Members questions. In summary the main address and responses to questions included:

- The property had been purchased in 2011 and restored to a high standard at a cost of £2.8m;
- The residents were a local family that had made a huge effort the community in Peterborough;
- The use of the paddock barns was for the storage of wood and the applicant's vehicle collection;
- The proposed tennis court was intended to provide recreational family time;
- There would be limited noise created when utilising the paddock as a garage due to the use of one vehicle in operation at any one time;
- There had been little Parish Council support received for previous applications of a potting shed;
- The applicant had spent a significant amount of time developing the property into a family home;
- Local tradesmen had been employed throughout the property restoration process, which had demonstrated the applicants passion for Ufford;
- The existing gym was furnished with an Olympic spa pool for the provision of the one type of exercise, which had been the main reason to create further gym space in order to vary the types of exercise undertaken by the family;
- The consultant had attended the Parish Council meeting due to the applicants business commitments;
- The City of Peterborough should attract entrepreneurs to the area;
- There had been four acres of paddock area that had been utilised in a unique way that provided ground source heating and water to the house; and

- The request was for four garages just outside the turning circle, a tennis court and a lake rather than grass.

Members debated the application and appreciated the applicant's efforts in the restoration of the property, however the main concern had been that the application was located within the village conservation area and beyond the village envelope. Some Members felt that there would be no issues with the lake and tennis court however, there was a concern with the proposed buildings within the application.

Following a request from Members the Principal Built Environment Officer provided an overview of the site and its importance to the character and appearance of the conservation area of Ufford, which had been recorded in map form since the 1970s. Members were provided with an overview of the linear view from various positions within the village and how the application would impact each of the vantage points.

Member continued to debate and in the main felt that the evidence and advice provided over the preservation of the village conservation area was weighted towards the officer recommendation of refusal.

A motion was put forward and seconded to refuse the application, as per officer recommendation. The motion was carried unanimously.

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

### **Reasons for the decision**

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons outlined as follows:

- R 1 The proposal was outside of the village envelope and was not essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, access to natural green space, transport or utility services. This had been contrary to policy CS1.
- R 2 The tennis court, garage, office, gym, associated terracing and lake were not compatible with the open, undeveloped agricultural character of the area which was located between the Ufford village envelope and conservation area boundaries. The proposed developments by way of their scale, appearance, materials and location would result in development on land which had been currently undeveloped appear incongruous and dominate wider views, when juxtaposed against the surrounding undeveloped land. The resulting loss of undeveloped paddock would be detrimental to the character of the Ufford Conservation Area. This had been contrary to policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP17 of the Peterborough Planning Policies (DPD).
- R 3 The tennis court, garage, office, gym associated terracing and lake would be visible in the foreground and block views of the sites listed building and other listed buildings within the village when viewed from public footpaths to the north of the village. The scale of the proposed development would result in harm to the significance and setting of the site and other listed buildings beyond. This had contrary to policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP17 of the Peterborough Planning Policies (DPD).

- R 4 The noise nuisance resulting from the use of the tennis court and garage and the light nuisance resulting from any lighting likely to be installed to facilitate the safe use of these developments will result in unacceptable harm to the amenity of the occupiers of neighbouring dwellings; this is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3 of the Peterborough Planning Policies (DPD).
- R 5 The site lay within a minerals and waste safeguarding area. The applicant had failed to demonstrate that the underlying minerals were not of economic value, that they could be extracted prior to the development or that development was compatible with mineral extraction, or that there had an overriding need for the development. This had been contrary to minerals and waste core strategy policy CS26.

It was agreed that 4.4 and 4.5 would be presented and debated together, however a decision would be made on each application respectively.

#### **4.4 13/01372/WCMM Cooks Hole, Leicester Road, Thornhaugh, Peterborough - Application to vary condition 11 of 13/00434/WCMM**

The site measured approximately 3.74 hectares and was triangular in shape and located to the north part of Cook's Hole Quarry, adjacent to the A47. In operational terms the site was part of the whole Cook's Hole Quarry but was originally permitted under a separate application because the area of the site had not been part of the old mineral workings at the site (1950's). Currently, the site was being worked as part of the overall phasing of the whole of Cook's Hole Quarry. The issues to be considered were the same as those being considered under application 13/01374/WCMM.

The most recent decision (which the current application sought to vary) was approved at Committee in July 2013 (13/00434/WCMM). The application sought to extend the hours at the beginning and end of each working day. The hours of working as originally approved were conditioned as follows:

No development (including any servicing, maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission should be carried out on the site except between the following times:

0700 - 1700 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays.

There would be no development on Sundays, Bank Holidays or national holidays. Between 0700 and 0800 on Saturdays operations would be limited to loading vehicles from stockpiles, traffic movements associated with the collection of mineral and associated environmental control and administrative activities.

Reason: In order to safeguard the amenity of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

In July 2013, Committee approved the extension of these hours subject to conditions C11 and C24

The application was to further vary condition 11 to the following:

"No development (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission would be carried out on the site except between the following times:

0600 - 1900 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays

There would be no development on Sundays, Bank Holidays or national holidays. Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations would be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. Between 0600 and 0700 Monday to Friday operations would be limited to traffic movements only."

The applicant had therefore requested that morning hours and operations be permitted to continue as they currently did (in line with the permission granted in July 2013 for a temporary period) i.e. traffic movements only and also that the evening working hour on weekdays be extended from 1800 to 1900. During this hour, operations would be limited to loading of vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities.

It was to be noted that the applicant had proposed to commence work at 05.30 on weekday mornings and be permitted to load lorries during this time. The applicant was advised by officers that such a proposal would be unacceptable due to potential for changes in noise character at such an early hour causing disturbance to residents. The applicant had amended the proposal in line with officer requests.

The Group Manager Development Management provided Committee with an overview of the contents of the update sheet and requests in relation to consideration for planning permission to be granted personally to Mick George. In addition concerns had been raised by objectors, which were in relation to noise pollution and requested for consideration to be given grant the extended hours for a temporary period only.

The officer's recommendation was to grant, subject to the imposition of relevant conditions.

Mr Clarke, Wansford Parish Councillor, addressed the Committee and responded to questions raised. In summary the address and responses included:

- Wansford Parish Council had objected to the application in its original form of 5.30;
- Concerns had been raised through the Parish Council regarding the drip changes in the sites operating hours;
- The original conditions agreed were in order to mitigate noise impact;
- It was understood that noisy equipment was to be fitted below the ground level and to date had not been moved;
- The Parish Council requested the Committee to consider attaching a condition within the proposal for trucks to be loaded below ground level which was in line with the original agreement in order to mitigate increased noise impact; and
- A query had been raised with Minerals Officers, regarding why plant equipment

had not moved to below ground level and it had been confirmed that this would happen within a few weeks.

Mr Gough, representative for the applicant, addressed the Committee and responded to questions. In summary the address and responses included:

- To date there had been no noise complaint received as a result of the extended hours of 6.00 – 7.00;
- The mobile plant equipment was due to move to below ground level once the hole had been back filled;
- The applicant was not in objection to the Parish Council's suggestion of a condition to be introduced over the loading below ground level; and
- There had been no deadline date introduced over the relocation of plant equipment below ground level.

The Group Manager Development Management advised that it was apparent from the Minerals Officer appraisal in relation to condition C1 regarding the loading of lorries below ground level, was not reasonable or required and inclusion of such a condition would be subject to enforcement.

It was noted by Members during debate that introduction of a condition in relation to the site lorry loading would be unnecessary as the relocation of the plant equipment was imminent.

A motion was put forward and seconded to grant the application subject to the imposition of relevant conditions. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, as per officer recommendation subject to:

1. Conditions C1 to C22 as detailed in the committee report.

### **Reasons for the decision**

The proposal was in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy with regard to the highways/traffic implications of the development. The Highway Authority (PCC) had raised no objections.

The applicant had amended his proposal in line with officer advice so that the application was to vary condition 11 to enable traffic movements only between 0600 to 0700 Mondays to Fridays and lorry loading and traffic movements between 1800 to 1900. In all other respects the hours and working would remain as permitted.

The business needs of the quarry operator had been carefully considered and balanced with the potential for impact on neighbour amenity. There had been no complaints about lorry noise between 0600 to 0700 and the application was to allow traffic movements only between the stated hours on weekdays. The additional evening hour between 1800 to 1900 was in accordance with normal working hours set out in the National Planning Policy Framework (NPPF) Technical Guidance. The limitations on working practice during these hours together with the proposed conditions were sufficient in the Authority's opinion to protect neighbour amenity. This does not mean that no noise would ever be heard beyond the site. The Environmental Health Officer had not raised objections. The Environmental Assessment (previous



submissions and information submitted as part of the application) had been taken into account and had been adequate. It was considered that the proposal complied with policy CS34 of the Minerals and Waste Core Strategy and the NPPF and Technical Guidance.

There had been no material considerations which outweighed the determination of the application in accordance with the adopted development plan policies, therefore the proposal was acceptable.

#### **4.5 13/01374/WCMM - Cooks Hole, Leicester Road, Thornhaugh, Peterborough – Application to vary condition 11 of 13/00432/WCMM**

The application site was broadly rectangular and extended to some 54.4 hectares of which 39.5 hectares was proposed to be worked. The site was located about 1.7 km west of the A1 at Wansford. Thornhaugh village lay about 1 km to the northeast and Wittering 1.7 km to the north. The cluster of residential properties at Home Farm (about 10 residences) lay about 400m to the north and several other isolated farm houses and residences lay within a few hundred metres of the site, notably Oaks Wood Cottage, 300 metres to the north beyond the A47, Nightingale Farm about 325 metres to the South and Sibberton Lodge, about 500 metres to the east of the site beyond the A47.

The northwest site boundary adjoined Thornhaugh 1 quarry (an active quarry being restored by landfill with access off the A47). The northeast boundary adjoined the A47 Leicester Road and the southern boundary adjoined the active Thornhaugh 2 quarry and agricultural land comprising Nightingale Farm. The west boundary was defined by a restrictive byway and the edge of Bedford Purlieus National Nature Reserve (which was a Site of Special Scientific Interest).

Thornhaugh Beck was risen to the west of Bedford Purlieus, flows eastwards through the site before joining the White Water Brook, a tributary of the River Nene). Although parts of the site had been worked previously for ironstone extraction the land generally sloped down, as to be expected towards the stream valley running west to east through the site.

Central to the site was Cook's Hole Farmhouse, an abandoned stone farmhouse and associated barn and outbuildings. The farmhouse had recently been grade II listed and so the associated buildings were also listed by way of being curtilage buildings. The property was uninhabitable without extensive restoration works.

The site was traversed by various Public Rights of Way.

The site comprised of an area historically worked for Ironstone from the 1950s which benefited from a Renewal of Minerals Permission (i.e. a RoMP - an historic planning permission which had been reviewed and updated with appropriate conditions) and a new permission for an area of previously un-worked mineral. These two permissions (03/01171/RMP and 10/01441/MMFUL) were to all intents and purposes identical and were granted in April 2011. The two permissions had subsequently been superseded by the current operator who wished to work the site according to a different phasing.

Members may recall that the most recent decision (which the current application sought to vary) was approved at Committee in July 2013 (13/00432/WCMM). The application sought to extend the hours at the beginning and end of each working day.

The hours of working as originally approved were conditioned as follows:

No development (including any servicing, maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0700 - 1700 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays.

There would be no development on Sundays, Bank Holidays or national holidays. Between 0700 and 0800 on Saturdays operations would be limited to loading vehicles from stockpiles, traffic movements associated with the collection of mineral and associated environmental control and administrative activities.

Reason: In order to safeguard the amenity of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

In July 2013, Committee approved the extension of the hours subject to conditions C11 and C24.

The application was to further vary condition 11 to the following:

"No development (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission would be carried out on the site except between the following times:

0600 - 1900 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays

There would be no development on Sundays, Bank Holidays or national holidays. Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations would be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. Between 0600 and 0700 Monday to Friday operations would be limited to traffic movements only."

The applicant therefore requested that morning hours and operations be permitted to continue as they currently had (in line with the permission granted in July 2013 for a temporary period) i.e. traffic movements only and also that the evening working hour on weekdays be extended from 1800 to 1900. During this hour, operations would be limited to loading of vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities.

It should be noted that the applicant had originally proposed to commence work at 0530 on weekday mornings and be permitted to load lorries during this time. The applicant was advised by officers that such a proposal would be unacceptable due to potential for changes in noise character at such an early hour causing disturbance to residents. The applicant had amended the proposal in line with officer requests.

The officer's recommendation was to grant subject to the imposition of relevant conditions.

Members commented that there had been no noise complaints received over the extended operating hours.

A motion was put forwarded and seconded to grant the application subject to the imposition of relevant conditions. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, as per officer recommendation subject to:

1. Conditions C1 to C23 and C99 as detailed in the committee report.

### **Reasons for the decision**

The proposal was in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy with regard to the highways/traffic implications of the development. The Highway Authority (PCC) had raised no objections.

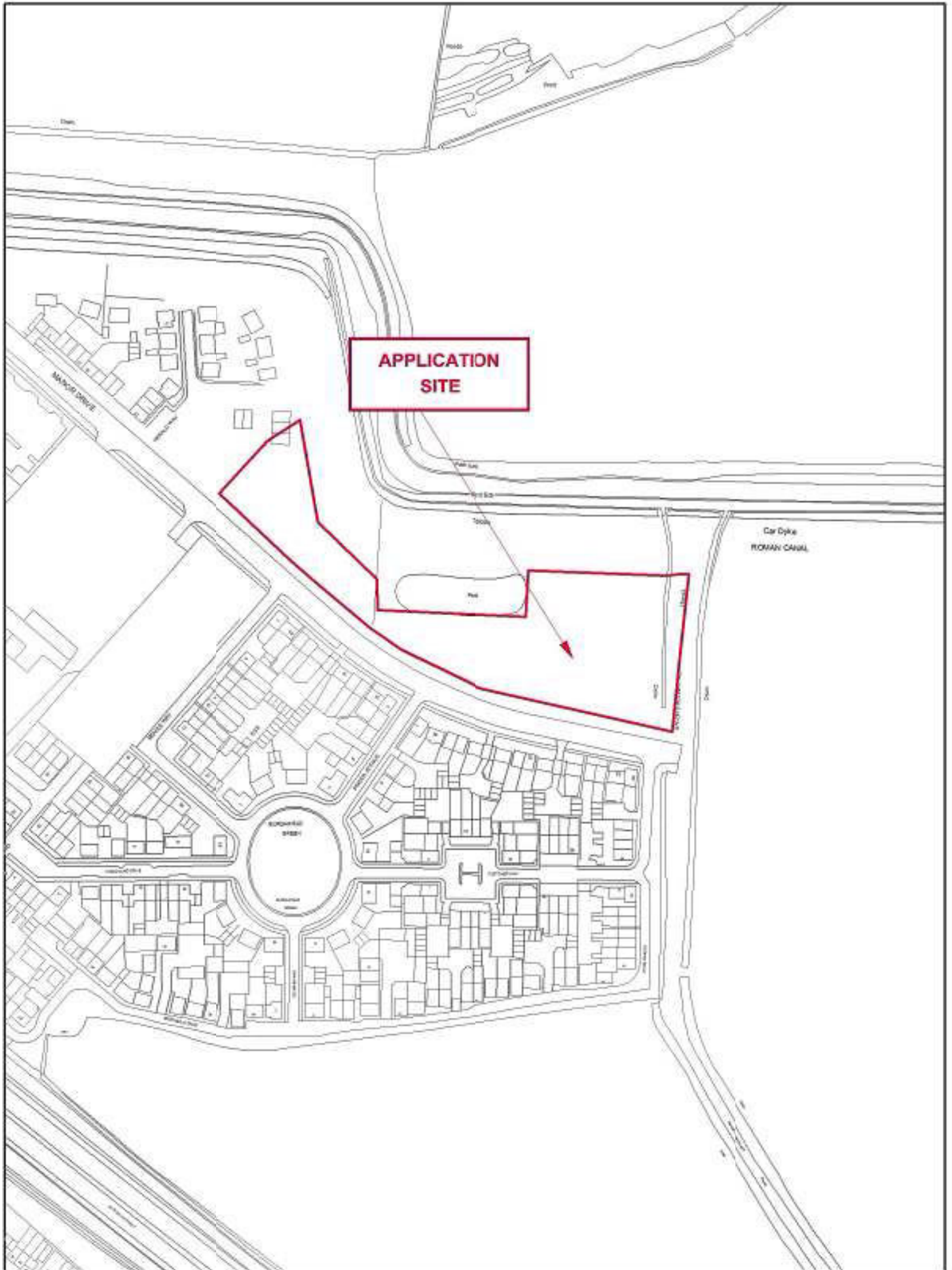
The applicant had amended his proposal in line with officer advice so that the application was now to vary condition 11 to enable traffic movements only between 0600 to 0700 Mondays to Fridays and lorry loading and traffic movements between 1800 to 1900. In all other respects the hours and working would remain as permitted.

The business needs of the quarry operator had been carefully considered and balanced with the potential for impact on neighbour amenity. There had been no complaints about lorry noise between 0600 to 0700 and the application was to allow traffic movements only between this hour on weekdays. The additional evening hour between 1800 to 1900 was in accordance with normal working hours set out in the NPPF Technical Guidance. The limitations on working practice during these hours together with the proposed conditions had been sufficient in the Authority's opinion to protect neighbour amenity. This does not mean that no noise would ever be heard beyond the site. The Environmental Health Officer had not raised objections. The Environmental Assessment (previous submissions and information submitted as part of this application) had been taken into account and was adequate. It had been considered that the proposal complied with policy CS34 of the Minerals and Waste Core Strategy and the NPPF and Technical Guidance.

There were no material considerations which outweighed the determination of the application in accordance with the adopted development plan policies, therefore the proposal was acceptable.

Chairman  
1.30pm - 3.05pm

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**LOCATION PLAN 13/00927/FUL**

Land at Manor Drive, Gunthorpe, Peterborough

**Scale** NTS **Date** 13/12/2013 **Name** AA Department Planning Services



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**Application Ref:** 13/00927/FUL

**Proposal:** Construction of 46 dwellings and associated works - Phase 4

**Site:** Land At, Manor Drive, Gunthorpe, Peterborough

**Applicant:** Mr Steve Flowers  
Cross Keys Homes

**Agent:** Ms L Cooper  
LMC Architect

**Referred by:** Director of Growth and Regeneration

**Reason:** In the wider public interest

**Site visit:** 01.08.2013

**Case officer:** Miss A McSherry

**Telephone No.** 01733 454416

**E-Mail:** amanda.mcsherry@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

## 1 Update

The above planning application together with the application planning reference 13/00928/FUL were deferred by the Planning and Environmental Protection Committee on the 8<sup>th</sup> October 2013, so that a scheme for the provision of a play area could be devised and be subject to public consultation.

To address the issue of lack of play space the applicant proposed a revised layout on Phase 6 planning reference 13/00928/FUL with an area of open space in the south west corner of the site. The residents considered that the area proposed was too small, and there was limited natural surveillance.

Therefore a meeting was held with the applicant and a group of residents on 29<sup>th</sup> October 2013. Following this meeting a larger repositioned green space area was proposed on Phase 6 (13/00928/FUL) adjacent to Beadle Way, together with associated changes to the house tenure mix and design of the dwellings etc.

It was agreed between a working group of residents and Cross Keys that a single area of open space should be provided centrally on Phase 6, and that no additional open space was to be created on Phase 4 13/00927/FUL (this application site), as there was concern about children crossing Manor Drive, which is to become a primary access route in future, into the adjacent Paston Reserve land.

Therefore the proposal for this phase remains unchanged from the scheme considered and deferred by the Committee on 8<sup>th</sup> October 2013.

## 2 Description of the site and surroundings and Summary of the proposal

### Site and Surroundings

The application site covers an area of approximately 1.19 hectares. The site is mainly overgrown grassland which is unused, and enclosed by temporary fencing. The site is bounded to the north by Car Dyke, to the east by unused land that will be part of the future Paston Reserve urban expansion, the south by Manor Drive and the residential properties beyond, and to the west by Phase 5 residential development, which is currently under construction.

## **Proposal**

Planning permission is sought for the erection of 46 affordable houses, 23 will be affordable rented and 23 will be affordable shared ownership. The development will comprise of 23 x 2 bedroom, 21 x 3 bedroom and 2 x 4 bedroom properties, 44 of which are two storeys and 2 of which are 2.5 storeys in height. The houses are a mixture of semi-detached and terraced properties.

Vehicle access to the site is from Manor Drive.

## **3 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/01981/FUL	Construction of 52 dwellings and associated works - Phase 4	Application Permitted	22/05/2012
92/00001/OUT	Residential and employment development	Application Permitted	28/10/2005
94/00005/OUT	Residential development and local centre (including convenience goods store approx 15000sq ft) outline	Application Permitted	28/10/2005

## **4 Planning Policy**

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

### **National Planning Policy Framework (2012)**

Local planning authorities should apply the presumption in favour of sustainable development.

#### **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.

#### **CS08 - Meeting Housing Needs**

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

#### **CS10 - Environment Capital**

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

#### **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.

**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.

**CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

**CS19 - Open Space and Green Infrastructure**

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

**CS21 - Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

**CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

**Peterborough Site Allocations DPD (2012)**

**SA01 - Urban Extensions**

Confirms the location of the urban extensions in accordance with Core Strategy policy CS5 and any planning permissions in place at the time of adoption.

**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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

**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.

**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.

### **PP14 - Open Space Standards**

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

### **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.

## **5 Consultations/Representations**

### **English Heritage**

No objection – This application forms part of a larger development, adjacent to the Car Dyke, a Roman canal which is a scheduled ancient monument. We do believe there will be some degree of harm to the setting of the designated heritage asset, however the principle of the 30m buffer zone between Car Dyke and the development has previously been accepted by English Heritage. The Planning Inspector on a previous scheme concluded that the development would not cause substantial or significant harm to the scheduled monument or its setting. In line with the National Planning Policy Framework (NPPF) as there will be less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

### **Environment Agency**

No objection – subject to the imposition of a condition in respect of surface and foul water drainage.

### **Anglian Water Services Ltd**

No objection –Anglian Water have assets close to or crossing the site, which the developers will need to take into consideration.

**Natural England - Consultation Service**

No objections – Natural England are satisfied that there is not likely to be an adverse effect on the Dogsthorpe Star Pit Site of Special Scientific Interest. The Local Planning Authority should give consideration to protected species, local landscape and biodiversity enhancements.

**Fire Community Risk Management Group**

No objection – subject to the adequate provision of fire hydrants. This can be secured by planning condition.

**Police Architectural Liaison Officer**

No objection – subject to conditions in respect of boundary treatments, lighting, landscaping and provision of self-closing, self-locking gates for shared rear access paths.

**PCC Transport & Engineering Services**

No objections – The principle of development on this site has already been established under previous planning consents and the layout of this current application is similar to that which was permitted last year. The access roads off Manor Drive are to remain private. Subject to the imposition of conditions no objections are raised.

**PCC Archaeological Officer**

No objections – The site has been subject to a series of archaeological investigations already. These investigations have provided sufficient information to assess the archaeological potential of the site. Recommend the implementation of the 30m landscape buffer zone to the scheduled ancient monument Car Dyke, with no development in this zone. A watching brief for all remaining ground work e.g. roads, service trenches, etc.

**PCC Landscape Architect**

No objections.

**PCC Drainage Team**

No objections – A condition requiring the submission of a surface water drainage scheme is recommended.

**PCC Wildlife Officer**

No objections – Subject to the imposition of conditions in respect of protected species, nesting birds, landscaping including the retention of the eastern boundary hedge and biodiversity gain.

**PCC Landscape Officer**

No objection – Subject to the landscaped details being agreed and the development being carried out in accordance with the submitted arboricultural documents.

**PCC Pollution Team**

No comments received.

**PCC National Grid**

No objections.

Initial consultations: 35

Total number of responses: 31 (some are from the same person but raise different points)

Total number of objections: 31

Total number in support: 0

32 letters of objection have been received raising the following concerns:-

- Lack of open space/children's play areas. Plans cannot be approved without consideration of this issue
- Existing residents would not have bought if they knew the site was going to go for affordable

## housing

- Property searches did not reveal these proposals
- Recognise the needs for affordable housing but the rights and interests of the whole community need to be taken into account
- Phase 1 affordable housing is already unkempt and in poor repair
- If approved over 50% of the housing on the development will be affordable
- Areas which have had mass affordable housing have had problems e.g. Orton , Bretton, Westwood
- If approved it will be difficult to sell our houses
- Roads will not be able to cope with the extra traffic
- Children play on roads on the estate as there is nowhere for them to go
- Loss of neighbouring property values
- There is a lack of services for residents; there is a lack of school places in the area; there are no nurseries; doctors; shops; bus routes; social community meeting space; parks or children's play spaces in the development
- No litter bins or post boxes within the development
- There is no safe walking route to existing schools or play areas
- The land was supposed to be open space and not built upon
- Feel Linden Homes/Stamford Home mislead residents when they bought their homes
- Loss of outlook and countryside views for existing properties
- Concentration of large numbers of social housing is a poor planning model, it should be more widely distributed within private housing
- Pond dangerous for children
- Many people already park on the roads, which leads to problems of access for fire engines and bin lorries, this development will increase this problem.
- Extra Traffic
- Parking problems
- Speeding traffic
- Problems for residents with ongoing building works
- Lack of pedestrian footpaths in the existing development is leading to pedestrian safety problems
- Road is not wide enough
- Proposed T junction on Beadle Way will be unsafe
- Flood Risk
- No school places available locally and the walk to the nearest school is not safe / pleasant to use. Where are the children going to go to school?
- Homeowners misled by Linden Homes when buying properties
- The land should be used to provide amenities for residents, not more housing
- Impact on local community
- Loss of aspect/view
- Effect on wildlife/protected species
- Crime/security problems
- Effect on landscape
- Youths congregating
- Low levels of lighting
- Why approve a development where there are no facilities
- Has Linden Homes built lots of social housing at Helpston and has the Council agreed that Linden Homes don't have to provide social housing at its White Willows site?
- No bus service is available
- Will have to leave the area if the plans are approved
- Builders should build what they promised to do
- Residents already have problems with construction vehicles parking on the road

A petition has been received with 176 signatures from the Burghfield Place Residents Group which objects to the application on many of the above grounds.

**Cllr Simons** – Objects. Residents were mis-sold their houses as they were told that the land would

be used for something else. Proposal would create extra traffic making existing problems even worse. The amount of social housing being provided would be more than the allowed percentage. Promises of play area provision have been broken. Plans should not go ahead until residents' concerns have been investigated.

**Cllr S Day** – Objects. Residents were miss-sold their houses as they were told that the land would be used for something else. Proposal would create extra traffic making existing problems even worse. Some households would not get the view of the countryside they were promised. The amount of social housing being provided would be more than the allowed percentage. The affordable housing should be pepper potted and should not be on the main road. There is no community infrastructure in place to encourage a strong community, no play facilities and no community hub. Plans should not go ahead until residents' concerns have been investigated.

**Cllr Knowles** – Objects. The site is a long way to shops and schools. Quality of life for all residents, especially children, would be unacceptable. Shops and other facilities approved in 1994 should be built before further development. A community centre and green space are needed. The footpaths are unsafe and there is a risk of fatality. To approve the development may be seen as negligence. I support the residents who do not consider the amendments made acceptable. I request the application be put on hold until a satisfactory solution for the existing residents can be found. We do not want to end up with problems that exist in other parts of the city. All social housing should be pepper potted. The area needs proper amenities.

**Stewart Jackson MP** – Objects. The Council and developer have failed to provide community facilities even though £12m is available to do so. There are traffic, parking and road infrastructure concerns, in particular, insufficient attention has been given to the future flow of traffic between Beadle Way and Manor Drive and egress to the main development to the north and west (from the latter) as well as parking on Beadle Way. Proposal is contrary to the following policies:

OB18 – Development does not provide for a walkable neighbourhood

CS8 – Over provides social housing

CS19 - Does not provide open space and community facilities

OB4 – Lack of public transport prevents people from accessing facilities

OB7 - There is not a balanced mix of housing as no owner occupied housing is provided for

## **6 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Affordable housing
- Design and layout
- Impact upon neighbouring sites
- Ecology
- Drainage
- Highway implications
- Impact on Car Dyke
- Community facilities
- S106 Obligations

### **a) The principle of development**

Outline planning permission was approved in 2005, for residential and employment and local centre under planning references 92/00001/OUT and 94/00005/OUT, covering 6 proposed phases, including the one currently under consideration. The masterplan identified the current application site as being used for a combination of open space, the green wheel route, the Car Dyke 30 buffer zone, a drainage balancing pond and housing.

Planning permission was granted under planning reference 11/01981/FUL in 2012 for residential development on the current application site Phase 4. 52 dwellings were approved

8 of which were proposed to be affordable housing. The balancing pond, 30m Car Dyke buffer zone and green wheel route will remain as part of the development as previously approved.

The application site together with surrounding sites are identified in the Site Allocations document as a committed mixed use urban extension, site SA1.2 Paston Reserve. The land to the east of this is also a proposed mixed use urban extension, site SA1.5 Norwood.

Therefore in view of the previous planning consent 11/01981/FUL for 52 dwellings on the site and the sites identification as part of the urban extension in the Site Allocations DPD, it is considered that the principle of residential development on the site is acceptable.

## **b) Affordable Housing**

Policy CS8 of the Core Strategy seeks on development sites of more than 15 dwellings, 30% affordable housing, unless the development is itself more than 30% affordable housing.

The scheme proposes 100% affordable housing of which half will be for rent and half will be shared ownership. The delivery of 46 affordable homes from this proposal would go some way to addressing housing need evidenced in the Peterborough Strategic Housing Market Assessment update 2010 (SHMA 2010), which evidences the need to provide 1008 new affordable homes per year to address existing and newly arising need. It is considered the unit types proposed, 23 x 2 bed, 21 x 3 bed and 2 x 4 bed would be appropriate to meet housing needs. The tenure mix is also appropriate. The delivery of 23 rented homes would help to meet the needs of some of the 5000 applicants currently awaiting re-housing on the Peterborough Housing Register. The delivery of 23 intermediate tenure homes will go some way to meeting the needs of the 22% of people in the Peterborough Sub region who are unable to afford market housing (as evidenced in the SHMA 2010).

Taking into account the number of dwellings already completed, under construction and yet to be started, plus the proposed development, 43% of the Burghfield development would be affordable in nature. There is no evidence to support the suggestion that this would have the effect of unbalancing the community.

It is considered that 100% affordable housing on this site, in combination with the existing and proposed surrounding residential housing would secure a mixed community and would not be contrary to the provisions of Policy CS8.

It should also be noted that under the existing and implementable planning permission for the site, it would be lawful for all of the houses to be affordable as is currently proposed (albeit with different house types and layout changes). It would therefore be unreasonable to refuse planning permission on the grounds of over provision of affordable housing.

## **c) Design and layout**

The number of dwellings on the site has reduced from 52 approved under planning reference 11/01981/FUL to 46 now proposed. The heights of the properties have also reduced from that previously approved. The 11/01981/FUL scheme proposed 12 x 3 storey properties, 4 x 2.5 storey height and 36 x 2 storey properties. The current scheme proposes 44 x 2 storey properties and 2 x 2.5 storey properties.

The approved scheme 11/01981/FUL was similarly designed to the layout of the properties on the opposite side of Manor Drive, which a strong linear building frontage to Manor Drive with accesses to rear parking court areas. The original layout received under this application proposed single properties facing Manor Drive with open spaces containing gardens and parking between, which did not provide such a strong continuous built frontage to the Manor Drive streetscene. Amended plans were therefore received which rotated two of the proposed terrace blocks, so that two terrace blocks of 3 properties faced Manor Drive rather than two single dwellings, which would provide a stronger building line and less open garden space to

Manor Drive. Officers consider this to be an acceptable visual improvement to the scheme, and will result in a better streetscene frontage to Manor Drive, in keeping with the surrounding character of development.

It is considered the proposed site layout provides each property with an adequate provision of amenity space, car parking, together with acceptable bin storage and access arrangements.

The houses are acceptably arranged on site in relation to one another to prevent any unacceptable overbearing or overshadowing impact. The layout has been designed to ensure as far as possible active frontages of properties are presented to the streetscene, to prevent unsightly large blank elevations. The proximity of the properties to the road is considered acceptable and the surrounding character is one property in close proximity to the road frontages. The property designs are considered to be visually acceptable, and the scheme will integrate acceptably into the surrounding streetscene.

It is considered that the proposal is in accordance with Policies CS16 of the Core Strategy and Policies PP04 and PP13 of the Planning Policies DPD.

**d) The impact on neighbouring sites**

It is considered the houses proposed have been positioned sufficiently distant from the existing properties on Manor Drive so as to not result in any unacceptable reduction in current privacy, light levels or have any unacceptable overbearing impact.

As a result of the development there will be more traffic on Manor Drive, but this is not considered to be of a level that would unacceptably impact on the residential amenity of these neighbouring properties.

It is therefore not considered that the development would unacceptably impact on the residential neighbouring amenity of any surrounding sites.

The proposal therefore accords with Policies CS16 of the Core Strategy and Policies PP03 of the Planning Policies DPD.

**e) Ecology**

An ecological assessment was undertaken, which identified the potential for the site to support breeding bird species, foraging bats, Great Crested Newts and reptiles. The assessment identified that no further ecological surveys were considered necessary due to the negligible ecological value of the site. The ecological mitigation measures proposed were to clear vegetation on site outside the bird nesting season, erect any necessary tree protection fencing to protect the root protection of trees, and to implement a non-licensed method statement for vegetation clearance to prevent impacts on reptiles and Great Crested Newts (GCN). If GCN are found on site, licensed mitigation may be required. The biodiversity enhancement measures proposed includes the incorporation of bird and bat boxes into the development, and the use of native species in the landscape scheme.

Officers consider the ecological assessment to be acceptable and would recommend that the ecological mitigation and biodiversity enhancement measures are secured by way of planning conditions. The proposal is therefore considered to be in Policies CS21 of the Core Strategy and PP16 of the Planning Policies DPD.

**f) Drainage**

The flood zone mapping shows the site falls within Flood Zone 1, where it is considered there is low probability of flooding. Residential development is considered appropriate within this Flood Zone. It is considered the proposed development would not cause an increase in flood risk in the wider catchment area from flood flows from the developments drainage, subject to provision of an acceptable surface water drainage design to take into account the increased impermeability of the site.

Subject to the imposition of drainage conditions, the proposal is in accordance with Policy CS22 of the Core Strategy.

**g) Highway Implications**

The principle of development on this site has already been established under the previous planning consents, and the layout is similar to that granted planning permission under planning reference 11/011981/FUL, in 2012.

Whilst Manor Drive is the adopted public highway, none of the roads off it are proposed for adoption. The plans submitted indicate that vehicle to pedestrian visibility splays can be achieved on either side of this access. Whilst no vehicle splays are shown on the plans, the Local Highway Authority is satisfied that they can be achieved within the public highway.

Footpath/cycle paths are proposed on the Manor Drive site frontage.

There is sufficient capacity in the surrounding road network to accommodate the level of residential development and associated traffic proposed.

The scheme proposes two car parking spaces for each property, there are no garages proposed within the development, this level of parking provision is in accordance with the revised parking standards of the Planning Policies DPD 2012. These revised parking standards have increased the car parking requirement for this development to 92 spaces which are being proposed, whereas previously under the old standards only 69 spaces would have been required. It is hoped these new increased car parking standards might help allay existing resident's concerns that this proposal would be deficient in car parking, which would lead to further on street parking by residents, causing perceived highway safety problems. Officers therefore do not consider that there will be a deficiency in car parking for the proposal.

The proposal is therefore considered to be in accordance with Policies PP12 and PP13 of the Planning Policies DPD.

**h) Impact on Car Dyke, Scheduled Ancient Monument**

The site is located to the south of the scheduled ancient monument Car Dyke, which was a Roman canal. A 30m landscape boundary is proposed between the proposed development and Car Dyke. This 30m buffer zone has previously been accepted by English Heritage and the Planning Inspector. The Inspector concluded that the proposal would not cause substantial or significant harm to the scheduled monument or its setting. Whilst there may be some harm to the setting of the monument this has to be weighed against the benefit of providing affordable housing. Officers therefore consider, in line with the previous Planning Inspector that the benefits of the scheme outweigh any harm.

The proposal is therefore in accordance with Policies CS17 and PP17 of the Core Strategy and Planning Policies DPD.

**i) Community Facilities**

The master plan for the Burghfield Place made no provision for a community hub and identified two areas of open space. The first was the circular village green and the other being the buffer zone adjacent to the Car Dyke. Rightly or wrongly, it was never the intention to provide play areas in each of the phases as well as the two areas of open space previously amended. The issue of the lack of open space on the Burghfield Place development was considered by an Inspector when he considered an appeal against the refusal of planning permission for Phase 4 Ref 10/01329/FUL as objectors to the development had raised this point. On the issue the Inspector said the following:

*31. Concern was also raised about open space provision and the effect that this would have on living conditions. It is appropriate that this should be required for developments of this nature. Suitable provision would not only ensure the residents in the new development*



*had adequate recreational facilities, but it would also safeguard the amenities of those living close to the site, as it would avoid undue pressure being placed on existing facilities nearby. While the buffer zone could be used for informal recreation, there was a shortfall of 0.295ha in the amount of more formal open space associated with the scheme. The Council accepted that payments can be made in lieu of such provision to allow it to enhance or provide an off-site facility. It also acknowledged that the financial contributions in the submitted Unilateral Undertaking of 26 August 2011 (the Undertaking) were sufficient to address this matter adequately. Such an approach is reasonable, allowing larger better facilities to be created that serve a number of developments. I consider this aspect of the Undertaking accords with the tests in Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) and so I afford it significant weight.*

*32. The Council said it would probably spend the money to improve facilities at Unity Park. This is an existing play area some 1.1km away, with pedestrian access from the site being along a route that is, at times, convoluted and secluded. Local residents contended this would be of little use to those living at the scheme, and, given the nature and distance of the route, this is a view with which I have some sympathy. There was also concern about the size of the contribution. However, to my mind the amount of money and where the Council chooses to spend it is not a matter over which the Appellant has control. It was also apparent at the Hearing that appellant was willing to discuss an alternative location for this additional open space provision that would be better related to the appeal site. Consequently, this matter does not offer a ground to resist the proposal.*

As can be seen from the extract above, the Inspector accepted that an off-site contribution in lieu of on-site provision is appropriate and that this issue did not warrant a reason for refusal. It should also be noted that as the development is only for 27 dwellings, only a small area of open space could ever be provided on the site making it impractical for the intended purpose.

Whilst the Council has been criticised for not having spent any of the open space / play equipment Section 106 moneys that it has received as a consequence of the development to date, this is for good reason. Officers have been mindful of the fact that some residents have made it clear they don't want any play equipment putting on the green and that Unity Park is considered too far away. Officers have been in discussions with the adjacent landowner and have asked if some land due to be provided for school / community use could be made available at least on an interim basis as a play area. It should also be noted that a play area is due to be provided on the development of the first housing phase on the adjacent site and that some open space is now proposed on phase 6 which is being presented to Committee at this meeting for determination.

**j) S106 Obligation**

Under the Planning Obligations Implementation Scheme a S106 Contribution of £234,000 should normally be paid for the development proposed. However the amount has been reduced to £38,858.04 (plus monitoring fee) to be used for neighbourhood infrastructure (i.e. excluding strategic infrastructure) and £7,141.96 for public open space, in light of the economic viability information submitted by the applicant. The applicant has indicated a willingness to complete a Unilateral Undertaking for the sum sought.

**k) Other matters**

In response to the objections raised which are not discussed above:

- Residents have raised concerns that the development will affect their property values. The impact of development on property values is not a material planning consideration that can be taken into consideration in the determining of planning applications.
- The roads on the existing development have not been put forward for adoption by the developer and the Council cannot make the developer do this. Nevertheless, the width and alignment and visibility at junctions' accords with highway design standards.

- The amount of development taking place at Burghfield Place is not yet sufficient to support a commercial bus service as otherwise one would be provided by an operator.
- The scale of development at Burghfield Place is insufficient to support a primary school. A primary school is proposed on the adjacent Paston Reserve site.
- The local planning authority cannot be held responsible for the alleged mis-selling by Linden Homes
- The local planning authority cannot take into account the loss of views when deciding planning applications as they do not constitute material planning considerations
- Construction parking – It is not possible to accommodate all construction related parking off road. Whilst this does result in some inconvenience to existing residents, it is short lived in relation to the life of the completed development
- Affordable Housing at White Willows (Phase 5) – 5 affordable housing units are being provided on this site
- Affordable Housing at Linden Homes Helpston Site – 6 affordable housing units are being provided (reduced from 13 due to viability issues on the site)

## **7 Conclusions**

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

- Planning permission has previously been granted planning for housing under planning reference 11/011981/FUL and the site is allocated for redevelopment in the Site Allocations document, therefore the principle of residential use is acceptable and in accordance with Policies CS2 of the Core Strategy and SA1 of the Site Allocations DPD.
- The development provides an acceptable safe vehicle access to the site, together with sufficient car parking. Therefore the proposal would not have any adverse impact upon highway safety. This is in accordance with Policy PP12 of the adopted Planning Policies DPD.
- The proposal would not have any unacceptable adverse impact upon the amenities of existing neighbouring properties and therefore is in accordance with policy PP3 of the adopted Planning Policies DPD.
- The design and layout of the development is considered to be acceptable with no adverse visual impact on the surrounding area. The proposal is therefore in accordance with Policies CS16 of the Core Strategy, and PP02 of the Planning Policies DPD.
- Biodiversity enhancements are to be secured by way of a planning condition, in accordance with Policies PP16 of the adopted Planning Policies DPD and CS21 of the adopted Core Strategy DPD.
- Subject to the imposition of conditions to deal with surface water drainage the proposal is in accordance with Policy CS22 of the adopted Core Strategy DPD.
- A financial contribution will be secured by way of a legal agreement, for the infrastructure needs of the development, in accordance with Policy CS13 of the Peterborough Core Strategy.

## **8 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

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

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

- C2** Prior to the commencement of development a scheme of surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority.

Full details and the confirmation the scheme is as described, should be provided at detailed design stage. This should include but is not limited to:-

- Details of the ownership and responsibilities of maintenance of all drainage elements for the lifetime of the development, plus maintenance programme.
- Actual storage calculations to be provided, the drainage strategy currently states approximate volumes

The scheme shall thereafter be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding on and off site, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and NPPF (2012).

- C3** The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.

Reason: In the interest of safeguarding residential amenity in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C4** No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless it has been demonstrated to the Local Planning Authority that immediately prior to the proposed commencement of works a survey has been undertaken to show that the site is free of nesting birds.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C5** Prior to the first occupation of any dwelling a scheme of bird and bat boxes for a range of different species e.g. house sparrow, starling, swift, as well as bat roosting features, including details of their proposed location and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C6** The development hereby approved shall be carried out strictly in accordance with the non-licensed method statement set out in section 6.2 of the Ecological Appraisal Report – Phase 4 and 6 Land off Manor Drive July 2013, to include:-

- Vegetation to be strimmed in a two stage cut, directional to ‘push’ animals into retained habitat, during suitable weather conditions. Strimming only the

**minimum area needed for the works.**

- **Keep all works within the strimmed area/ short grassland, and store all vehicles, equipment etc on the grassland, road or away from site.**
- **Should any Great Crested Newts be found within works area, all activity to stop and advice sought from suitably qualified ecologist.**

Reason: In the interests of protecting any Reptile and Great Crested Newts that may be present on the site, in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C7 The development shall be constructed so that it achieves a Target Emission Rate of at least 10% better than building regulations at the time of building regulation approval being sought.**

Reason: To be in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011).

- C8 All of the dwellings on the site shall be 'affordable' as defined in the supporting statement to Policy CS8 in the Peterborough Core Strategy DPD 2011.**

Reason: As a result of the development being 100% affordable, it has been demonstrated that the development would not be viable unless a reduction in the scale of contribution required by Policy CS13 of the Peterborough Core Strategy DPD 2011 and the associated Planning Obligation Implementation Strategy (2010) is given.

- C9 No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.**

Reason :To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure, in accordance with Policy CS22 of the Peterborough Core Strategy DPD.

- C10 Prior to the commencement of development, a scheme for the provisions of fire hydrants should be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full before the dwellings are occupied.**

Reason: In the interests of the health and safety of occupiers of the site and in the vicinity and in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C11 Notwithstanding the submitted information, no development other than ground works and foundations shall take place until a scheme for the soft landscaping of the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include the following details:-**  
**- Planting plans including retained trees, species, numbers, size and density of planting**

**The soft landscaping scheme shall be carried out as approved no later than the first planting season following the occupation of the dwelling to which it relates or the completion of development, whichever is the earlier, or in case of the public open space its completion.**

**Any trees, shrubs or hedges forming part of the approved landscaping scheme which would include any landscaping within the Public Open Space (but not contained in enclosed rear gardens to individual dwellings) that die, are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

**C12 Notwithstanding the submitted information, no development other than ground works and foundations shall take place until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include the following details of the maintenance schedules. The development shall thereafter take place in accordance with the approved details.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

**C13 Notwithstanding the details hereby approved the "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (not exceeding a gradient of 1 in 15) unless otherwise agreed in writing by the Local Planning Authority.**

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

**C14 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

**C15 The dwellings shall not be occupied until the associated parking spaces and parking courts shown on the approved plans have been constructed, and that area shall not thereafter be used for any purpose other than parking of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

**C16 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to turn so that they may enter and**

**leave the parking courts in forward gear, and that area shall not thereafter be used for any purpose other than the turning of vehicles.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C17 Before any new access is brought into use, pedestrian visibility splays as indicated on the approved plans of dimensions 2m x 2m and cyclist visibility splays of 2.4m x 30m measured from and along respectively the highway boundary shall be provided on both sides of the accesses and shall be maintained thereafter free from any obstruction over a height of 600mm.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C18 All shared driveways off Manor Drive shall be 5m wide for a distance of 10m from the edge of the carriageway and the shared footway/cycleway running along Manor Drive adjacent to the site shall be 3m wide.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C19 The gradient of the driveways accessed off Manor Drive shall not exceed 1 in 10 for a distance of 5m from the back of the public highway and will be designed to ensure that no loose surfacing material or private surface water shall cross the access onto the existing public highways at Manor Drive.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C20 Development shall not commence on any part of the site before full details of the reconstruction of Manor Drive along the site frontage are submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied before the works have been completed in accordance with the approved plans.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C21 Lighting of privately maintained areas shall be arranged, with the source of illumination not being directly visible to users of the public highway, so that no danger or inconvenience is caused to users of the adjoining public highway.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C22 Temporary facilities shall be provided clear of the public highway for parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C23 No dwelling on the development shall be occupied before the access roads linking that dwelling to the existing public highway at Manor Drive have been completed to base course level and all footways and footway/cycleways have been completed to surface course level.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C24 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public Highway at Manor Drive. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy PP12 of the adopted Planning Policies DPD (2012).

- C25 Within three months of the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of residential amenity and to protect wildlife in accordance with policy CS16 and CS21 of the Peterborough Core Strategy DPD (2011).

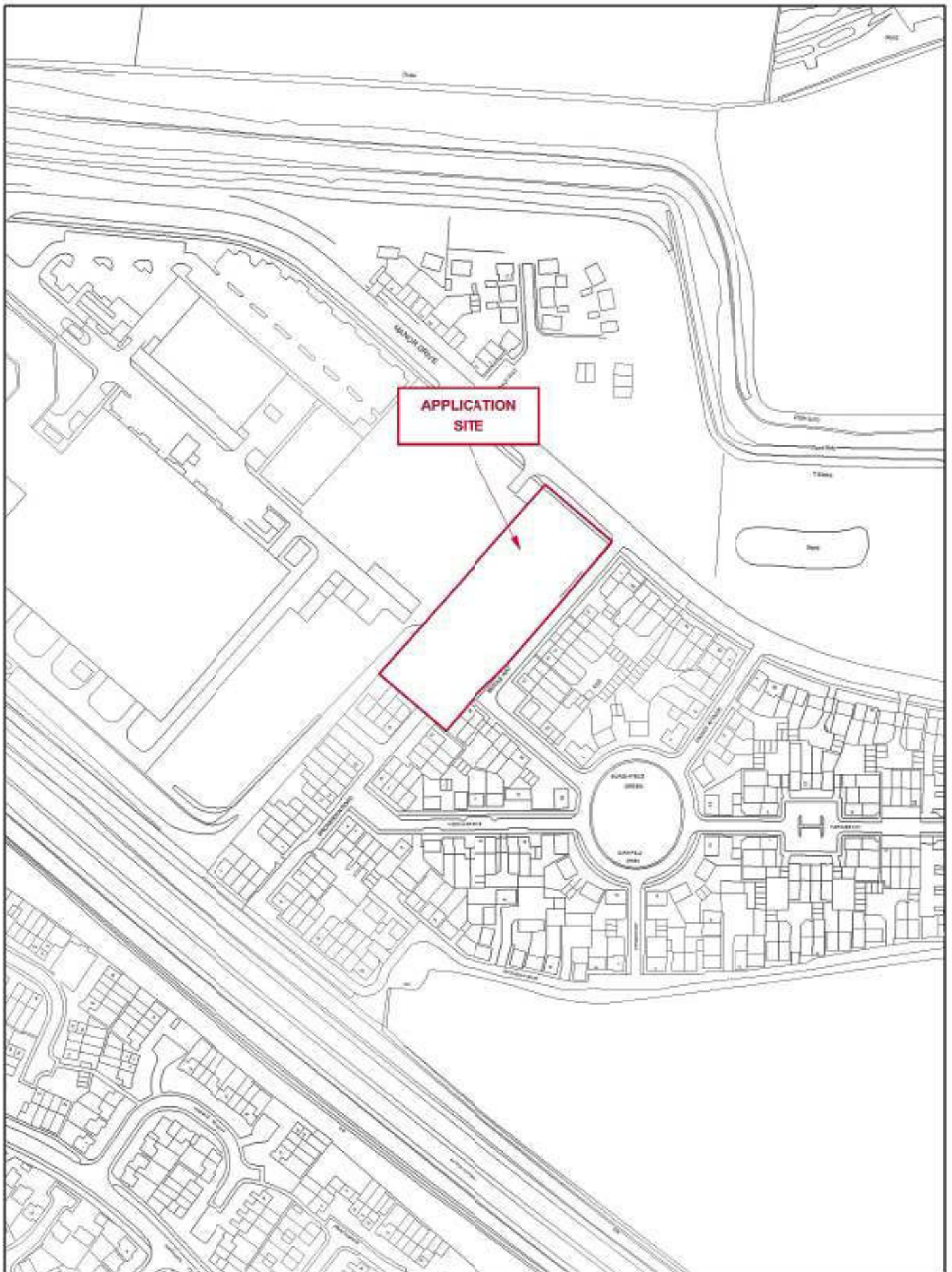
- C26 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. This shall include details of the proposed fencing around the pond. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS of the Peterborough Core Strategy.

Copies to:  
Councillor Sue Day  
Councillor John Knowles  
Councillor George Simons

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**LOCATION PLAN 13/00928/FUL**

Land at Manor Drive, Gunthorpe, Peterborough

Scale NTS Date 13/12/2013 Name AA Department Planning Services

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**PETERBOROUGH**  
CITY COUNCIL

**PCC GIS**

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**Application Ref:** 13/00928/FUL

**Proposal:** Construction of 25 dwellings and associated works - Phase 6

**Site:** Land At, Manor Drive, Gunthorpe, Peterborough

**Applicant:** Mr Steve Flowers  
Cross Keys Homes

**Agent:** Ms L Cooper  
LMC Architect

**Referred by:** Director of Growth and Regeneration

**Reason:** Level of public interest

**Site visit:** 01.08.2013

**Case officer:** Miss A McSherry

**Telephone No.** 01733 454416

**E-Mail:** amanda.mcsherry@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

## 1 Update

The above planning application together with the application planning reference 13/00927/FUL were deferred by the Planning and Environmental Protection Committee on the 8<sup>th</sup> October 2013, so that a scheme for the provision of a play area could be sought from the applicant and if the applicant was minded to make such provision, publish the proposal for public consultation.

The applicant initially agreed to make revisions to the layout to facilitate the provision of open space in the south west corner of the site. A residents group considered this but concluded that the area proposed was too small, and that there was limited natural surveillance.

Therefore a meeting was held with the applicant and a group of residents on 29<sup>th</sup> October 2013. Following this meeting a larger repositioned green space area was proposed on this site adjacent to Beadle Way, together with associated changes to the house tenure mix and design of the dwellings etc.

It was agreed between a working group of residents and Cross Keys that a single area of open space should be provided centrally on this Phase 6 site, and that no additional open space was to be created on Phase 4 13/00927/FUL, as there was concern about children crossing Manor Drive, which is to become a primary access route in future, into the adjacent Paston Reserve land.

Therefore this proposal has been revised with the following main changes:-

- Provision of open space area (657.5 sq m)
- Reduction in total number of dwellings from 27 to 25
- Removal of all 2.5 storey dwellings, now all properties proposed are 2 storey
- Proposed insertion of collapsible bollards on road between site and Brickenden Road, to prevent through vehicle traffic
- Layout changes and house types changes. All properties are still to have 2 parking spaces each.

At the time of writing this report a further public consultation is being undertaken with local residents in respect of the proposed changes. The expiry date of this consultation is after the publication of this report, therefore any additional neighbour comments received will be reported to Members in the Committee Update report.

## **2 Description of the site and surroundings and Summary of the proposal**

### **Site and Surroundings**

The application site covers an area of approximately 0.54 hectares. The site is mainly overgrown grassland which is unused, and enclosed by heras fencing. There is however part of the site, adjacent to Manor Drive, which is cut grass with some landscaping. The site is bounded to the east by Beadle Way road and the residential properties beyond, to south by the residential properties on Brickenden Road, to the west by the Baker Perkins site and car parking, and to the north by Manor Drive and the Phase 5 residential development, which is currently under construction.

### **Proposal (Updated - following receipt of amended plans on 9<sup>th</sup> December 2013)**

Planning permission is now sought for the erection of 25 affordable houses, rather than the 27 previously proposed. 12 will be affordable rented rather than the 14 previously proposed and 13 will still be shared ownership. The development will now comprise of 18 x 2 bedroom (previously 20), and 7 x 3 bedroom (previously 5) and all the 4 bedroom properties have been deleted (2 previously proposed). All the properties are all now two storeys in height with the deletion of the 2 x 2.5 storeys dwellings. The houses are a mixture of semi-detached and terraced properties.

Vehicle access to the site is from Manor Drive and Beadle Way.

## **3 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
10/01357/FUL	Construction of Phase 5 and 6 consisting of 72 residential dwellings (6 x 2 bed, 33 x 3 bed, 12 x 4 bed houses and 9 x 2 bed, 12 x 3 bed affordable homes) and associated works	Application Permitted	22/05/2012
92/00001/OUT	Residential and employment development	Application Permitted	28/10/2005
94/00005/OUT	Residential development and local centre (including convenience goods store approx 15000sq ft) outline	Application Permitted	28/10/2005

## **4 Planning Policy**

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

### **National Planning Policy Framework (2012)**

Local planning authorities should apply the presumption in favour of sustainable development.

#### **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.

**CS08 - Meeting Housing Needs**

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

**CS10 - Environment Capital**

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

**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.

**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.

**CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

**CS19 - Open Space and Green Infrastructure**

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

**CS21 - Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

**CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

**Peterborough Site Allocations DPD (2012)**

**SA01 - Urban Extensions**

Confirms the location of the urban extensions in accordance with Core Strategy policy CS5 and any planning permissions in place at the time of adoption.

**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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

**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.

**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.

**PP14 - Open Space Standards**

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

**PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

**PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

**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.

**5 Consultations/Representations**

**English Heritage**

No objection – This application forms part of a larger development, adjacent to the Car Dyke, a Roman canal which is a scheduled ancient monument. We do not consider that the development

proposed will cause any harm to the significance of the Car Dyke or its setting.

**Police Architectural Liaison Officer**

No objection – subject to conditions in respect of boundary treatments, lighting, landscaping and provision of self closing, self locking gates for shared rear access paths.

**Environment Agency**

No objection – subject to the imposition of a condition in respect of foul water drainage.

**Anglian Water Services Ltd**

No objection – A condition in respect of the proximity of the development to a sewage pumping station is recommended.

**Natural England - Consultation Service**

No objections – Natural England are satisfied that there is not likely to be an adverse effect on the Dogsthorpe Star Pit Site of Special Scientific Interest. The Local Planning Authority should give consideration to protected species, local landscape and biodiversity enhancements.

**Fire Community Risk Management Group**

No objection – subject to the adequate provision of fire hydrants. This can be secured by planning condition.

**PCC Transport & Engineering Services (Updated – since receipt of amended plans)**

No objections – The principle of development on this site has already been established under previous planning consents and the layout of this current application is similar to that which was permitted last year. The access roads off Manor Drive are to remain private. Subject to the imposition of conditions no objections are raised. Some minor layout changes have been made to the amended plan to remove obstructions within the proposed visibility splays, and the Local Highway Authority now raise no objections to the amended scheme.

**PCC Archaeological Officer**

No objections – The site has been subject to a series of archaeological investigations already. These investigations have provided sufficient information to assess the archaeological potential of the site. Therefore it is considered no further archaeological work is required.

**PCC Drainage Team**

No objections – A condition requiring the submission of a surface water drainage scheme is recommended.

**PCC Wildlife Officer**

No objections – Subject to the imposition of conditions in respect of protected species, nesting birds, landscaping and biodiversity gain.

**PCC Landscape Officer**

No objection – Subject to the landscaped details being agreed.

**PCC Pollution Team**

No comments received

**Local Residents/Interested Parties (Updated - since receipt of amended plans)**

At the time of writing this report a further neighbour consultation on the amended plans received 9<sup>th</sup> December is taking place the expiry date of which is after the publishing of this Committee report, therefore Members will be informed of any further neighbour comments received in the Update Report).

Initial consultations: 28

Total number of responses: 35 (some of these are from the same person but raise different points)

Total number of objections: 35

Total number in support: 0

36 letters of objection have been received (to the originally submitted scheme) raising the following concerns:-

- Not enough public consultation / poor communication / no consideration of points raised
- Lack of open space/children's play areas / nearest play area is too far away / unsafe to get there / Council has not spent the section 106 money it has on providing community facilities
- Linden Homes said the site was for shops / community facilities / open space
- Many people park on street as the garages not big enough, this leads to problems of access for fire engines and bin lorries, this development will increase this problem.
- The proposed T junction access is not safe, this piece of road is already hazardous, this development will add to these problems
- Roads become icy in winter and there have been accidents e.g. Beadle Way
- Extra Traffic / traffic problems made worse by the lack of on site facilities including school and lack of bus service
- Parking problems as not enough parking space, garages too small / parking taking place on street making it difficult / dangerous to use the roads / junctions e.g. Beadle Way
- Appearance of dwellings fronting Manor Drive is very different to the existing houses
- Council is not going to adopt the roads so why was development allowed in the first place
- Proposed housing will add to wear and tear on road but will not be contributing to the upkeep
- Construction traffic and parking, is currently causing problems for residents
- Lack of pedestrian footpaths in the existing development is leading to pedestrian safety problems
- Homes proposed very close to the road
- Road is not wide enough
- Concentration of large numbers of social housing is a poor planning model, it should be more widely distributed within private housing
- Loss of neighbouring property values
- Homeowners misled by Linden Homes when buying properties – e.g. that affordable houses were for key workers, that there would be a cap on the number of affordable homes, that only the commercial area was to be built on with the rest being landscaped or for recreation, views to the countryside would be protected, there would be shops, that houses opposite me would be the same design
- The land should be used to provide amenities for residents, not more housing
- Impact on local community
- Loss of aspect/view
- Effect on wildlife/protected species
- There is a lack of services for residents; there is only 1 primary school which has a waiting list; there are no nurseries; doctors; shops; bus route; parks or children's play spaces.
- Loss of light from houses into garden
- This land was supposed to be developed into a community area
- Disruption during construction
- Noise from adjacent business
- Risk of flooding
- Affordable housing in phase 1 is untidy / in disrepair
- Crime/security/anti-social behaviour problems will become worse and there is no guarantee Cross Keys will manage tenants property
- Low levels of lighting
- There is no safe walking route to schools or play areas or bus stop
- Do not want the fence removed that currently separates the site with Brickenden Road, to create a through road, and would like this fence to be replaced by a wall
- Unacceptable size/scale
- Were told by Linden Homes that the traveller site was to be moved in 2/3 years



- Large concentrations of social housing in other areas have caused problems e.g. Bretton, Orton, Westwood.
- Why build family homes where there are no facilities
- Loss of views
- Further devaluation of property
- No safe way of leaving the development, no bus service, bridge crossing unsafe
- Does Linden Homes plan to build a large amount of social housing at Helpston?
- Has Council agreed with Linden Homes that there will be no affordable housing at the White Willows site?
- Developer should build what they promised to build
- Mistakes of the past should not be repeated
- Will have to leave the area because of the problems
- There are no post boxes / litter bins etc.
- Village green not safe / suitable for play
- No community social space

A petition has been received with 176 signatures from the Burghfield Place Residents Group raising many of the above points.

**Cllr Simons** – Objects. Residents were mis-sold their houses as they were told that the land would be used for something else. Proposal would create extra traffic making existing problems even worse. The amount of social housing being provided would be more than the allowed percentage. Promises of play area provision have been broken. Plans should not go ahead until residents concerns have been investigated.

**Cllr S Day** – Objects. Residents were mis-sold their houses as they were told that the land would be used for something else. Proposal would create extra traffic making existing problems even worse. Some households would not get the view of the countryside they were promised. The amount of social housing being provided would be more than the allowed percentage. The affordable housing should be pepper potted and should not be on the main road. There is no community infrastructure in place to encourage a strong community, no play facilities and no community hub. Plans should not go ahead until residents' concerns have been investigated.

**Cllr Knowles** – Objects. The site is a long way to shops and schools. Quality of life for all residents, especially children, would be unacceptable. Shops and other facilities approved in 1994 should be built before further development. A community centre and green space are needed. The footpaths are unsafe and there is a risk of fatality. To approve the development may be seen as negligence. I request the application be put on hold until a satisfactory solution for the existing residents can be found. We do not want to end up with problems that exist in other parts of the city. All social housing should be pepper potted. The area needs proper amenities.

**Stewart Jackson MP** – Objects. The Council and developer have failed to provide community facilities even though £12m is available to do so. There are traffic, parking and road infrastructure concerns, in particular, insufficient attention has been given to the future flow of traffic between Beadle Way and Manor Drive and egress to the main development to the north and west (from the latter) as well as parking on Beadle Way. Proposal is contrary to the following policies:

- OB18 – Development does not provide for a walkable neighbourhood
- CS8 – Over provides social housing
- CS19 - Does not provide open space and community facilities
- OB4 – Lack of public transport prevents people from accessing facilities
- OB7 - There is not a balanced mix of housing as no owner occupied housing is provided for

## **6 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Affordable housing

- Design and layout
- Impact on neighbouring sites
- Ecology
- Drainage
- Highway implications
- Impact on Car Dyke
- Community facilities
- S106 Obligations

**a) The principle of development**

The application site together with surrounding sites are identified in the Site Allocations document as a committed mixed use urban extension, site SA1.2 Paston Reserve. The land to the east of this is also a proposed mixed use urban extension, site SA1.5 Norwood.

Outline planning permission was approved in 2005, for residential and employment and local centre under planning references 92/00001/OUT and 94/00005/OUT, covering 6 proposed phases, including the one currently under consideration. The masterplan identified the current application as being used for a local centre.

Planning permission was granted under planning reference 10/01357/FUL in 2012 for Phase 6 to be developed for housing (34 dwellings of which 5 were to be affordable) as an alternative to the originally approved local centre. The loss of the local centre was considered acceptable for the following reasons:

1. There was no commercial interest in the site.
2. The wider Paston Reserve Urban Extension allocation is planned to provide an indicative 1,154 dwellings with community facilities and a school and the proposed Norwood Urban extension to provide an indicative 2,300 dwellings, 2 hectares of employment land and new local centre. It was envisaged that these further phases of urban extension would be master planned to help ensure that this whole area would function as one integrated urban extension rather than separate ones positioned adjacent to each other.

Therefore in view of the previous planning consent 10/01357/FUL for 34 dwellings on the site and the sites identification as part of the Urban extension in the Site Allocations DPD, it is considered that the principle of residential development on the site is acceptable.

It should be noted that the planning permission 10/01357/FUL can be implemented on the site.

**b) Affordable Housing (Updated – since receipt of amended plans)**

Policy CS8 of the Core Strategy seeks on development sites of more than 15 dwellings, 30% affordable housing, but does not per se prevent a higher proportion being affordable.

The scheme proposes 100% affordable housing. Half are to be for rent and the other half are to be shared ownership. The delivery of 25 affordable homes from this proposal would go some way to addressing housing need evidenced in the Peterborough Strategic Housing Market Assessment update 2010 ('SMHA'), which evidences the need to provide 1008 new affordable homes per year to address existing and newly arising need. It is considered the unit types proposed, 18 x 2 bed, and 7 x 3 bed would be appropriate to meet housing needs. The tenure mix is also appropriate. The delivery of 12 rented homes would help to meet the needs of some of the 5000 applicants currently awaiting re-housing on the Peterborough Housing Register. The delivery of 13 intermediate tenure homes will go some way to meeting the needs of the 22% of people in the Peterborough Sub region who are unable to afford market housing (as evidenced in the SHMA 2010).

Taking into account the number of dwellings already completed, under construction and yet to be started, plus the proposed development, 43% of the Burghfield development would be

affordable in nature. There is no evidence to support the suggestion that this would have the effect of unbalancing the community.

It is considered that 100% affordable housing on this site, in combination with the existing and proposed surrounding residential housing would secure a mixed community and would not be contrary to the provisions of Policy CS8.

It should also be noted that under the existing and implementable planning permission for the site, it would be lawful for all of the houses to be affordable as is currently proposed (albeit with different house types and layout changes). It would therefore be unreasonable to refuse planning permission on the grounds of over provision of affordable housing.

**c) Design and layout (Updated – since receipt of amended plans)**

The number of dwellings on the site has reduced from 34 approved under planning reference 10/01357/FUL to 25 now proposed. The heights of the properties have also reduced from that previously approved. The 10/01357/FUL scheme proposed 4 x 3 storey properties, 11 x 2.5 storey height and 19 x 2 storey properties. The current scheme proposes 25 x 2 storey properties.

The site layout proposed is similar to that previously approved under planning reference 10/01357/FUL, albeit there are fewer dwellings, and now there is an area of open space centrally positioned on site, adjacent to Beadle Way.

The revised site layout will still provide an acceptable form of development, in keeping with the character of the area, and the open space will provide a soft landscaped feature in the Beadle Way streetscene.

It is considered the amended site layout still provides each property with an adequate provision of amenity space, car parking, together with acceptable bin storage and access arrangements.

The houses of this revised layout are considered to be acceptably arranged on site in relation to one another to prevent any unacceptable overbearing or overshadowing impact. The layout has been designed to ensure active frontages of properties are presented to the street scene, to prevent unsightly large blank elevations. The properties facing on to Beadle Way have been moved back further from the road frontage with their parking in front. This is considered to be acceptable on this road frontage. The property designs are considered to be visually acceptable, and the scheme will integrate acceptably into the existing surrounding street scene.

It is considered that the proposal is in accordance with Policies CS16 of the Core Strategy and Policies PP04 and PP13 of the Planning Policies DPD.

**d) The impact on neighbouring sites (Updated – since receipt of amended plans)**

It is considered the houses of the revised layout proposed will still be positioned sufficiently distant from the existing properties on Beadle Way, Brickenden Road and Manor Drive so as to not result in any unacceptable reduction in current privacy, light levels or have any unacceptable overbearing impact.

The properties proposed to the rear of the existing properties on Brickenden Road, would be positioned to the north east of these existing properties therefore there would be no significant overshadowing for these existing properties. It is considered that there is sufficient separation distance between the properties so that there would be no unacceptable overbearing impact.

This development originally proposed a road connection into the existing residential housing in Brickenden Road, which is currently a no through road as the application site is undeveloped.

The residents expressed a preference for this street to remain a no through road and not connect up with the proposed road within the site. Therefore the amended layout proposes to retain this road, but to insert collapsible bollards to allow vehicle access should it be needed in an emergency, but will still prevent general through traffic. This will allow for pedestrian and cycle access, to provide sustainable travel links through the sites.

Whilst the previous planning approval for housing proposed a through road connection, and it is good urban design to have interconnection between adjacent housing to allow permeability and connectivity. It is considered that this amended proposal preventing general road traffic but still allowing walking and cycling is a good solution to resolving the resident's concerns about increased noise and disturbance from vehicle traffic.

As a result of the development there will be more traffic on Beadle Way and Manor Drive, but this is not considered to be of a level that would unacceptably impact on the residential amenity of these neighbouring properties.

It is therefore not considered that the development would unacceptably impact on the residential neighbouring amenity of any surrounding sites.

The proposal therefore accords with Policies CS16 of the Core Strategy and Policies PP03 of the Planning Policies DPD.

**e) Ecology**

An ecological assessment was undertaken, which identified the potential for the site to support breeding bird species, foraging bats, Great Crested Newts and reptiles. The assessment identified that no further ecological surveys were considered necessary due to the negligible ecological value of the site. The ecological mitigation measures proposed were to clear vegetation on site outside the bird nesting season, erect any necessary tree protection fencing to protect the root protection of trees, and to implement a non-licensed method statement for vegetation clearance to prevent impacts on reptiles and Great Crested Newts (GCN). If GCN are found on site, licensed mitigation may be required. The biodiversity enhancement measures proposed includes the incorporation of bird and bat boxes into the development, and the use of native species in the landscape scheme.

Officers consider the ecological assessment to be acceptable and would recommend that the ecological mitigation and biodiversity enhancement measures are secured by way of planning conditions. The proposal is therefore considered to be in Policies CS21 of the Core Strategy and PP16 of the Planning Policies DPD.

**f) Drainage**

The flood zone mapping shows the site falls within Flood Zone 1, where it is considered there is low probability of flooding. Residential development is considered appropriate within this Flood Zone. It is considered the proposed development would not cause an increase in flood risk in the wider catchment area from flood flows from the developments drainage, subject to provision of an acceptable surface water drainage design to take into account the increased impermeability of the site.

Subject to the imposition of drainage conditions, the proposal is in accordance with Policy CS22 of the Core Strategy.

**g) Highway Implications (Updated – since receipt of amended plans)**

The principle of development on this site has already been established under the previous planning consents, and the layout is similar to that granted planning permission under planning reference 10/01357/FUL, in 2012.

The access roads off Manor Drive are to remain private, and as such the Local Highway Authority can only require access criteria to be met on accesses that have direct access from Manor Drive, e.g. the parking court serving plots 623 to 625. The plans submitted indicate that vehicle to pedestrian visibility splays can be achieved on either side of this access.

Even although the developer is not proposing to ask the Local Highway Authority to adopt the roads, the Local Highway Authority do not consider the addition of the shared surface access to the existing bend in Beadle Way to be unsafe as it has adequate vehicle to vehicle and vehicle to pedestrian visibility. The very nature of the connection, dropped crossing, will mean that vehicles will stop before proceeding into Beadle Way whilst being able to see any approaching vehicles from either direction of Beadle Way. The current bend in Beadle Way was designed purposely at 90 degrees to ensure vehicles are forced to slow down at that point, further reducing the risk of accidents. Therefore any accidents that do presently occur in this area are probably as a result of cars driving too fast for the road or weather conditions. In respect of the concerns raised by residents about ice on existing roads, residents should approach Linden Homes or their management company to ask for the roads to be salted or for a salt bin to be installed.

Footpaths will be provided on the Beadle Way and Manor Drive frontages of the site.

There is sufficient capacity in the surrounding road network to accommodate the level of residential development and associated traffic proposed.

The scheme proposes two car parking spaces for each property, there are no garages proposed within the development, this level of parking provision is in accordance with the revised parking standards of the Planning Policies DPD 2012. These revised parking standards have increased the car parking requirement for this development to 50 spaces which are being proposed, whereas previously under the old standards only 32 spaces would have been required. It is hoped these new increased car parking standards might help allay existing resident's concerns that this proposal would be deficient in car parking, which would lead to further on street parking by residents, causing highway safety problems. Officers therefore do not consider that there will be a deficiency in car parking for the proposal.

The Local Highway Authority consider the amended layout to be acceptable and raise no objections to installation of the collapsible bollards and prevention of through traffic into Brickenden Road.

The proposal is therefore considered to be in accordance with Policies PP12 and PP13 of the Planning Policies DPD.

#### **h) Impact on Car Dyke, Scheduled Ancient Monument**

The site is located to the south of Manor Drive, therefore it is considered that the site is sufficiently distant from the Car Dyke, Roman canal, scheduled ancient monument, so as not to cause any harm to the significance of the Car Dyke or its setting.

The proposal is therefore in accordance with Policies CS17 and PP17 of the Core Strategy and Planning Policies DPD.

#### **i) Community Facilities (Updated – since receipt of amended plans)**

The master plan for the Burghfield Place made no provision for a community hub and identified two areas of open space. The first was the circular village green and the other being the buffer zone adjacent to the Car Dyke. Rightly or wrongly, it was never the intention to provide play areas in each of the phases as well as the two areas of open space previously amended. The issue of the lack of open space on the Burghfield Place development was considered by an Inspector when he considered an appeal against the refusal of planning permission for Phase 4 Ref 10/01329/FUL as objectors to the development had raised this point. On the issue the Inspector said the following:

31. Concern was also raised about open space provision and the effect that this would have on living conditions. It is appropriate that this should be required for developments of this nature. Suitable provision would not only ensure the residents in the new development had adequate recreational facilities, but it would also safeguard the amenities of those living close to the site, as it would avoid undue pressure being placed on existing facilities nearby. While the buffer zone could be used for informal recreation, there was a shortfall of 0.295ha in the amount of more formal open space associated with the scheme. The Council accepted that payments can be made in lieu of such provision to allow it to enhance or provide an off-site facility. It also acknowledged that the financial contributions in the submitted Unilateral Undertaking of 26 August 2011 (the Undertaking) were sufficient to address this matter adequately. Such an approach is reasonable, allowing larger better facilities to be created that serve a number of developments. I consider this aspect of the Undertaking accords with the tests in Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) and so I afford it significant weight.

32. The Council said it would probably spend the money to improve facilities at Unity Park. This is an existing play area some 1.1km away, with pedestrian access from the site being along a route that is, at times, convoluted and secluded. Local residents contended this would be of little use to those living at the scheme, and, given the nature and distance of the route, this is a view with which I have some sympathy. There was also concern about the size of the contribution. However, to my mind the amount of money and where the Council chooses to spend it is not a matter over which the Appellant has control. It was also apparent at the Hearing that appellant was willing to discuss an alternative location for this additional open space provision that would be better related to the appeal site. Consequently, this matter does not offer a ground to resist the proposal.

As can be seen from the extract above, the Inspector accepted that an off-site contribution in lieu of on-site provision is appropriate and that this issue did not warrant a reason for refusal.

Whilst the Council has been criticised for not having spent any of the open space / play equipment Sec 106 moneys that it has received as a consequence of the development to date, this is for good reason. Officers have been mindful of the fact that some residents have made it clear they don't want any play equipment putting on the green and that Unity Park is considered too far away. Officers have been in discussions with the adjacent landowner and have asked if some land due to be provided for school / community use could be made available at least on an interim basis as a play area. It should also be noted that a play area is due to be provided on the development of the first housing phase on the adjacent site.

Since the deferral of the planning application by Committee on 8<sup>th</sup> October 2013, the layout of the scheme has been amended to include an area of open space measuring approximately 657 sqm on site. This amended scheme is proposed following meetings with the applicant and a working group of residents to achieve an area of open space on this site which is acceptable to both the residents and the applicant. The Local Planning Authority is currently consulting with residents on this amended scheme, and will report further neighbour comments to Members in the Update Report, as the expiry date of the consultation is after the publication of this report.

Officers consider the open space on site to be an enhancement to the previously proposed scheme and it is considered this will be a useable area of space, which has good natural surveillance from surrounding properties, for use by residents of both this and surrounding sites.

**j) S106 Obligation (Updated – since receipt of amended plans)**

In view of the amended scheme, which involves a reduction in the number dwellings, changes

to the house types, and provision of area of open space an amended viability assessment is awaited. This is likely to involve a reduction in the S106 contribution to be sought, however Members will be updated of any changes to the contributions in the Update Report.

Under the Planning Obligations Implementation Scheme a S106 Contribution of £126,000 should normally be paid for the development proposed. However the amount has been reduced to £22,309.84 (plus monitoring fee) to be used for neighbourhood infrastructure (i.e. excluding strategic infrastructure) and £4,691.16 for public open space, in light of the economic viability information submitted by the applicant. The applicant has indicated a willingness to complete a Unilateral Undertaking for the sum sought.

#### **k) Other matters**

In response to the objections raised which are not discussed above:

- Residents have raised concerns that the development will affect their property values. The impact of development on property values is not a material planning consideration that can be taken into consideration in the determining of planning applications.
- The roads on the existing development have not been put forward for adoption by the developer and the Council cannot make the developer do this. Nevertheless, the width and alignment and visibility at junctions' accords with highway design standards.
- The amount of development taking place at Burghfield Place is not yet sufficient to support a commercial bus service as otherwise one would be provided by an operator.
- The scale of development at Burghfield Place is insufficient to support a primary school. A primary school is proposed on the adjacent Paston Reserve site however.
- The local planning authority cannot be held responsible for the alleged mis-selling by Linden Homes
- The local planning authority cannot take into account the loss of views when deciding planning applications
- Noise from adjacent businesses – this can be mitigated by way of planning condition
- Construction parking – Recommended condition 22 requires temporary facilities to be provided clear of the public highway for parking, turning, loading and unloading of all vehicles visiting the site during the period of construction
- Affordable Housing at White Willows (Phase 5) – 5 affordable housing units are being provided on this site
- Affordable Housing at Linden Homes Helpston Site – 6 affordable housing units are being provided (reduced from 13 due to viability issues on the site)
- Development is different to what was previously approved. Once a development is approved the owner/developer is within their right to apply to revise their proposal. This does not mean that the changes will be approved. Equally the changes can't be rejected just because they are different to the approved plans.

## **7 Conclusions**

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

- Planning permission has previously been granted planning for housing under planning reference 10/01357/FUL and the site is allocated for redevelopment in the Site Allocations document, therefore the principle of residential use is acceptable and in accordance with Policies CS2 of the Core Strategy and SA1 of the Site Allocations DPD.
- The development provides an acceptable safe vehicle access to the site, together with sufficient car parking. Therefore the proposal would not have any adverse impact upon highway safety. This is in accordance with Policy PP12 of the adopted Planning Policies DPD.
- The proposal would not have any unacceptable adverse impact upon the amenities of existing neighbouring properties and therefore is in accordance with policy PP3 of the adopted Planning Policies DPD.

- The design and layout of the development is considered to be acceptable with no adverse visual impact on the surrounding area. The proposal is therefore in accordance with Policies CS16 of the Core Strategy, and PP02 of the Planning Policies DPD.
- Biodiversity enhancements are to be secured by way of a planning condition, in accordance with Policies PP16 of the adopted Planning Policies DPD and CS21 of the adopted Core Strategy DPD.
- Subject to the imposition of conditions to deal with surface water drainage the proposal is in accordance with Policy CS22 of the adopted Core Strategy DPD.
- A financial contribution will be secured by way of a legal agreement, for the infrastructure needs of the development, in accordance with Policy CS13 of the Peterborough Core Strategy.

## **8 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

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

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

- C2 Prior to the commencement of development a scheme of surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority.**

**Full details and the confirmation the scheme is as described, should be provided at detailed design stage. This should include but is not limited to:-**

- **Details of the ownership and responsibilities of maintenance of all drainage elements for the lifetime of the development, plus maintenance programme.**
- **Actual storage calculations to be provided, the drainage strategy currently states approximate volumes**

**The scheme shall thereafter be implemented in accordance with the approved details before the development is completed.**

Reason: To prevent the increased risk of flooding on and off site, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and NPPF (2012).

- C3 The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.**

Reason: In the interest of safeguarding residential amenity in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C4 No construction/demolition/excavation works or removal of hedgerows/site**



**clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless it has been demonstrated to the Local Planning Authority that immediately prior to the proposed commencement of works a survey has been undertaken to show that the site is free of nesting birds.**

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C5 Prior to the first occupation of any dwelling a scheme of bird and bat boxes for a range of different species e.g. house sparrow, starling, swift, as well as bat roosting features, including details of their proposed location and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.**

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C6 The development hereby approved shall be carried out strictly in accordance with the non-licensed method statement set out in section 6.2 of the Ecological Appraisal Report – Phase 4 and 6 Land off Manor Drive July 2013, to include:-**

- **Vegetation to be strimmed in a two stage cut, directional to ‘push’ animals into retained habitat, during suitable weather conditions. Strimming only the minimum area needed for the works.**
- **Keep all works within the strimmed area/ short grassland, and store all vehicles, equipment etc on the grassland, road or away from site.**
- **Should any Great Crested Newts be found within works area, all activity to stop and advice sought from suitably qualified ecologist.**

Reason: In the interests of protecting any Reptile and Great Crested Newts that may be present on the site, in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C7 The development shall be constructed so that it achieves a Target Emission Rate of at least 10% better than building regulations at the time of building regulation approval being sought.**

Reason: To be in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011).

- C8 All of the dwellings on the site shall be 'affordable' as defined in the supporting statement to Policy CS8 in the Peterborough Core Strategy DPD 2011.**

Reason: As a result of the development being 100% affordable, it has been demonstrated that the development would not be viable unless a reduction in the scale of contribution required by Policy CS13 of the Peterborough Core Strategy DPD 2011 and the associated Planning Obligation Implementation Strategy (2010) is given.

- C9 No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.**

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure, in accordance with Policy CS22 of the Peterborough Core Strategy DPD.

- C10 Prior to the commencement of development, a scheme for the provisions of fire hydrants should be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full before the dwellings are occupied.**

Reason: In the interests of the health and safety of occupiers of the site and in the vicinity and in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C11 Notwithstanding the submitted information, no development other than ground works and foundations shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:-**  
**- Planting plans including retained trees, species, numbers, size and density of planting**

**The soft landscaping scheme shall be carried out as approved no later than the first planting season following the occupation of the dwelling to which it relates or the completion of development, whichever is the earlier, or in case of the public open space its completion.**

**Any trees, shrubs or hedges forming part of the approved landscaping scheme which would include any landscaping within the Public Open Space (but not contained in enclosed rear gardens to individual dwellings) that die, are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C12 Notwithstanding the submitted information, no development other than ground works and foundations shall take place until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include the following details of the maintenance schedules. The development shall thereafter take place in accordance with the approved details.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C13 Notwithstanding the details hereby approved the "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (not exceeding a gradient of 1 in 15) unless otherwise agreed in writing by the Local Planning Authority.**

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

- C14 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

- C15 The dwellings shall not be occupied until the associated parking spaces and parking courts shown on the approved plans have been constructed, and that area shall not thereafter be used for any purpose other than parking of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C16 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to turn so that they may enter and leave the parking courts in forward gear, and that area shall not thereafter be used for any purpose other than the turning of vehicles.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C17 Before any new access is brought into use, pedestrian visibility splays as indicated on the approved plans of dimensions 2m x 2m measured from and along respectively the highway boundary shall be provided on both sides of the accesses and shall be maintained thereafter free from any obstruction over a height of 600mm.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C18 The shared driveway serving plots 625 to 627 shall be 5m wide for a distance of 10m from the edge of the carriageway.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

- C19 The gradient of the driveways accessed off Manor Drive shall not exceed 1 in 10 for a distance of 5m from the back of the public highway and will be designed to ensure that no loose surfacing material or private surface water shall cross the access onto the existing public highways at Manor Drive.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

**C20 The dwellings shall not be occupied until the agreed reconstruction works along the site frontage in Manor Drive have been completed.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

**C21 Lighting of privately maintained areas shall be arranged, with the source of illumination not being directly visible to users of the public highway, so that no danger or inconvenience is caused to users of the adjoining public highway.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

**C22 Temporary facilities shall be provided clear of the public highway for parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Peterborough Planning Policies DPD.

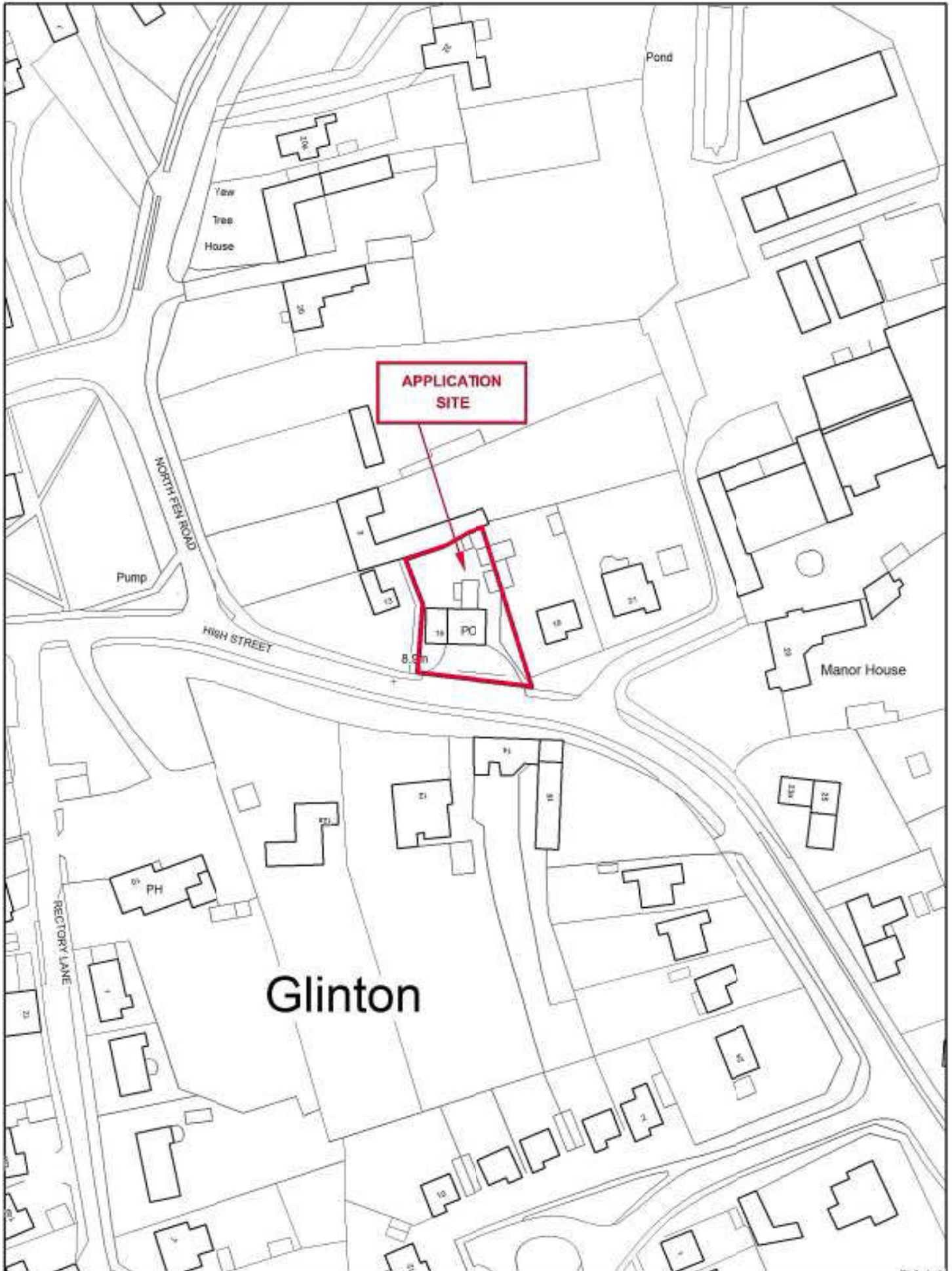
**C23 Within three months of the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of residential amenity and to protect wildlife in accordance with policy CS16 and CS21 of the Peterborough Core Strategy DPD (2011).

**C24 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. This shall include details of the proposed fencing around the pond. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS of the Peterborough Core Strategy.

Copies to:  
Councillor Sue Day  
Councillor John Knowles  
Councillor George Simons



**LOCATION PLAN 13/01539/FUL**  
 15-17 High Street, Ginton Peterborough PE6 7LS

**Scale** NTS **Date** 18/12/2013 **Name** AA **Department** Planning Services



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**Application Ref:** 13/01539/FUL

**Proposal:** Change of use from retail and residential to retail only including extension and internal rearrangement of existing post office and convenience store

**Site:** 15 - 17 High Street, Glinton, Peterborough, PE6 7LS

**Applicant:** Keshco Ltd

**Agent:** David Turnock Architects

**Referred by:** Director of Growth & Regeneration

**Reason:** Level of objections to the application

**Site visit:** 06.11.2013

**Case officer:** Mr S Falco

**Telephone No.** 01733 454408

**E-Mail:** sam.falco@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### Site Description:

The site is host to a detached chalet bungalow that is currently in joint residential and Post Office cum Village Shop use. At first floor there is a bedroom and en-suite. The property was constructed circa 1960's with dual pitch gabled roofs covered with interlocking concrete tiles, light brown brick elevations, white upvc windows and doors. To the front of the shop is a forecourt with two dropped kerbs which typically creates an in/out informal parking area.

### Proposal:

The proposal under this application is for change of use from joint retail and residential use to retail use only.). The existing first floor level will be used as a store accessed by way of a loft ladder. The proposal also includes:

- A rear flat roof single storey extension is proposed (2.4m eaves height). This will increase the gross internal floor area from 169 sq m to 249 sq. m (an increase of 80 sq. m
- the blocking up of windows to the east elevation
- relocating the front entrance to the front facing gable with 4 No. security bollards to the front
- extending the shop front window to incorporate the space that is the current front entrance to the shop/ post office
- rendering part of the front elevation and sides and rear of the shop
- The installation of 3no. Condenser units to the rear for air-conditioning and refrigeration.

There is space on the forecourt for 6 cars to park. Daily deliveries by 1 No 26 tonne rigid truck will take place with other deliveries being by van.

The above represents a summary of the scheme as revised from what was originally submitted which then had 5 condenser units, an ATM, full height shop front windows and 13 security bollards to the forecourt amongst other things.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
P0492/78	Extension to shop/bungalow	Application Permitted	13/07/1978
P0225/88/C	Change of use of part of existing bungalow to form an extension to existing shop and alterations to existing glazed extension	Application Permitted	06/05/1988
05/01376/FUL	Loft conversion with 2 dormers to front	Application Permitted	04/11/2005

## **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 1 - Economic Growth**

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

#### **Section 3 - Rural Economic Growth**

Should be encouraged through sustainable growth and the expansion of business/ enterprise including sustainable rural tourism/leisure developments which respect the character of the countryside, via the conversion of existing buildings and well-designed new buildings. The retention and development of local services and community facilities should be promoted.

#### **Section 4 - Assessment of Transport Implications**

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

#### **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.

#### **Section 8 - Safe and Accessible Environments**

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

#### **Section 11 - Noise**

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

#### **Section 11 - Light Pollution**

Lighting should be designed to limit pollution on local amenity, intrinsically dark landscapes and



areas of nature conservation.

### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

### **Section 13 - Economic Benefit**

Great weight to the benefits of the mineral extraction, including to the economy. Non energy minerals should be provided for outside of Scheduled Monuments and Conservation Areas where practicable.

### **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.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

#### **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.

### **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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

#### **PP13 - Parking Standards**

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

#### **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.

## 4 **Consultations/Representations**

### **PCC Conservation**

The rear extension will not have an adverse impact on the Glinton Conservation Area or nearby listed building. The use of render to part of the building is accepted, and the trough render finish can be agreed via condition. Similarly infilling of existing openness in mitring brick is accepted.

There were concerns with regard to the proposed alteration to the existing shop front and the provision of a high number of bollards on the forecourt windows, the provision of an external ATM to form 6 bay floor-to-ceiling mock glazing appearance is not supported. However, these have been addressed in the revised proposals for the scheme.

These comments are given further to the e-mail and revised plans received from the agent on 14th November.

- The omission of the ATM machine from the front elevation is supported.
- The retention of the existing stall riser height and new windows, including to the existing door opening, is supported.
- Render finish to this side of the front elevation is supported and the finish can be agreed via condition.
- The use of 4 bollards in place of the proposed 13 is supported and is in line with the comments made by the Police Architectural Liaison Officer
- The community notice board as the only external display board is noted and supported
- The retention of the 4 door entrance is noted. I would prefer to have a two door entrance as advised in my earlier comments. I note the applicant's comments made in favour of the 4 door entrance for higher level of accessibility, notwithstanding the increase in internal floor space the present door is single and this would double in width which would provide a more balanced ratio of solid to glazing in the gable, then the 4 as proposed.

Recommendation: From a heritage consideration the proposed revised external works can be supported. I would still encourage the reduction from 4 entrance doors to 2. Various details mentioned above can be secured by condition.

### **PCC Transport & Engineering Services**

Due to numerous concerns raised directly with me by residents, I have visited this site on 3 occasions to ensure we have a full idea of the current situation, particularly at school times.

Transport Assessment - The Gross Floor Area triggers the need for a Transport Statement, which I understand has not been provided. Due to the location of this site, the local schools and the intensive use of the route in front of this site during school start/finish times, these are the periods that we have focused on. No information has been provided on expected traffic generation, but it is assumed it will increase as a direct result of the expansion, but this is difficult to quantify. It is assumed that the increase will be throughout the opening hours, rather than a significant increase at the school peak times although it is expected that there will be some increase then. The following comments includes the area's that should have also been addressed under the Transport Statement.

Parking - Based on the gross floor area we have calculated that a maximum provision of 19 on-site parking spaces would be allowed. No information has been provided about the existing or proposed layout including the access/es, parking or loading/unloading area. There are no detailed plans for the accesses and forecourt area, but documentation included within the application states that they believe they can accommodate 6 parking spaces. This provision has not been

demonstrated on a plan. From my site visits I have observed up to 5 vehicles parked within the site at any one time in a very informal manner including partly on the footway in front of the site. The lack of detailed plans or any formalisation of the area makes it difficult to assess what can actually be achieved. That said, it is evident that there is no further area that can be set aside for parking due to the constraints of the site. The parking provision is under the “maximum” provision set out in our policy.

Site Observations - I have visited the site 3 times, to establish what currently happens, in particular during peak periods associated with the schools. The speed limit is 20mph within the vicinity of the site and whilst most drivers appeared to adhere to the restriction, there were some that did not. There is a footway running along the frontage of the site, which is indicated and used as a cycleway too. There were many occasions of conflict between vehicles accessing the shop forecourt and pedestrians and cyclists passing the site, although at no time did either have to stop suddenly. Both seemed to be aware of the potential for conflict and walked/rode/drove accordingly. It should be noted that under highway law the pedestrians/cyclists have the right of way at a dropped crossing such as these and any vehicle must give way. It has not been demonstrated on the plans if vehicle to pedestrian or vehicle to cyclist splays can be achieved, however the one I remain concerned about is the vehicle to cyclist splay to the west of the western access point. Pupils were also observed cycling on road as well as within the footway. Some vehicles, including a delivery vehicle on one occasion parked half on the footway and half on the road or the application site. These obstructions are a concern given that this is a classified road and a primary route for school children. There were also some vehicles parked fully with the carriageway in front of the shop, primarily as the forecourt appeared full. These vehicles resulted in forcing eastbound vehicles in to the oncoming lane of traffic, a short distance from a bend in High Street. Observations were made also of vehicles parked further east where the same situation occurred. But at no time did I observe any near misses or any vehicle having to break hard. Whilst most parents in vehicles picked up away from this site, it was noted that some children did walk up to the shop to be picked up although the amount was very minimal. The majority of the traffic passing the site were associated with parents picking up their children.

Accident data - I have also reviewed the number of accidents in the last 5 years and have found only 2 recorded accidents, neither of which can be associated with the school peak times or school children.

Cycle Parking - A minimum of one cycle parking stand (2 spaces) will be required. This can be conditioned.

Site Boundary It would appear that the site edged red on the application has in error included an area of public highway land. Please ensure this is corrected before any planning permission is issued.

Loading and Unloading - No information has been provided on - deliveries, i.e. timings, location of and type of delivery vehicle, so this is difficult to assess. It can only be assumed that similar delivery vehicles to that which already occur will continue post development, although I appreciate that there may not be sufficient space within the parking court, similar to the current situation.

## Summary

It is clear that this development will increase the number of visitors to the shop but it is likely that this will be spread throughout the day rather than at any specific peak time. There are a number of highway related concerns with this proposal as stated above although the impact is hard to quantify with the information provided. One of the main concerns is the conflict between pedestrians/cyclists and vehicles along the site frontage, which I believe can be improved significantly with some boundary treatment, signing and lining to formalise the accesses and parking arrangements. In addition, due to concerns about the lack of vehicle to cyclist visibility splays, I would recommend that a “one-way” system is introduced making the most eastern access the exit thereby allowing adequate visibility. If the Local Planning Authority are minded to approve

this application, then I would recommend that the following conditions are appended to any approval:-

1. Submission of details for demarcation of the forecourt area in respect of in / out and car parking bays and signage
2. Submission of cycle parking details

Informatives re penalties for mud on the highway are also requested.

#### **PCC Pollution Team**

No objection. I performed a calculation with all 3 models and used the screen as the barrier. I haven't included the fence into the barrier calculation. It would appear that the appropriate noise limit can be met by careful selection, siting and installation of the units. I would therefore be willing to recommend a noise limit to the planning officer on submission of documentation, although the reliance upon complying with any limit can only be presumed upon the developer and his representatives.

The appropriate noise limit is as follows:

The rating level of noise emitted from the site shall not exceed 35 dB LAeq, 1 hour. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:1997.

#### **PCC Environmental Health (Food)**

No objection

#### **Police Architectural Liaison Officer (13.11.13)**

I am also aware that Glinton is a conservation area and the Local Conservation Officer would prefer a reduction in the number of bollards proposed. A suggestion by the Conservation Officer has been made, to raise the ground height of the windows by installing a 600mm brick stall riser, therefore eliminating the need for security bollards in front of this glazed section. The height of 600mm is the very minimum height which may provide some protection. In my opinion increasing the brick stall riser to only 600mm is in itself, not a sufficient deterrent to address the future crime risk to this property. In light of this assessment, I would ask the conservation officer to re-consider his views in respect to the reduction in number of suitable bollards. I would strongly advise that Bollards are definitely required to protect the main front door fully glazed unit. Such bollards should be installed with a maximum of 1.2m between bollards.

The final decision is obviously down to the conservation officer and yourself, however I am minded to advise that if such a modern glazed shop frontage on an unremarkable building is acceptable to the LPA in this conservation area, then the addition of matching, modern style of bollards, are in my opinion, not an unreasonable request, having taken into consideration the above crime risk. It could be argued that such bollards may have less impact on the aesthetics of the area than the alternatives proposed above.

In addition, I understand that the applicant is intending to install external CCTV. I consider this is definitely required in the area of the ATM to act as a deterrent to Fraud and assist any future criminal investigation. If necessary a Condition in relation to the provision and future maintenance of CCTV and appropriate external Lighting may be advisable.

#### **Welland & Deeping Internal Drainage Board**

No comments received

## Local Residents/Interested Parties

Initial consultations: 7

Total number of responses: 17

Total number of objections: 15

Total number in support: 2

2 letters of support have been received:-

- Stating they fully support the development to ensure that the village retains a functional shop/PO.
- A larger shop with longer hours will prevent travel to Werrington or other shops, potentially reducing through traffic and serve the ever growing elderly population.
- The current shop is small/cluttered and more than 2 customers create a queue and blockage in the aisle(s). A larger modern shop will deal with customers quicker and potentially reduce adjacent parking.
- In my view the potential increase in Anti-Social Behaviour and Parking/Traffic problems are not significant and more problems of this nature are caused by the village's two schools.
- There is nothing to suggest the frontage will become a gathering area for youths and if it did, the issue should be dealt with by the owners, local residents, customers and other bodies as necessary.
- Wider range of facilities and selection within walking distance of my house resulting in fewer car journeys .and less co2 will help the environment.

15 letters of objection have been received, including one from the North Peterborough Villages Association, raising the following concerns:-

- The increased vehicle movements could be 3 or 4 times greater than they are at present, and this will be problematic at busy times.
- Insufficient car parking provision, and no employee parking shown
- On street parking in the vicinity of the shop causes highway safety issues, due to the proximity of the bend
- Much larger delivery vehicles will service the site than presently, this will cause disruption on the site frontage
- The increased frequency of deliveries will cause further noise and disturbance to residents
- Traffic and parking problems will increase significantly from the existing situation and persist throughout each day
- A transport assessment of increased vehicle movements and parking requirements required to support the application
- The delivery times should be restricted to between 10am and 12noon and at no other times unless in very exceptional circumstances, waste collection should be done at the same time, or in line within the existing village collection times.
- The loss of a pavement/cycleway, will result in pedestrians having to cross the busy road
- The building's design is not in keeping with the surrounding properties, and is inappropriate for this conservation village setting
- Additional light Pollution, particularly from the proposed glazed front door
- Detrimental impact on the amenity of surrounding residents
- The store size is too large, and exceeds the needs of the community
- The residential accommodation on site should be retained, particularly for security
- - The condenser units will cause nuisance to close neighbours. They should be soundproofed.
- The opening hours in a rural village should be restricted to say 6am to 8pm Mon –Sat, and 8am-4pm on Sun.
- The opening hours should be no earlier than 7.00 a.m. and remaining open no later than 8.00pm on weekdays and Saturdays, and 1.00pm on Sundays.
- The development will reduce the light to my property and change my current view.
- Detrimental impact on the setting of listed buildings
- The signage lighting of the shop should not be left on when the shop is closed.
- The alcohol should not be positioned so close to the entrance as it may attract school children or

undesirable customers

- Residents already have trouble getting their cars out of their drives, this will make things worse
- The ATM will attract more customers to the site than presently. There will be noise and light pollution from the ATM.
- There is no application for the change of use of the existing residential accommodation into retail use.
- There is no provision for a toilet, washing facilities, drinking water etc., as required for employees by the HSE
- The proposed bollards are not in keeping with the surrounding Conservation Area
- The proposed security gates will be unsightly
- The extra food waste generated will attract pests.
- the shop is on a major Arthur Mellows Village College (AMVC) and Primary School travel to school route where cyclists (lots - mainly unsupervised secondary level), pedestrians (AMVC and Primary - with younger siblings), car and bus traffic all converge - not to mention extra and larger delivery vehicles.
- It is a shame windows and doors are to be removed and in-filled and rendered
- There is no reference to fire exits in the plans.
- Potential to increase anti-social behaviour
- The Glington Conservation Area Appraisal Report and Management Plan suggests "the planting of a single specimen tree at the back edge of the pavement in front of the shop at a central point in the forecourt. What is proposed does not achieve this.

### **Peterborough Civic Society**

The existing building contributes little to the Glington Conservation Area. However as it is an important village facility the increased floorspace to enhance viability is not opposed. However the redevelopment of the building should provide an opportunity to readdress the negative aspects of the buildings appearance in the Conservation Area.

- 1) We agree with the Conservation Officer's comments about the adverse effect on the street scene of mock windows with advertising and would wish to see clear glazing with stall-risers, albeit with an appropriate level of added security.
- 2) We agree with the Conservation Officer's comments regarding the signage.
- 3) Additionally we are concerned that the proposal is only to tarmac the existing front forecourt. At present it is unsightly and runs the full width of the site. Cars at busy times (e.g. school pick-up and collection) park haphazardly over it. We do not agree with the applicant that the arrangement works well and should not be altered. The forecourt can be more precisely designed and delineated to break up its unsightly mass using a range of surfacing materials, indicating more efficiently where cars are expected to park, and giving design attention to those parts not required for parking and manoeuvring.

## **5 Assessment of the planning issues**

### **Background Context:**

The Shop/Post Office is located in the centre of Glington Village. The premises shares it's A1 (shop/Post Office) use with C3 residential accommodation to the rear and first floor. The Shop/Post Office as it exists is small with limited space for either service run from the site. When the Case Officer visited the site it was apparent that when a customer line forms for the Post Office this conflicts with the free flow of the shop as shoppers are unable to access the items for sale nearest the Post Office Counter. The shop offers a limited number products with papers, sweets and snacks making up the main consumables offered. There is certainly limited stock of food and household items, for which it would appear that the residents of Glington have to travel to the nearest district centre of Werrington to purchase these types of item. In many villages around the Peterborough area, especially the size of Glington there is a general store that offers a proportionate selection of foods, drinks and household goods to serve the community and reduce the need to travel to larger shopping areas.

### **Sustainable Development:**

The development as proposed is deemed to be sustainable as it will enable local villagers to purchase a wider range of goods that have not been available in the village previously. It is also considered that the proposed alterations will provide a larger turnover for the shopkeepers which will reduce the risk of yet another village losing its primary services. For many who do not drive or unable to travel, a shop with a good range of everyday items inclusive of a post office is deemed to be a huge benefit. Thus improving the economic, environmental and social conditions in the Village. The proposal is deemed to accord with Policy PP01 of the Peterborough Planning Policies DPD 2012 which ensures that development is sustainable economically and environmentally for now and the future.

### **Character and Appearance:**

#### Change of Use:

The removal of the residential element of the premises to A1 retail only, is not deemed to have any significant implications on the character and appearance of the area. The frontage of the shop currently has no notable features which would lead anyone to assume that there is a residential element to the premises.

#### Shop front and exterior alterations:

The original proposals for the shop front were deemed by the LPA and many neighbouring residents to be unacceptable by way of the installation of floor to ceiling windows across the frontage. This was relayed to the applicant who was willing to make the necessary changes to retain the front windows as it exists, which is deemed to be acceptable to the Local Planning Authority. The entrance door is to be moved from its current location to the wall of the front facing gable. The entrance is proposed to be a double opener with two similarly sized non opening glazed panels either side. This has raised objection from neighbouring residents on the grounds that it resembles a supermarket, is not in keeping with the Village Conservation Area and will cause additional light spillage from the shop. The Case Officer along with the Conservation Officer consider that a double door solution (less the glazed sides) would be preferable but that the proposed design is not so harmful as to justify refusal of the application. The removal of the existing door and the replacement of the existing window for a door is not deemed to result in significant amounts of additional glazing that would increase light pollution levels into the street.

The rear, sides and part of the front elevation are proposed to be rendered as part of the works. The existing elevations in places have blemishes, especially the right hand side of the front elevation. The render will hide this as well as the windows that are proposed to be blocked up to the side and rear elevations. It was not deemed appropriate to render the front facing gable, in order to retain an element of the original building character and provide contrast between the two differing materials. The render is a welcome improvement and a condition has been appended to ensure a suitable through render that will harmonise with the colour palette of the surrounding area. The blocking up of the windows to the side and rear elevations are not deemed to be detrimental to the character and appearance of the area as they are not principle elevations and the old openings will be rendered reducing the risk of poorly matching brickwork.

The original submission proposed 13no. Bollards to protect the shop from ram-raid. It was considered that the sheer number of bollards would create an appearance that was incongruous with the character and appearance of the Conservation Area. A number of objections were received on this basis, which has resulted in the withdrawal of the proposed floor to ceiling glazing to the shop front allowing the number of bollards to be reduced significantly from 13no. to 4no. (Set 600mm from the front face of the dwelling and spaced 1200mm apart to provide access for all) The 4 proposed bollards will be confined to the relocated entrance within the front facing gable. A condition has been appended requiring details of the bollards to be submitted and approved by the LPA .

#### Rear extension:

The rear extension is proposed to be 8.8m (projection) x 9.1m (width), with a flat roof standing 2.6m in height. The extension will provide mainly storage to the shop, with a small proportion being allocated for additional retail floor space. Glimpses of the extension are likely to be possible from

the street scene, but by virtue of it being to the rear of the property, will only be visible above the hedges and fences that exist. The proposed extension to the shop is not deemed to be prominent or incongruous within the public realm of the Glington Conservation Area.

**Signage** The signage proposed at the site has been dealt with under a separate application (ref:13/01540/ADV) and the amended plans have brought a significant improvement from what exists and also the original proposal.

The applicant has agreed to almost all of the suggested changes and the amended proposals are not deemed to be detrimental to the character and appearance of the host property or that of the Glington Village Conservation Area in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012.

### **Area Amenity:**

#### Change of Use:

The loss of the residential element of the shop is not deemed to be unduly detrimental to the amenity of the area. Objections have been submitted regarding the loss of residential accommodation on the basis of security. The fact that nobody will reside on the site would obviously put the shop at an increased risk of burglary where nobody would be around to tackle intruders. However, the fact of the matter is that the majority of business premises do not have the benefit of owners residing on site. Objections have been raised that the fact that nobody is residing on site would put the neighbouring properties at risk from crime. The LPA doesn't consider this to be the case and could not justify refusal of planning permission on this basis.

#### Rear Extension:

As referred to above, the dimensions of the rear extension are 8.8m (projection) x 9.1m (width), with a flat roof standing at a height of 2.6m in height. At its closest point the extension is 5.5m from the rear of no.13 High Street Glington, extending to approximately 12m as the extension projects north. No.13 is located west of the proposal and it is deemed by the LPA that the flat roof height of approximately 2.6m is unlikely to result in significant overbearing or overshadowing on adjoining neighbours as it is set back from the boundary, at an oblique angle and would not project significantly above the fence height.

The Conservation Officer is content that the proposed extension would not detract from the setting of any adjoining listed property.

#### Condenser Units:

Please refer to the Environmental Health and Pollution Comments below.

The proposals have been assessed on the basis of their likely impact on the amenity of the area in light of the fact that the surrounding area is largely residential. The proposals are not deemed to significantly increase the impact on the amenity of the area from its current situation in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012.

### **Highways and Transport Implications:**

The forecourt parking arrangement is not proposed to change in terms of capacity as a result of this application. Much of the objection to the proposal has centred on the assumption that the shop is increasing substantially and that the number of customers is likely to increase significantly resulting in delivery and parking and highway safety implications.

Whilst the shop is increasing significantly in size, the objections on the grounds that the shop is increasing three fold and therefore three times as many customers are going to attend is not considered strictly correct by the LPA. The site is host to a long established Village Shop and Post Office. There is only a certain catchment area that a village shop is going to attract, which is likely to be Glington residents and those residing in close villages without their own facilities. It is deemed that the catchment will not change substantially. It is the opinion of the LPA that this shop will in no



way be competing with larger supermarkets across the district for example those in Werrington and Market Deeping. The likely scenario is that the existing customers will continue to use the Shop and Post Office, but with the increased range of goods for sale would presumably be more attractive as a place to shop and provide for more goods to be purchased more items. Obviously there is likely to be some level of increased trade, but there is the potential for much of this to be from Glington Residents that are in walking / cycling distance of the shop.

The adjacent highway is the High Street and whilst there is a bend in the road that does reduce overall visibility, it also must be considered that there is a permanent 20mph speed restriction. The area is at its busiest at the times of school drop off / collection times and parents /careers have been observed calling at the shop / post office at the same time. Both uses are established and the LPA do not consider that a larger shop is likely to exacerbate this issue by a significant proportion.

Highway officers have identified that through marking out the forecourt area and providing signage the forecourt area and the existing and hence future potential for conflict between pedestrians, cyclists and manoeuvring vehicles can be better managed.

### **Environmental Health and Pollution:**

There are 3no. Condenser units to be located to the north elevation of the proposed rear extension to the store. The applicant has stated that they are proposed to be located here are they will not be visible from the street scene. The original proposal was for 5no. But this has since been revised down to 3no. The Environmental Health and Pollution Officer has considered the noise implications of the units to be installed and some basic calculations have resulted in the belief that the proposed condensers could be acceptable subject to correct placement and installation. As such the Environmental Health Team have suggested a condition be appended to the proposal, stating: The rating level of noise emitted from the site shall not exceed 35 dB Lea, 1 hour. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:1997. This therefore safeguards neighbouring residents from undue noise issues and places the responsibility of conforming to this in the hands of the applicant. If complaints arise as a result of their installation on the grounds of noise and disturbance, it is also the responsibility the applicant to rectify the issue under the enforcement of the Environmental Health and Pollution Team. In light of the above, the LPA are content that the installation of the condensers to the north elevation of the extension will not give rise to undue disturbance from noise emanating from the condensers in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012

### **Miscellaneous:**

- Use of a loft ladder to the upstairs storage area would be unsafe – this is not a planning matter
- The hours of opening should be reviewed – this is not possible as the existing shop / post office has no opening hours limitations under its existing permission and it would be unreasonable to now limit them
- Light pollution – The brightness of the shop adverts is controlled by virtue of the advert consent that has been granted. As the shop exists at present it is not possible to now control the provision of lighting unless the lighting erected is of a character that needs planning permission.
- Size / frequency of delivery vehicles would impact on amenity of residents – there are no controls over such matters with regard to the existing shop and so it would be unreasonable to now control such matters. Also such a condition would mostly likely to be unenforceable.
- Will increase the likelihood of antisocial behaviour / which might arise from alcohol sales – There is no evidence to suggest that the increased floor space will result in this. There are no planning controls preventing the sale of alcohol at the existing shop and so it would be unreasonable to restrict such sales.
- The lack of an on-site residence will increase the risk of crime including for nearby residents – Whilst an on-site presence would act as a deterrent to shop break ins, it

would not be reasonable for the application to be refused on such grounds. In any event it was not a requirement on the original permission for the shop / post office that the dwelling MUST be occupied.

- A dwelling will be lost – The loss of one dwelling would not justify the refusal of planning permission
- The gates to the side of the building are unattractive – As the gates are less than 2m in height they do not require planning permission

## **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 proposal is deemed to accord with Policy PP01 of the Peterborough Planning Policies DPD 2012 which ensures that development is sustainable for now and the future.
- The amended proposals are not deemed to be detrimental to the character and appearance of the host property or that of the Glinton Village Conservation Area or nearby Listed Buildings in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012.
- The proposals are not deemed to significantly increase the impact on the amenity by way of noise, loss of light / overshadowing or by way of being overbearing in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012
- The proposal will not result in a level of additional vehicle traffic which would significantly be detrimental to highway safety in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012)
- The proposal is unlikely to result in an increase in the risk of crime and disorder in accordance with Policy CS16 Of the Peterborough City Council Core Strategy 2011.

## **7 Recommendation**

The case officer 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 works hereby permitted shall be in strict accordance with the approved plans and supporting information.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

- C 3 No development shall take place until details of all materials to be used in the external surfaces for the alterations to the building and the rear extension, including the bollards to be located in front of the entrance, have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the

manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local 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 4 No external fixed plant shall be installed unless in accordance with details (including siting) to be submitted to and approved by the local planning authority. The rating level of noise emitted from the fixed plant shall not exceed 35 dB LAeq, 1 hour. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:1997.

Reason: In order to protect and 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 5 Prior to commencement of development a design for the formalisation of the accesses and parking court is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans. The design must include a "one-way" system, boundary treatment between the two accesses, white lining and signage and the marking out of parking spaces.

Reason: In the interests of highway safety in accordance with policies CS14 of the core strategy and PP12 and PP13 of Planning Policies DPD.

- C 6 Prior to commencement of development a plan showing the location of one cycle-stand shall be submitted to and approved in writing by the Local Plan Authority and thereafter implemented in accordance with the approved plan.

Reason: In the interests of highway safety in accordance with policies CS14 of the core strategy and PP12 and PP13 of Planning Policies DPD.

### **Informatives**

#### **INF53 S148 Penalty for depositing on highway**

Highways Act 1980 - Section 148, Sub-Section C

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

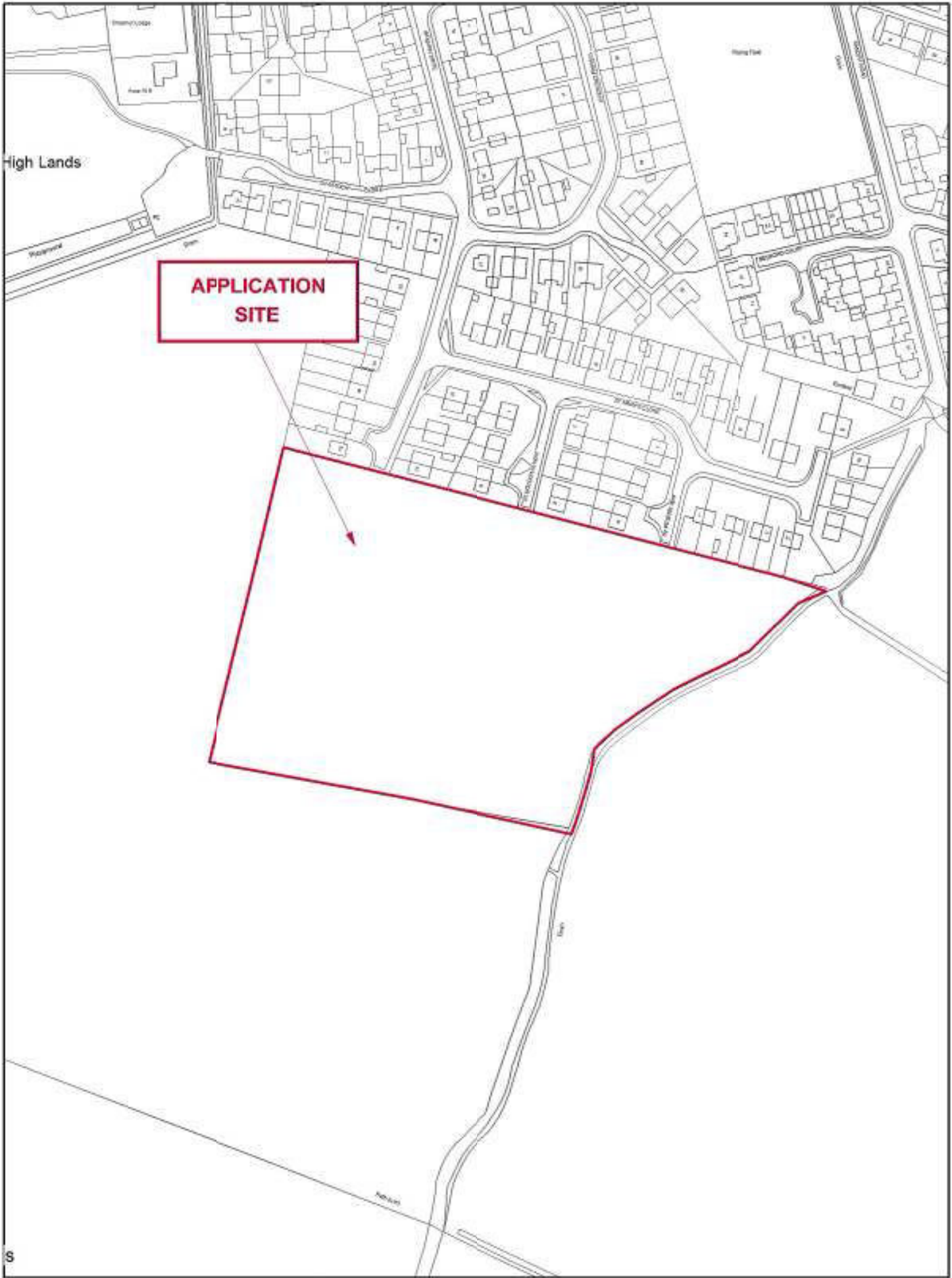
#### **INF54 S149 Penalty for depositing on highway**

Highways Act 1980 - Section 149

If anything is so deposited on a highway as to constitute a nuisance, the local authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copies to Cllrs J Holdich, D Lamb

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**LOCATION PLAN 13/00951/OUT**

Land to the South of Woburn Drive, Thorney, Peterborough

Scale NTS Date 23/10/2013 Name AA Department Planning Services

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PCC GIS

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**Application Ref:** 13/00951/OUT

**Proposal:** Residential development comprising up to 80 units with all matters reserved apart from access

**Site:** Land to The South Of Woburn Drive, Thorney, Peterborough  
**Applicant:** Ms Shirley Denyer

**Agent:** Bidwells

**Referred by:** Councillor David Sanders  
**Reason:** Loss of agricultural land/open space, impact on the rural setting of village, increase in vehicular movements, particularly through Woburn Drive and impact on existing residents.

**Site visit:** 22<sup>nd</sup> August 2013

**Case officer:** Mrs J MacLennan  
**Telephone No.** 01733 454438  
**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surroundings**

The site forms an elongated rectangular shape and covers an area of approximately 3.41 hectares. The site lies within the village of Thorney approximately 6.5 miles north east of the centre of Peterborough. More specifically the site is situated to the south edge of the village on land to the south of Woburn Drive. The site is currently in use as agriculture and used for arable farming.

The site is bounded to the north by the side and rear gardens to existing residences at St Mary's Close, St Peters Way St Botolphs Way and Woburn Drive, to the south, east and west by large agricultural fields in arable use. The eastern boundary is defined by a significant established hedgerow interspersed with trees.

The site is identified as an allocated housing site (for approximately 77 dwellings) within the Adopted Site Allocations Development Plan Document (2012) as site SA5.8 and is located within the Thorney Village Settlement boundary

The site is not within a designated conservation area.

**Proposal**

Outline planning permission is sought for residential development. Up to 80 units are proposed including the provision for 30% affordable housing and not less than 2400 sq. metres of onsite open space provision. The average density of the proposed development is approximately 23.5 dwellings per hectare. Pedestrian and cycle access is proposed from Woburn Drive, St Botolph's Way and St Peter's Way. Vehicular access will be from Woburn Drive only.

Matters relating to the design of the buildings, scale, layout and landscaping are not for consideration as part of this application and these will be dealt with by way of a reserved matters application if outline planning permission is granted.

## **2 Planning History**

The site is allocated in the adopted Peterborough Site Allocations Development Plan Document for residential development. Its current use is as an agricultural field used for arable farming, however, the site has history dating back to the Second World War. Specifically a Second World War German Prisoners of War Camp was originally located south of St Marys Road within the proposed development site. The camp was removed after the war and the land where it stood has been farmed ever since.

## **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 4 – Assessment of Transport Implications**

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

#### **Section 6 – Presumption in Favour of Sustainable Development**

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated.

#### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

#### **Section 11 - Biodiversity**

Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

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

#### **CS01 – Settlement Hierarchy and the Countryside**

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

#### **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.

**CS08 – Meeting Housing Needs**

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

**CS10 – Environment Capital**

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

**CS11 – Renewable Energy**

Opportunities to deliver on site or decentralised renewable or low carbon energy systems will be supported on appropriate sites where there are no unacceptable impacts.

**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.

**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.

**CS17 – The Historic Environment**

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

**CS19 – Open Space and Green Infrastructure**

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

**CS21 – Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

**CS22 – Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

**Peterborough Site Allocations DPD (2012)**

**SA04 – Village Envelopes**

These are identified on the proposals map. Land outside of the village envelop is defined as open countryside.

**SA05 – Key Service Centres**

Identifies the sites within the Key Service Centres which are allocated primarily for residential use.

**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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

### **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.

### **PP14 – Open Space Standards**

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **PP17 – Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

### **PP19 - Habitats and Species of Principal Importance**

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

## **4 Consultations/Representations**

**PCC Local Highway Authority - No objection** - The Local Highway Authority (LHA) agree that the traffic impact of the development in terms of junction capacity is acceptable. Specifically the analysis of the junction of Woburn Drive with Wisbech Road shows that there is adequate capacity to accommodate the new trips from the development. Further the LHA are satisfied that in principle Woburn Drive is adequate to serve future dwellings in terms of its width and alignment to accommodate the additional traffic with both St Botolph's Drive and St Peter's Way serving as pedestrian/cycle access only. The visibility splays at the junction of Woburn Drive and Wisbech Road are compromised by the overgrown planting, however, this will be picked up by Highways.

**PCC Landscape Officer - No objection** – The Landscape officer recommends that, as per the Illustrative Master Plan, the mature hedgerow which forms the eastern boundary of the site is retained and strengthened. This feature is deemed to be a material consideration in terms of development and the positioning of the houses along that side of the site will need to be informed by a BS5837:2012 Survey and Arboricultural Implications Assessment Tree Protection details and any Method Statement under BS5837:2012 along with Landscaping details could be dealt with at Reserved Matters stage.

**PCC Wildlife Officer - No objection** – The application is accompanied by a Preliminary Ecological Assessment Report and the Wildlife Officer is satisfied with the report's assessment of impacts on protected species. Notwithstanding the officer recommends as per the report, that lighting be designed to minimise disturbance to bats by using suitable lamps and lighting cowls/ shields as appropriate and that the site is enhanced for bats by providing a range of bat boxes on buildings and trees as well as three bat tiles per new dwelling. Further the officer recommends as per the Ecological Report, a range of nesting boxes are installed both on the new dwellings and boundary trees that cater for a number of different species such as House Sparrow, Starling, Swallow & Swift. The Wildlife Officer also recommends that, as per the Illustrative Master Plan, the mature hedgerow which forms the eastern boundary of the site is retained and strengthened and that the retention/ inclusion of a wild-flower grassland habitat buffer against this hedgerow is also recommended. Finally the wildlife officer recommends that the "green amenity area" and associated Sustainable Drainage Systems (SuDS) features are enhanced for biodiversity for example by planting appropriate native marginal wetland vegetation and wild-flower seeding. These matters can be secured by planning condition and pursued further at reserved matters.

**PCC Drainage Team - No objection** - We are encouraged to see that Sustainable Drainage Systems are being proposed on this site. Standard conditions requested.

**PCC Archaeological Officer - No objection** – Conditions should be attached requiring submission of a desk based assessment and heritage assessment and following submission the archaeological officer recommends a programme of evaluation by trial trenching to ascertain the archaeological potential of the site.

**PCC Strategic Housing - No objection** - Policy CS8 of the Peterborough Core Strategy seeks the provision of 30% affordable housing. Further the Core Strategy sets out an appropriate mix of affordable tenures which is 70% social rented tenure and 30% intermediate tenure, that 20% of units should meet the lifetime homes standard. And 2% of units should be provided as wheelchair housing. These matters can be secured by planning by means of a S106 Obligation and/or a planning condition.

**Police Architectural Liaison Officer (PALO) - No objection** - The ALO supports the proposal to have a single vehicle entrance to the development as an extension along Woburn Drive. Further the officer also supports a proposed pedestrian / cycle access into the new development linking the existing homes and the new open space to St Peter's Way. The ALO argues that a long single pedestrian / cycle link from the centre of the development into St Botolph's Way is not required in order to maintain a sustainable development making the site 'over' permeable. The officer adds that at many other locations in the Local Authority Area, which has similar footpath links, residents have asked the Local Authority to close similar paths, at Local Authority expense, owing to the crime and Anti-Social Behaviour they are often linked to.

**Cambridgeshire Fire and Rescue - No objection** – The officer asks that adequate provision be made for fire hydrants. This can be secured by a planning condition.

**North Level District Internal Drainage Board** - No objection – On site storage of storm water rather than dealing with it at source could be a problem. However, details of surface water drainage can be secured by a planning condition enabling an appropriate method of disposal to be agreed.

**Environment Agency - No objection** - subject to a condition requiring a scheme for the provision of mains foul water drainage on and off site.

**Thorney Parish Council – Objects -**

- to the loss of agricultural land and would prefer that brownfield, rather than greenfield sites, are given priority for development
- to the loss of this area of open space and its impact on the rural setting of the village
- to the construction of non-agricultural development outside of the Village Envelope
- to developments such as this one which will increase traffic through the centre of the village
- to any dwellings of a greater height than 2 storey

The Parish Council prefer the development of sites where the only vehicular access to this site is not through an existing residential area. Further they are not convinced that Woburn Drive provides suitable access for an additional 70 plus dwellings in either its dimensions or in its current condition and would question its suitability to carry additional traffic, not least the heavy vehicles that would be involved in construction.

Thorney Parish Council also have concerns about the sightlines from some of the roads, e.g. Russell Close, leading onto it have very poor sightlines. One of the Parish Council's major concerns is the ability of the existing drainage/sewer facilities to accommodate any additional dwellings. Specifically the Parish state that the existing Woburn Estate has suffered many drainage problems in the past. The Parish Council have no knowledge that a survey has ever been conducted into the need for Affordable Housing in the village. Further they have no evidence of the need for this type of housing in their community and request that the allocation for this development is kept to an absolute minimum. The Parish Council state that the preference of the local residents is for a larger open space within the site as this would bring a reduction in the number of dwellings. In addition they feel that this might help reduce the risk of excessive water build up on the site which is a major concern they have.

**Cllr McKean**

Cllr McKean asked for officers to investigate objections raised by Thorney Parish Council

**Cllr Sanders - Objects**

Cllr Sanders is opposed to

- the loss of agricultural land - brownfield should be used
- loss of open space and the impact on the rural setting of village
- developments that will have extra vehicular movements through the village as there has been a reduction since the completion of the by-pass, especially extra traffic through Woburn Drive to an extra 70+ houses and the impact that will have on existing residents.

**Local Residents/Interested Parties**

Initial consultations: 47

Total number of responses: 30

Total number of objections: 30

Total number in support: 0

Thirty neighbour letters received raising the following issues:

- The site is prime agricultural land – To lose this would be counter to the current requirement to produce British food for a growing population.
- The proposal will impinge on the long established agreed village envelope
- The site has poor access to village services and facilities
- The proposal would overcrowd the school and surgery
- Concern at the influx of teenagers coming into the village and the lack of facilities for them
- The condition of the access road is poor and the additional traffic will only make it worse – Indeed the heavy construction traffic will cause untold damage in the meantime.

- The junction of Woburn Drive, Topham Crescent and Tavistock Close where the road bends towards the cul-de-sac and St Mary's Close is currently dangerous – additional traffic would make this worse and inevitable cause accidents
- The village bypass relieved the traffic through the conservation area – The development would increase the traffic through this part of the village not only Woburn Drive but also the cottages on Wisbech Road
- Thorney is a delightful, historic village – the development of 70-80 houses on the proposed site would be a step backwards in pollution, safety and overall enjoyment of the environment.
- The Inspector's report of 2012 found that adding only a small number of dwellings to those currently proposed for Woburn Drive would be likely to have a harmful intrusive effect on the living conditions of the existing residents.
- If two storey dwelling are built they will block out some light to bungalows
- Impact on wildlife and their habitats – specifically deer, bats, grass snakes, owls and a variety of birds and butterflies
- The drainage system, both surface water and sewerage, in the Woburn Drive area has been under severe pressure for some considerable time – It would seem that to extend the system to accommodate a new development would only exacerbate the problem for us and indeed be a problem for new properties.
- There are problems with the sewers – specifically there are problems of raw sewage appearing on gardens
- Existing properties on Woburn Drive have frequent problems with standing water on their gardens
- There is already low water pressure in the Woburn Drive area of the village – an additional load to the size proposed would add to that problem
- It would down value our property and we would look for compensation – specifically loss of view and through traffic
- I have had no official letter informing me of the application

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Transport
- Affordable Housing and Life Time Homes
- Open Space
- Residential amenity – future occupiers of the site
- Impact on existing neighbours
- Landscaping and Ecology
- Flood Risk and Drainage
- Archaeology
- S106

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

This application is in Outline and seeks to establish the principle of development of the land for up to 80 residential units together with vehicular access off Woburn Drive and additional pedestrian and cycle access only from St Botolph's Way and St Peter's Way. All matters relating to the design of the buildings, scale, layout and landscaping are to be considered in the submission of a reserve matters application.

In accordance with current government guidance in respect of outline applications the Design and Access Statement has included a schematic layout together with details of a possible scale and form of development that could be accommodated within the site constraints. However, it should be emphasised that these drawings are indicative only and as such should not carry any weight in the determination of this application and would not constitute part of any planning permission.

The Peterborough Site Allocations DPD was adopted in April 2012 Policy SA5.8 of that document allocates 3.41 ha of land at Woburn Drive for residential development (c. 77 dwellings). As that

document has been adopted, use of the allocated housing site for housing is acceptable. Further the proposal would result in the efficient and effective use of land on a site which is located close to services and facilities to meet residential needs, would provide housing to support the City Council's growth agenda and deliver affordable housing.

The proposal therefore accords with policy CS2 of the Adopted Peterborough Core Strategy DPD, policy PP1 of the Adopted Peterborough Planning Policies DPD and the National Planning Policy Framework.

#### **b) Transport**

In terms of the transport assessment work that has been done, it has been concluded that the junction of Woburn Drive with Wisbech Road shows that there is adequate capacity to accommodate the new trips from the development.

The visibility requirement at the junction of Woburn Drive and Wisbech Road has been assessed. The speed of vehicles is such that visibility to the left is adequate however the required visibility to the right (2.4m x 62m) is compromised by overgrown planting. This is not in the control of the applicant. This is a highway matter to be taken up by the LHA and the owner of the property with the overgrown planting.

Concerns have been raised regarding the capacity of Woburn Drive to accommodate the additional traffic resulting from the development. However, the Inspector, in his report on the examinations of the Site Allocations DPD considered that there was sufficient evidence to show the roads were technically capable of accommodating the additional dwellings and that 'Woburn Drive meets the definition of a Main Street in the classification contained in the *Peterborough Residential Design Guide*'. The Council's highway engineers consider that in principle Woburn Drive is adequate in terms of its width, alignment and capacity to serve the development. St Botolph's Drive and St Peter's Way are suitable to serve as pedestrian/cycle access only and not vehicular access. A plan has been submitted indicating the tie in of Woburn Drive to the development and this is acceptable for the LHA. The technical details would be considered at the technical vetting stage and would be considered in further detail at reserved matters stage.

The Council's highway engineers are content with the principle of the proposal subject to various conditions. The proposal is therefore considered to be in accordance with Policies CS14 of the Core Strategy.

#### **c) Affordable Housing and Life Time Homes**

The application proposes 30% affordable housing, 20% life time homes and 2% wheel chair housing. The proposal therefore accords with policy CS8 of the adopted Core Strategy. Officers would expect the affordable unit mix to reflect the mix on the site overall and to reflect the latest Strategic Housing Market Assessment analysis plus the needs of applicants on the Peterborough Housing Register. This will be secured by a S106 Obligation.

#### **d) Open Space**

The applicant has agreed to provide not less than 2400 sq metres of useable open space on site. Officers consider this to be appropriate for the size of site and thus conforms to Policy CS19 of the Core Strategy. This amount of open space represents a larger area than was originally proposed and is in accordance with the Parish Council's wishes for on-site open space provision.

#### **e) Residential amenity – future occupiers of the site**

The description of the proposal is 'up to 80 dwellings' and a detailed assessment at Reserved Matters Stage will demonstrate that this number could be provided whilst maintaining a satisfactory of residential amenity for the future occupiers.

#### **f) Impact on existing neighbours**

As previously stated this application is in outline only and as such the form, layout and design of the option provided as part of the application package are indicative only and identifies one of a

number of possible options for the development of the site. The indicative scheme introduces buildings that are 2 storeys providing a total of 80 units at a density of 23.5 dph. The final layout and its impact on the existing neighbour will be considered fully at reserved matters stage.

### **g) Landscaping and Ecology**

#### **Landscaping**

The eastern boundary is defined by a significant established hedgerow interspersed with trees. Officers will insure by planning condition that the eastern boundary of the site is retained and strengthened. Specifically the positioning of houses along that side of the site will need to be informed by a BS5837:2012 survey and Arboricultural Implications Assessment. Further a comprehensive landscaping design will be required to accompany a reserved matters application. The Council's landscape officer raises no objection to the proposed development.

#### **Ecology**

The site is agricultural land. The planning application was accompanied by a Preliminary Ecological Assessment Report. The appraisal concluded that the land was species poor. Notwithstanding boundary hedges and hedgerow trees present on the site consist of common species typical for the local area and consequently the habitats could provide habitat for ground nesting birds, small mammals, butterflies and other invertebrate which in turn would serve as food sources for predatory mammals and birds and as such if practical this habitat should be retained as a site feature.

The Council's wildlife officer is satisfied with the report's assessment of impacts on protected species and has no objection to this application subject to conditions, restricting works to trees within the bird breeding season, requiring landscape details, requiring details of bird nesting and bat roosting features.

### **h) Flood Risk and Drainage**

The Environment Agency Flood Map indicates that the site is located within Flood Zone 1 (low; land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year. As a result, the site is considered to be at low risk of fluvial flooding. Table 3 of the National Planning Policy Framework (NPPF) technical guidance identifies that all development is appropriate within this flood zone. A flood risk assessment has been submitted with the application. The Environment Agency and PCC Drainage Team have no objection to the proposed development subject to conditions requiring submission of a scheme of drainage. Further the applicant has been liaising directly with the council drainage team. The drainage team agree with the use of sustainable drainage systems in the drainage strategy for the site.

### **i) Archaeology**

A Second World War German Prisoners of War Camp was originally located south of St Marys Road within the proposed development site. The camp was destroyed after the war and the land where it stood converted to arable. Footprints of the huts may survive. In the same area and in the general surroundings aerial photographs show a series of undated cropmarks, including enclosures and ditches and a possible Bronze Age barrow. Further to the south an earthwork hollow way runs through a pasture field to the south-east of Ashley House. It continues as a subtle soilmark in cultivated land to the north, finally joining the line of Whittlesey Road. The hollow way seems to cut ridge and furrow which survive in the general area. Linear settlement remains appear on either side of the road. At Abbey Fields to the west of the proposed development site cropmarked remains indicate activity dating to the medieval period. A condition is recommended requiring a desk based assessment and a programme of archaeological work, to include evaluation by trial trenching, to be undertaken.

### **j) S106 Obligation**

Under the Council's Planning Obligation Implementation Scheme SPD (POIS) the development will give rise to the requirement for the following contributions

Unit type	Cost per unit
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1 bed dwelling	£3,000
2 bed dwelling	£4,000
3 bed dwelling	£6,000
4 bed dwelling	£8,000
	Total

In addition to the above the following are also proposed for inclusion in the Section 106 Obligation 1 – not less than 2400 sq metres of usable public open space 2 - 30% affordable housing, 3 – travel plan, 4 – residential travel packs, 5 a 2% monitoring fee

#### k)Other matters

Objectors have raised a number of other points and these are addressed below:

- **The site is prime agricultural land – To lose this would be counter to the current requirement to produce British food for a growing population.**

Officer response: The Peterborough Site Allocations DPD was adopted in April 2012 Policy SA5.8 of that document allocates 3.41 ha of land at Land at Woburn Drive for residential development. As that document has been adopted, use of the allocated housing site for housing is acceptable

- **The proposal will impinge on the long established agreed village envelope**

Officer response: The site is within the Thorney village envelope

- **The site has poor access to village services and facilities. The proposal would overcrowd the school and surgery. Concern at the influx of teenagers coming into the village and the lack of facilities for them.**

Officer response: A planning obligation is recommended to ensure that there will be sufficient infrastructure capacity to support and mitigating the needs arising from the proposed development

- **The condition of the access road is poor and the additional traffic will only make it worse – Indeed the heavy construction traffic will cause untold damage in the meantime. The junction of Woburn Drive, Topham Crescent and Tavistock Close where the road bends towards the cul-de-sac and St Mary’s Close is currently dangerous – additional traffic would make this worse and inevitable cause accidents. The village bypass relieved the traffic through the conservation area – The development would increase the traffic through this part of the village not only Woburn Drive but also the cottages on Wisbech Road**

Officer response: The Council’s highway engineers are content with the principle of the proposal subject to various conditions. The proposal is therefore considered to be in accordance with Policies CS14 of the Core Strategy.

- **Thorney is a delightful, historic village – the development of 70-80 houses on the proposed site would be a step backwards in pollution, safety and overall enjoyment of the environment. The Inspector’s report of 2012 found that adding only a small number of dwellings to those currently proposed for Woburn Drive would be likely to have a harmful intrusive effect on the living conditions of the existing residents. If two storey dwelling are built they will block out some light to bungalows**

Officer response: As previously stated this application is in outline only and as such the form, layout and design of the option provided as part of the application package are indicative only and identifies one of a number of possible options for the development of the site. The indicative scheme introduces buildings that are 2 storeys providing a total of 80 units at a density of 23.5 dph. The final layout and its impact on the existing neighbour will be considered fully at reserved matters stage.

- **Impact on wildlife and their habitats – specifically deer, bats, grass snakes, owls and a variety of birds and butterflies**

Officer Response: The planning application was accompanied by a Preliminary Ecological Assessment Report. The Council’s wildlife officer is satisfied with the report’s assessment of impacts on protected species and has no objection to this application subject to conditions

- **The drainage system, both surface water and sewerage, in the Woburn Drive area has**



been under severe pressure for some considerable time – It would seem that to extend the system to accommodate a new development would only exacerbate the problem for us and indeed be a problem for new properties. There are problems with the sewers – specifically there are problems of raw sewage appearing on gardens. Existing properties on Woburn Drive have frequent problems with standing water on their gardens. There is already low water pressure in the Woburn Drive area of the village – an additional load to the size proposed would add to that problem

Officer response: The Environment Agency and the Council's drainage section raise no objection subject to conditions

- **It would down value our property and we would look for compensation – specifically loss of view and through traffic**

Officer response: This is not a material planning consideration.

- **I have had no official letter informing me of the application**

Officer response: The Local Planning Authority has a statutory duty to consult all adjoining residents and where they cannot be readily identified, erecting a site notice. The application was also advertised in the local paper. This requirement has been fulfilled in respect of this application and therefore legally compliant.

## **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 site is allocated for housing and will provide housing to support the City Council's growth agenda
- the proposal provides for lifetime and wheelchair housing
- the development would not have any significant adverse impact upon highway safety and safe access from the adopted Highway can be provided
- the development can be accommodated within the site without any significant adverse impact upon the amenities of the neighbouring properties
- the development can be accommodated without any significant adverse impact upon existing landscaping
- the impact of the proposed development upon ecology of the site is considered to be acceptable
- the development will allow for the provision of Public Open Space
- the proposal would mitigate against impact on archaeology
- the site can be adequately drained
- The proposal makes satisfactory provision for affordable housing within the site; and
- The proposal makes a contribution towards the social and physical infrastructure demands that it will place on the area.

The proposal is therefore in accordance with Policy CS1, CS2, CS8, CS10, CS11, CS13, CS14, CS16, CS17, CS19, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies SA4 and SA5 of Peterborough Site Allocations DPD (2012), policies PP01, PP02, PP03, PP12, PP13, PP14, PP16, PP17 and PP19 of the Peterborough Planning Policies DPD (2012) and Sections 4, 6, 10 and 11 of the National Planning Policy Framework (2012)

## **7 Recommendation**

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions and a S106 Agreement:-

- C 1 Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of the building(s) and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 5 The development hereby approved shall be carried out in accordance with the following approved details:-

Site Plan Drg D.2363  
Preliminary Ecological Assessment  
Sustainability and Renewable Energy Statement June 2013  
Geophysical Survey September 2012  
Transport Assessment June 2013  
Utility, Foul Water and Water Resource Appraisal June 2013  
Flood Risk Assessment & Drainage Report

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting planning permission as set out above

- C 6 The details submitted under Condition 1 above shall include the following:  
- a scheme for the provision of 30% affordable housing which 70% is of social rented tenure and 30% intermediate tenure  
- lifetime homes at a provision of 20%  
- wheelchair homes at a provision of 2% if 50 dwellings are proposed.

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

- C 7 The details submitted under Condition 1 above shall demonstrate how the development will contribute towards the City Council's Environment Capital aspirations. If no such information is submitted, or if the information is not acceptable, then the development shall be constructed so that it achieves at least a 10% improvement on the Target Emission

Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

- C 8 No development shall take place until a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The programme of work shall include a Desk Based Assessment and/or heritage assessment and a programme of evaluation by trial trenching to ascertain the archaeological potential of the site. The Scheme shall thereafter be implemented as agreed.

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 Policy CS17 of the adopted Peterborough Core Strategy DPD.

- C 9 Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- a noise management plan including a scheme for the monitoring of construction noise;
- a scheme for the control of dust arising from building and site works;
- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- a scheme of working hours for construction and other site works;
- a scheme for construction access from the A47, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
- a scheme for parking, turning and loading/unloading areas for all contractors vehicles;
- a scheme for access and deliveries including hours;
- Location of Site welfare facilities and storage compounds;
- Pre and post construction condition surveys from Wisbech Road and along Woburn Drive to the site boundary.

The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policies CS14 of the Adopted Peterborough Core Strategy DPD and PP12 of the Adopted Peterborough Planning Policies DPD.

- C 10 No development shall take place until details of the following materials have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details:
- walling and roofing materials
  - doors, windows and rainwater goods including garage doors
  - boundary treatments and road/path surfaces
  - details of any renewable energy or similar features to be included.

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

C11 Prior to commencement of construction of the dwellings, detailed contoured plans with existing and proposed spot heights and cross sections shall be submitted to and approved in writing by the Local Planning Authority. These shall indicate the slab level of the ground floor of all of the dwellings and show the finished levels of streets and dwellings. The development shall not be carried out other than in strict accordance with the levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers and to ensure access for all, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C 12 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: In order to protect and safeguard the amenity of the area in accordance with the provisions of the National Planning Policy Framework, in particular paragraphs 121 and 123.

C 13 Prior to the commencement of development a scheme of surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the betterment to be provided to the site for the surface water run-off generated up to and including the 1.0% annual probability event with the inclusion of climate change. It shall also include the following:-

- A scheme for the installation of oil and petrol separators.
- Details of the ownership and responsibilities of maintenance of all drainage elements for the lifetime of the development. If appropriate, details of adoption of any drainage elements by Anglian Water should be included.
- Details of the overland flood flow routes and subsequent flood risk in the event of a surface water system failure

The scheme shall thereafter be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding on and off site, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and NPPF (2012)

C 14 Prior to the commencement of development a scheme, including phasing, for the provision of mains foul water drainage including on and off site connections shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and NPPF (2012)

C 15 Prior to the first occupation of any dwelling a scheme of bird and bat boxes including details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details prior to first occupation of the dwellings.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C 16 Development shall not commence before a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Chapter 4 "promoting sustainable transport" of the National Planning Policy Framework.

- C 17 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless immediately prior to works a survey is undertaken that concludes the area is free of nesting birds.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C 18 Prior to the commencement of development, the following shall be submitted to and approved in writing by the Authority:
- a) a programme for the implementation of a scheme of hard and soft landscaping within the site
  - b) a (five year) maintenance schedules for all landscape areas;
  - c) details of the planting plans (noting species, plant sizes, proposed numbers/densities and an implementation programme);
  - d) a written specification(including cultivation and other operations associated with tree, shrub, hedge or grass establishment);
  - e) all hard surfacing material and signage;
  - f) details of fencing, gates and other means of enclosure and boundary treatment;

The development shall be carried out in accordance with the approved proposals and implementation plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD

- C 19 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD

- C 20 Within three months of the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design of the lighting columns, their locations and LUX levels. The lighting scheme shall thereafter be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, in accordance with

Policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD and Policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 21 Notwithstanding the details hereby approved there shall be not less than 2400 sq. metres of onsite open space provided as a single area.

Reason: To ensure the provision of open space on site in the interests of the amenities of the area, in accordance with Policy CS19 of the Core Strategy.

- C 22 Prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure sufficient facilities for fire fighting in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD

- C 23 Prior to the commencement of any development hereby approved details of the tie between the existing carriageway and the new site access (es) shall be submitted to and approved by the Local Planning Authority. The access (es) shall be implemented in accordance with the approved plans prior to the occupation of any development.

In the interests of highways safety in accordance with Policy PP12 of the adopted Peterborough Planning Polices DPD.

- C 24 Prior to the occupation of any dwelling the roads/footways linking that dwelling to the existing public highway shall be completed to base course level.

In the interests of highways safety in accordance with Policy PP12 of the adopted Peterborough Planning Polices DPD.

- C 25 Notwithstanding the submitted information and prior to the commencement of any development a timetable for the laying out of the Public Open Space and associated play equipment shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space and play equipment shall thereafter be laid out in accordance with the approved timetable and at no time thereafter shall this area be used for the storage of construction vehicles, equipment or portakabins etc.

Reason: In the interest of ensuring future residents have adequate access to Public Open Space and in the interest of the visual amenity of the area, in accordance with Policy CS16 of the adopted Core Strategy DPD.

- C 26 Notwithstanding the submitted information prior to the commencement of development an Arboricultural Method Statement (to be carried out in accordance with per BS5837-2012) in respect of works proposed with the Root Protection Area of a retained trees including construction, parking or landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect retained trees from harm during the development in accordance with policy PP16 of the adopted Planning Policies DPD.

- C 27 Notwithstanding the details hereby approved the "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (not exceeding a gradient of 1 in 15) unless otherwise agreed in writing by the Local Planning Authority.

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

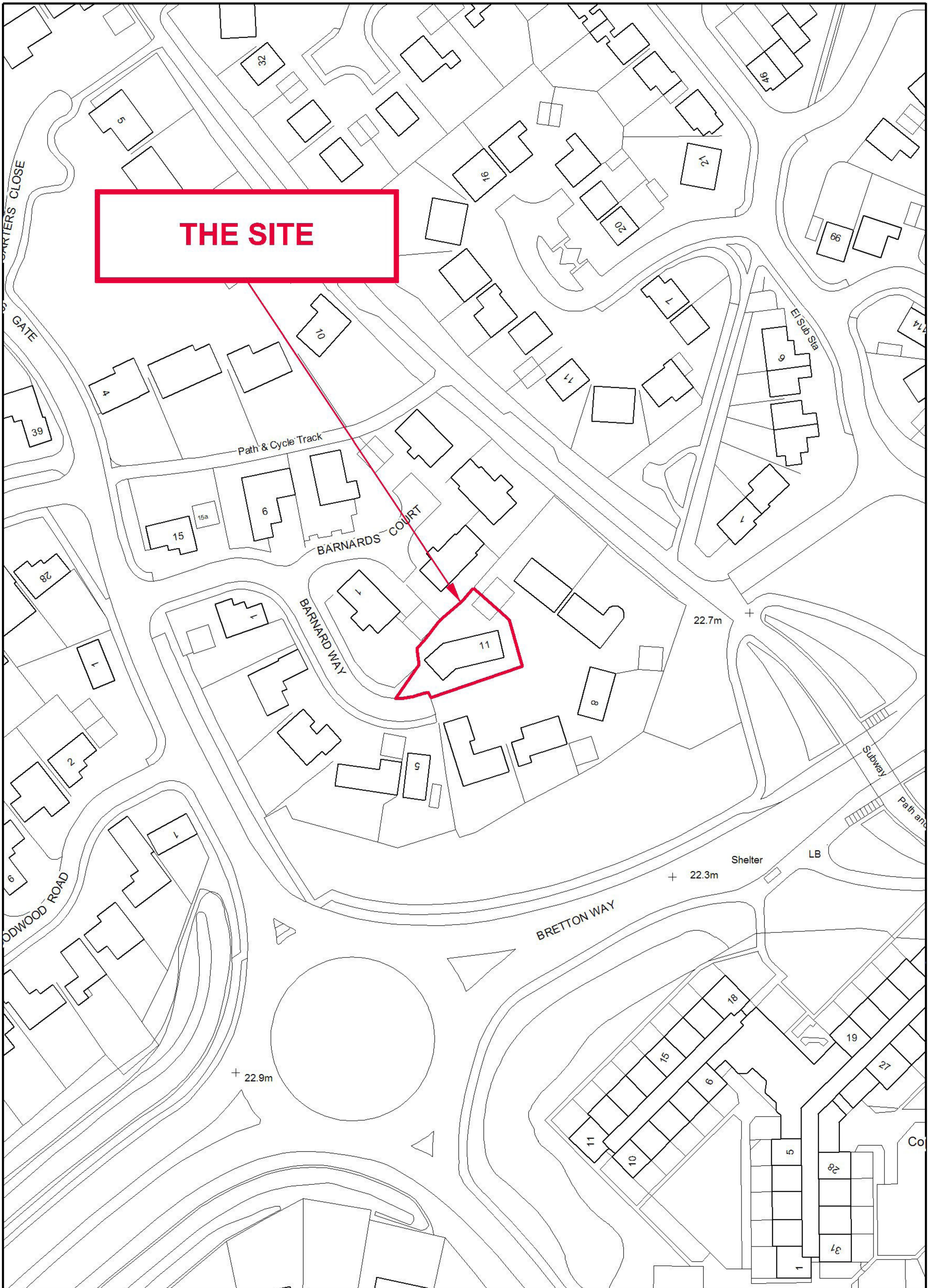
If the S106 has not been completed within three months of the date of this resolution without good cause, the Head of Planning, Transport and Engineering Services be authorised to refuse planning permission for the reason stated below:

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

Copies to Cllrs Sanders, McKean

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**LOCATION PLAN 13/01485/HHFUL**  
 11 Barnard Way, Bretton, Peterborough PE3 9YZ

**Scale 1:1250 Date 20/12/2013 Name LG Department Planning Services**

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**PCC GIS**



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**Application Ref:** 13/01485/HHFUL

**Proposal:** Erection of a cat enclosure in rear garden - retrospective

**Reason for Call In:** The structure is considered to be of a size and scale that is unnecessarily large. (Cllr M Fletcher, 17.12.13)

**Site:** 11 Barnard Way, Bretton, Peterborough, PE3 9YZ

**Applicant:** Mrs Frances Homer-Ward

**Site visit:** 30.10.2013 & 17.12.2013

**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 detached bungalow with a rear conservatory that links to a single garage that has been converted to habitable space. The conversion works did not require planning permission. The rear garden is surrounded by a 1.8m close board fence and the property has off street parking for at least three vehicles to side.

### **Proposal**

The Applicant was invited to make an application for the erection of a cat enclosure following a report to the Planning service about this unauthorised structure. The structure has been constructed out of timber and wire mesh and stands at 2.4m to eaves and 3.4m to ridge and covers the whole rear garden area of the property which is all hard landscaped.

It is understood that the enclosure is for the benefit of the current owner's pet cats and is incidental to the enjoyment of the dwelling house. No commercial enterprise is being operated from the site.

## **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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

### **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**

### **Bretton Parish Council (13.11.13)**

No objection

### **Local Residents/Interested Parties**

Cllr Fletcher raised the following concerns;

- The development is a visual monstrosity; and
- It is unnecessarily large for its sole purpose to house two cats.

Initial consultations: 13

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

5 letters of representation have been received from 4 addresses raising the following concerns;

- Visual prominence
- Size
- Structure will deteriorate over time
- Structure attached to party fence
- Worried that it could be used as a cattery in the future, or occupied by different animals (birds, dogs etc)
- Left over cat food will attract rats
- Should Milton Estates be notified?

## **5 Assessment of the planning issues**

### **Design and Layout**

The enclosure has been constructed out of timber and mesh, it is located within the rear garden of the property and stands at 3.4m to highest point. Due to the construction of the structure it is visually permeable and is not visually prominent from the street scene. As such the proposal is not considered to harm the character or appearance of the area and accords with Policy CS16 of the Peterborough Core Strategy DPD (2011), the NPPF (2012) and PP2 of the Peterborough Policies DPD (2012).

As this development is for the benefit of the current occupiers pets it is considered reasonable to grant a temporary planning permission for a period of 5 years, which would be renewed if necessary. This would ensure that the structure is removed once the structure is no longer necessary and the garden returned to its original state.

### **Use**

Letters of representation have raised concern with future uses of the enclosure. It should be highlighted that this application is a householder application and it is understood the application is for the benefits of the owner's pet cats. As such the use is considered to be incidental to the enjoyment of the dwelling house. Should the owners decide to open a cattery, this would require planning permission.

Any business use would need planning permission and would be assessed on its own merits. As such a condition is not considered necessary to restrict future business uses, however an informative shall be attached for the avoidance of any doubt.

### **Neighbour Amenity**

Given the nature of construction, which is light weight and visually permeable, and the fact that the eaves level is below the neighbours fence, the proposal is not considered to result in an unacceptably overbearing adverse impact that would result in a loss of light, privacy or outlook to neighbours. The proposal accords with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

### **Other matters**

- Structure attached to party fence - If planning permission is granted any legal matters, such as party wall issues, need to be resolved between the respective owners. Notwithstanding this, as illustrated on the site photos the structure does not attach to any neighbouring fences, however it does attach to the garage wall of No 1 Barnard Way. The owner of No.1 has confirmed in writing that this was agreed between the two parties.

- Left over cat food will attract rats - This is not a planning issue as the keeping of cats as pets does not require planning permission.

- Should Milton Estates be notified - Neighbour notification has been undertaken in accordance with the Town and Country Planning (Development Management Procedures) Order 2010 (as amended) and this does not require notification to be sent to Milton Estates.

## **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 structure does not result in an unacceptably adverse impact on the appearance of the host building or visual amenity of the area;
- the design and juxtaposition of the structure does not result in an unacceptably adverse impact on neighbouring amenity; and

- the proposal does not result in a highway safety hazard.

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

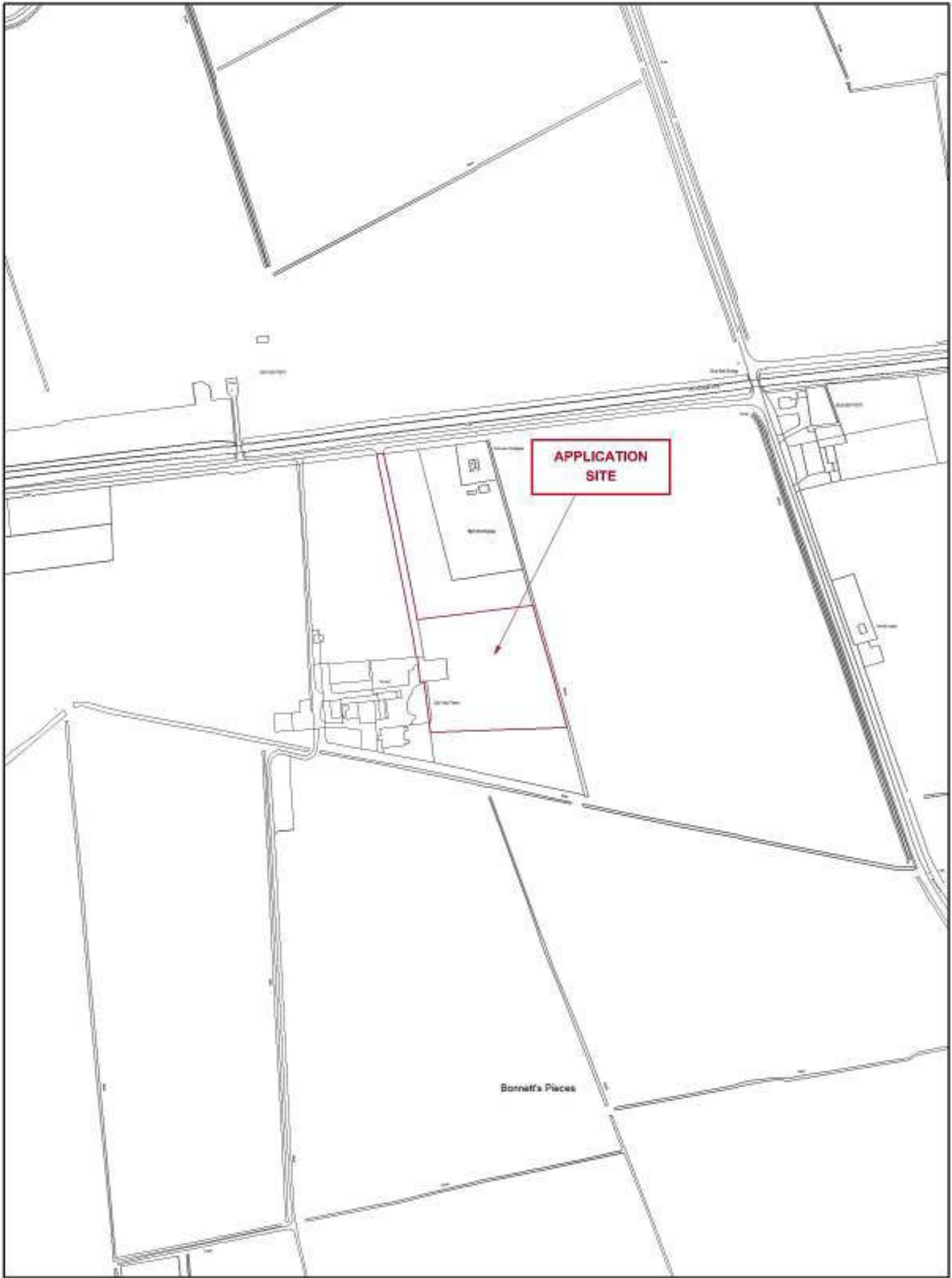
## **7 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be dismantled by 1<sup>st</sup> February 2019 and or prior to that within 8 weeks of it no longer being needed for the keeping of cats.

Reason: The structure is lightweight in character and is needed only for a specific purpose. The structure may become surplus to requirement or may become of unsightly appearance over time. This condition is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Copy to Cllr Fletcher



**LOCATION PLAN 13/01585/WCPP**  
Battlefield Live, French Drove, Thomey, Peterborough

**Scale** NTS    **Date** 13/12/2013    **Name** AA Department Planning Services



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**Application Ref:** 13/01585/WCPP

**Proposal:** Removal of condition C1 (temporary permission for two years) of planning permission 11/00950/FUL - Proposed change of use from agricultural to Battlefield Live Outdoor Activity

**Site:** Battlefield Live, French Drove, Thorney, Peterborough

**Applicant:** Mr Nigel Simons

**Agent:** None

**Referred by:** Cllr David Sanders

**Reason:** Breach of conditions of temporary consent, neighbouring amenity, visual amenity, lack of consultation with nearby neighbours

**Site visit:** 09.11.2013

**Case officer:** Mrs J MacLennan

**Telephone No.:** 01733 454438

**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### **Site and surroundings**

The site area is approximately 1.68 ha and is a paddock area enclosed by a timber post and rail fence. The site is located within Old Hall Farm to the south of French Drove. The site is accessed via an existing private access road off French Drove. Directly to the west of the site are two barns which have been recently converted to dwellings; one is occupied by the applicant and there is a large agricultural building to the rear of these dwellings. There are neighbouring residential properties to the north approximately 130m from the site (Oak Lodge) and to the west approximately 520m from the site (Old Hall Farm Cottages) which front French Drove; and to the east on Bell Drove approximately 300m from the site (Bluebell Farm House and Bluebell Cottage), otherwise the site is surrounded by flat, open agricultural land.

### **Proposal**

The application seeks permission to remove condition 1 of planning consent ref. 11/00950/FUL for a change of to an outdoor activity use for simulated warfare games, referred to as 'Battlefield Live'.

Condition 1 granted a temporary consent for a 2 year period and the application now seeks a permanent consent.

The proposal would include the permanent positioning of low level structures constructed from timber and painted in green/brown and covered with camouflage netting including:

- Gated entrance: A recycled timber constructed gateway with sign above. Width of gate 2.4m. Side panels at side of gate 1.2m x 2.4m.
- Octagon Defensive pill box: Overall dimensions covering an area of 4m by 4m. Height from floor to roof 3m. Materials recycled timber posts with recycled timber slatted sides. Roof material camouflage netting. Timber painted in camouflage green and brown External walls covered by camouflage tarpaulin
- Timber shed structures x 8: Dimensions of each building 4m long by 2.4m wide. Height 2.4m. Materials recycled timber panels with openings depicting windows and doorways. Recycled timber painted in camouflage green and brown with camouflage netting to roofs

- Timber shed structure: Basic wooden shed style structure. Open at sides with top and front covered in camouflage tarpaulin. Dimensions 3m x 3m x 2m high.
- Wooden barricades x 20: constructed in simple reclaimed timber post and trunk construction in natural materials. Dimensions 2m wide by 1m high. Painted green/brown with grass allowed to grow around
- Spectator viewing area: Next to car park. Consists of fenced area covered in green netting with one side timber panels depicting windows and doors. Timber painted green with camouflage netting above. Overall dimensions 15m x 15m.

The activity operates primarily on Saturdays and Sundays and school holidays between 10.00 am and 5.00 pm. There are 2 sessions per day, one session starting at 10am and then another at 1.30pm. Each session lasts approximately 90 minutes. The maximum number of participants for each session would be 30.

Since the submission of the application a revised traffic assessment and noise statement have been submitted by the applicant along with details of the structures used in the gaming (as described above). All neighbouring properties and objectors have been re-consulted on the updated information.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/00950/FUL	Proposed change of use from agricultural to Battlefield Live Outdoor Activity	Application Permitted	28/10/2011

## **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 3 - Rural Economic Growth**

Should be encouraged through sustainable growth and the expansion of business/ enterprise including sustainable rural tourism/leisure developments which respect the character of the countryside, via the conversion of existing buildings and well-designed new buildings. The retention and development of local services and community facilities should be promoted.

#### **Section 8 - Social, Cultural and Recreational Facilities**

Developments should plan for the provision and use of shared space, community services and other local services; guard against the unnecessary loss of valued services/facilities; allow established shops, facilities and services to develop/modernise; and ensure an integrated approach to the location of housing, economic uses and communities facilities and services.

#### **Section 11 - Noise**

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

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

#### **CS01 - Settlement Hierarchy and the Countryside**

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

## **Peterborough Planning Policies DPD (2012)**

### **PP03 - Impacts of New Development**

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

### **PP08A - (a) Tourism, Leisure and Cultural Uses in Villages/the Open Countryside**

Permission will be granted for development of an appropriate scale; which would support the local community; is compatible with the surrounding character / would not harm the open countryside; is easily accessible; and is supported by a robust business plan.

### **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.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **PP19 - Habitats and Species of Principal Importance**

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

## **Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011)**

### **CS26 – Mineral Safeguarding Areas**

## **4 Consultations/Representations**

**Transport & Engineering Services** – No objection - The LHA would raise no objections to this proposal.

**Pollution Officer** - No objection - This Section has received one complaint, via Planning Enforcement, in May 2013 regarding this activity. Since the permission (ref 11/00950/FUL) was to expire imminently at that time, and the nuisance investigation procedure involving the completion of log sheets, would not be completed within an appropriate timescale, the complaint was referred to Planning Enforcement for consideration as part of the decision on whether or not the activity be allowed to continue.

This Section has made no observations of the activities, to be able to confirm the acceptability, or otherwise, of the activity. Should the activity be deemed acceptable this Section would advise that noise limits would not be an acceptable control, since noise will be short-term high energy in character, for which time averaged noise limits are inappropriate. Suitable restriction upon operating hours to prevent disturbance during unsociable hours would therefore be the only appropriate mechanism for noise control.

**Landscape Officer** – No objections - There are no trees implicated by the proposal. I would request that any consent given have the standard landscape condition attached in order to secure

some new planting in this location.

**Minerals And Waste Officer (Policy)** – No objection - Although the site lies within a Minerals Safeguarding Area for sand and gravel I have assessed the application against policy CS26 (Mineral Safeguarding Areas), of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and found the development not to be incompatible. Any future applications for this site will have to be assessed against this policy.

**Archaeological Officer** – No objection - According to the details provided, the proposed groundwork is relatively superficial and limited in extent. Therefore, the proposed development is unlikely to have a major adverse impact on potential buried remains and/or deposits. There is no need to attach an archaeological condition.

**Wildlife Officer** – No objection - I would welcome the opportunity for additional landscape planting and would recommend the use of a range of native tree and shrub species wherever possible. With regard to barn owls, a survey was carried out for the proposed barn conversion which was refused (08/00655/FUL). This found some evidence that the barn was previously used by barn owls but not recently. So for the current application, provided it doesn't affect the barn then there shouldn't be any issues with barn owls. However if they are planning to use the barn regularly then I would request that an updated barn owl survey is carried out to check they haven't moved back in.

**Planning Compliance Team** – 4 complaints have been received within the two years the activity has been operating as follows:

- Thorney Parish Council received 25.05.2012. Unauthorised signage on the highway. Sign referred to Highways Dept. as not a planning matter.
- Neighbour complaint received 25.05.2012 Breach of conditions C2 & C5, i.e. not putting away equipment and opening after 5:00pm. Applicant stated that he had a private party which went on into the evening whilst some equipment is left out overnight however it would be unrealistic to clear everything due to the scale and nature of the apparatus plus equipment not visible from the highway. Case closed 3.10.2012.
- Neighbour complaint received 12.11.2012. Operating after 5:00pm. Complainant reported that the breach had ceased although problems tend to arise mainly during the summer months. Case closed 12.12.2012.
- Neighbour complaint received 28.10.2013. Children screaming at weekends and pyrotechnics now being used.

**Thorney Parish Council** – Objection - The noise is affecting quality of life for neighbours, concerns about traffic and use of smoke flares. Existing conditions of application have been contravened.

Further correspondence has been received from the Parish Council stating that the Parish Council objections were based on the views of a few local residents who attended the meeting and that Thorney Parish Council has had no further objections from the wider community or any other adverse comments from villagers.

**Councillor David Sanders – Objects** - I have received numerous representations from nearby constituents, who have during recent months complained to PCC about the breaches of Planning conditions on the site that they wish to bring to the attention of planning committee members, such issues as noise, wildlife, visual amenity, lack of consultation with nearby residents about this application and to challenge that planning condition C2 (putting away structures and objects) has not been adhered to by the applicant in the last 2 years.

**Councillor Sue Day - Support** - This a fantastic facility providing a team building experience for all ages whilst enjoying country air; in my opinion anyone using this facility would positively benefit from the experience therefore I am in full support and would ask that planning permission is approved.

## Local Residents/Interested Parties

Initial consultations: 25

Total number of responses: 117

Total number of objections: 25

Total number in support: 90

25 Neighbouring properties have been consulted on the application. Further information was submitted by the applicant and re-consultation was undertaken.

In total 25 representations of objection to the proposal have been received; 11 of these are from neighbouring occupiers the remainder are from visitors to these properties who live out of the area. The following issues were raised:

### Residential amenity

- Screaming and shouting impacts on our amenity as background noise levels are very low
- The enjoyment of our home and garden is compromised
- Noise comes from the site even within and outside hours of use
- The silent nature of the weapons is far outweighed by the screaming and shouting
- I chose to live here because it is quiet and I have suffered with depressive periods
- There has been no attempt to erect fencing or noise barriers – these should be provided
- Noise has increased over past year due to number of participants increasing
- Noise should be restricted on Sundays
- Excessive noise impacts on quality of life
- Restrictions should be put on regarding restriction of days, number of sessions, number of participants, house of use
- The building used for initial induction is only 40m from the rear of our property
- The Battlefield area is only 80m from the front of our property and we have to endure hours of screaming and shouting
- Children's parties are being held in the barn to the rear of our property
- Two large windows have been inserted into the barn at the rear of our property resulting in overlooking to our kitchen, lounge and garden
- I cannot ride my horse when events are being held

### Visual amenity

- Clutter and numerous road signs spoil the open farmland
- Sheds and broken vehicles make the area look like a war zone
- The green netting around the spectator area is a really bright distinctive colour, white cars are also clearly visible – they are not included in the original or new site layout.
- The development is not compatible with the character of the rural landscape
- It does impair local neighbour's view of the open fen countryside
- The structures are unsightly and inappropriate for the open, flat countryside
- These developments are not usually in tree-less open countryside next to houses
- We chose to live in an area of outstanding beauty however Battlefield Live has slowly eroded that environment
- The use should be situated in an area of the city designated for industrial/commercial use
- This area should be protected as it has been undisturbed by noise and is prized by the local residents and visitors to the area.
- The photos submitted were taken in the summer when trees and maize field restricts views.
- If planning permission is granted a more substantial sound and visual barrier should be provided
- The activity does not promote the tourism of the Fens

### Noise

- The noise survey is not a true assessment
- It is not known who undertook the noise assessment
- The noise assessment lacks details of wind speed/sound, background noise tested over a period of time, no information as to where the assessor was stood, etc.

### Current Activity

- Bookings are being made for up to 40 people despite application stating a maximum of 20.
- Condition 2 of the temporary consent required the equipment be kept in storage area – this has not happened
- Condition 3 has been breached as coloured smoke flares are regularly used pyrotechnics used
- Illegal signage has been erected but no action has been taken
- Condition 5 of temporary consent restricted play to between 10am and 5pm – one evening game playing continued until 8pm
- The applicant will continue to ignore conditions
- Although the application states the hours are between 9.30-4.30pm the Battlefield Live website advertises 7 days a week 10am to dusk
- Subsequent applications will be made to increase operating hours
- The documents submitted fall short on the facts
- The original site plan bears no resemblance to reality
- Concern regarding future expansion of the business
- Why was the updated information not submitted with the application
- This is not a new application and the details should not include changes
- The additional information verifies that the structures are over 2m in height
- The new plan shows a spectator area however the noise statement says “Battlefield Live is not a spectator activity
- There are no restrictions on number of participants or spectators

### Wildlife

- Aquatic birds (moorhens, coots, mallards, etc) who sometimes venture out of the dyke on to the road are being killed by careless drivers
- There are Barn Owls and Bats in nearby properties, likely to be affected by noise

### Traffic

- Increase in traffic will make the road less safe, cars do not stick to 40mph speed limit
- The road is used for walking, cycling, dog walking, etc – there is no footpath or lighting which will make it very unsafe
- Drivers who are not familiar with the area will be impatient with other road users which will increase risk of accidents
- There are no taxi firms in Thorney or Crowland so access by public transport and taxi is not feasible
- The July 2011 and the Sept 2013 surveys are almost identical – I do not believe a new survey has been undertaken
- A 40 mph speed limit sign should be erected at the entrance to ensure patrons of Battlefield Live are respectful of the restrictions
- There are now many lorries using this route yet none were recorded on Monday 9<sup>th</sup> September.
- Since the opening of the A16 the traffic using French Drove has increase - HGV's use as a short cut from the A16 to the A47.

### Consultation

- We are an adjoining neighbour and were not notified of the application
- A number of properties close to this proposal did not receive any notification of the original application 11/00950/FUL and were not aware of it until it opened

Thorney Landscape Protection Group: Objects to proposal for the following reasons:

- A number of properties not notified; applicant in breach of all conditions on previous consent; too close to residential properties; adverse impact on amenity - overbearing impact, visual intrusion and excessive noise from the game participants; noise survey does not take account of wind speed, weather conditions, background levels; other Battlefield Live sites are located at Forestry commission centres so comparisons cannot be made with the site; number of participants regularly exceeds 20; complaints made to the City Council however response was 'little could be done until the application expired'; the high pitched shouting and screaming does not compare to playground noise; we cannot use our garden to relax in, even visitors complain; Noise Pollution Officer recommended on previous application that the site be monitored, this hasn't happened; excessive noise can impact on health; this noise from this application combined with French Farm wind turbines will make a number of properties in the vicinity uninhabitable; the traffic survey is not a true representation, a large number of HGVs use French Drove and it is no longer a quiet country road, there are no taxi firms in Thorney or Crowland so access by public transport and taxi, as proposed in the application, is not feasible, the figures in the statement regarding use of minibus and car sharing is false; noise impact on protected species including barn owl and bats; concern over possible expansion of the facility; the structures do not blend with the landscape; should the application be approved a sound and visual barrier should be provided; the use does not promote the Fens or increase tourism to the area; conditions on the original application have been breached: temporary consent expired and no application submitted, structures are not moved after play, pyrotechnics are used, permitted hours have been ignored; two road signs have been put up without permission; the original site plan bears no resemblance to reality. If the planning application is approved there should be restrictions to the days, number of sessions, hours of opening and maximum number of participants, however, conditions likely to be ignored.

90 representations in support of the proposal have been received. These representations are primarily from users of the activity. The comments are summarised below:

- This well used outdoor activity is something different for the area
- Encourages exercise and fresh air in a controlled environment
- Peterborough should encourage any exercise like this
- Gets children outdoors
- It would be a shame to see this go
- I have used the facility as a Father, an Adult birthday organiser and Youth behaviour consultant.
- The activity is well organised and very professional
- There is good parking
- The activity area and facilities are well maintained, there is a good briefing area.
- This activity is audibly low other than the sound of laughter
- The equipment battery electronic/operated with extremely low environmental impact.
- No food and drink is allowed in and around the area other than the briefing area.
- Battlefields as a business should be able to expand accept larger corporate groups, children's birthday party's stag and hen parties.
- If the area was larger this would encourage more schools and youth groups and employ more local people bringing more trade to the local community.
- Excellent team building experience
- The kids had a brilliant time.
- A great way of keeping fit
- Peterborough needs more family activities like this

- Good location
- A great outdoor activity
- Peterborough needs more family activities like this one
- Fun, affordable and safe
- It would be a real shame to lose such a fun local day out.
- I believe this is an asset to the community
- Avoids travelling further afield and contributing to another community rather than my own local one
- Keeps children away from TV and video games.
- Encourages interaction, social skills, being part of a team, and thinking out and enacting a plan - important lessons for life
- It is attended by children that have learning and behavioural difficulties.
- It's about time Peterborough council backed more people with an open minded attitude to what could be a great adventure
- With all the Change 4 Life programmes being run by Peterborough City Council the Council should encourage
- The equipment is quite unique and provides a great outlet for young teens
- The games produce very little associated noise

## **5 Assessment of the planning issues**

### **a) Background**

Battlefield Live is an established outdoor gaming concept using infra red technology. There is little sound from the guns and no projectiles are used. The Local Planning Authority (LPA) was approached by the applicant in 2011 when a pre-application enquiry was submitted for a change of use of part of an agricultural field to accommodate the use. This is an outdoor activity requiring a large area of land which could not reasonably be provided within the urban area. There are no similar uses within the Peterborough area. The LPA considered the principle of the change of use was acceptable subject to the proposal meeting other planning considerations.

A planning application was submitted (ref. 11/00950/FUL) and was generally supported by the LPA however as the type of facility represented an unknown to the LPA it was considered appropriate to allow a 2 year temporary consent to assess the impact the facility would have on the amenity of neighbouring properties and the visual amenity of the open countryside. It was considered that over this period of time the LPA could monitor any complaints which arose following the implementation of the facility.

### **b) The principle of the change of use**

The scale of the proposal is considered to be relatively modest, with the average number of participants taking part on each session being between 15-20. The land used for the activity is situated well within the site and the structures used for the gaming are of a temporary nature.

The NPPF encourages both farm diversification and supports the attraction of tourists to the rural areas however, the main benefit from the proposal is that such uses encourage outdoor exercise and activity with the subsequent health benefits. Section 8 of the NPPF states that the Planning System can play an important role in facilitating healthy communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

### **c) Neighbouring Amenity**

There have been a number of objections to the proposal particularly from nearby residents



primarily due to the noise. It is argued that the level of noise emanating from the site primarily due to voices shouting, screaming and laughing is such that the use impacts on amenity making it impossible to sit outside when the activity is running.

A noise statement has been submitted with the application. Noise readings at the site were taken on 1<sup>st</sup> September and 8<sup>th</sup> September whilst gaming sessions were in progress. The noise survey states that the wind was moderate and readings were taken down wind at a distance of 75m from the activity. It is not known who carried out the assessments. The type of guns used are 'Scorpion' model and it is stated that they have a reading of 51dB at 50m. The maximum number of guns in use at any one time has been 30. It is stated that the WHO recommends the outdoor time average noise level should not exceed 50dB. Readings from the site taken at 75m along the private driveway to the site when no activity was taking place and whilst the game was in play. The background noise levels for each session varied between 43dB and 51.2dB. The maximum continuous noise level reached 54.1dB with the highest peak level of noise recorded at 79.9dB (this is highest level of noise over a given period) however, a peak level of 68.4dB was recorded with no game taking place which is likely to be due to passing cars, etc. Noise levels measured at 300m from the site i.e. properties along Bell Drove, would be typically 12dB lower than those measured at 75m.

The details contained within the noise survey are refuted by objectors to the proposal. They argue that the survey does not take into account background levels and that in these cases noise levels as low as 40 dB may still cause serious annoyance.

The pollution control officer has advised that noise limits would not be an acceptable control, since the noise will be short-term high energy in character, for which time averaged noise limits are inappropriate. The Officer suggests that suitable restriction upon operating hours to prevent disturbance during unsociable hours would therefore be the only appropriate mechanism for noise control.

Noise levels are also not a suitable mechanism for establishing the likely acceptability for such proposals (as with many other sports and leisure activities), since there are no accepted standards for comparing any predicted levels against in these instances (unlike, for example, the comparison of the effect of industrial noise upon residential premises [BS4142:1997]). It is for this reason that a recommendation was previously made by the Pollution Control Officer for a temporary permission to establish the likely acceptability of the proposal.

The background noise of the area is considered to be particularly low given the rural location and the open character of the area. It is not the weapons that would result in significant noise rather the intermittent nature of noise from shouting etc. It is the impact of the increased noise events which need to be considered. There have been requests by objectors to reduce the number of participants to reduce the level of noise, however, reducing the number of participants would only reduce the frequency of the increased noise events. If the number of participants was doubled this would be unlikely to result in an increase in noise levels for individual events, but there would be an increase in the frequency of those events occurring. Once again, the consequential effect of this situation poses difficulties in judgement since there are no standards to assess the likely impact against. The only reliable method for such assessments is therefore of a subjective, rather than objective, nature. This was the purpose of the previous granting of the temporary permission.

It is considered that limiting the hours of use to between 10.00 am and 5.00 pm and the number of participants to 30 at any one time (to reduce the frequency of the increased noise events) would retain the noise to reasonable levels. Conditions would be appended to secure these requirements.

The site currently contains no trees or landscaping and is open in nature. The applicant had suggested the planting of trees and shrubs of a native variety which would help screen the site at the time of the original application; however as the application was only granted for a temporary

two year period requiring additional planting would have been unreasonable. It is considered that tree and shrub planting around the perimeter of the site would provide a buffer and absorb noise from the site and a condition would be appended requiring details of hedgerow to be submitted for approval.

The planning officer undertook a site visit on a Saturday to assess the level of noise from all directions from the site. The officer walked along Bell Drove and acknowledged that voices could undoubtedly be heard from this position. However, the noise was not unduly loud and the level of noise heard by occupiers of properties along Bell Drove whilst in their rear gardens would to some degree be screened by the dwelling. The houses in Bell Drove are at least 300m from the site. The planning officer did not know how many children were taking part on that particular occasion, however has since been advised by the applicant that there were 24 participants at that session.

A temporary consent was originally granted to enable the LPA to monitor any impact arising from the activity. This is usually monitored by the number of complaints received. It should be noted that there have been few complaints to the planning enforcement team over the two years the activity has been operating. A complaint has been raised by Thorney Parish Council regarding unauthorised signage on the highway. This complaint was referred to the Highways Section and was not a planning matter. A complaint was made by a neighbouring occupier in May 2012 regarding breach of condition 2 – putting away equipment after play and condition 5 - opening after 5.00 pm. The applicant had stated that this has been a private party. It was also considered by the officer of the compliance team that due to the scale and nature of the equipment used it would be unrealistic and that the equipment was not visible from the highway. A further complaint was received in November 2012 reporting that the activity was again operating after 5:00pm. The latest complaint was received in October 2013 reporting the noise of children screaming and that pyrotechnics were now being used.

There are concerns regarding the number of participants and reference has been made to bookings of more than 40 people and that when the original application was submitted it was stated that there would be a maximum of 20 participants at any one time. The number of participants was not conditioned under the original permission.

In addition comparisons have been made to other Battlefield Live sites. Many are located in wooded areas. The opening times indicate the potential for numerous sessions during the day and late night gaming which is raising concern with neighbouring properties. However, this application is considered on its own merits and it is acknowledged that the characteristics of this site varies significantly to other Battlefield Live sites. As such it is appropriate that reasonable measures are put in place to tightly restrict the scale and nature of the use. Should the facility wish to expand in the future this would require permission and an assessment of impact would be made at that time.

The new plan shows a spectator area and questions have been raised by objectors as the noise statement says "Battlefield Live is not a spectator activity". It is likely, however that this area would be used by parents who have accompanied young children. It is unlikely that there would be substantial spectators where noise would be significant.

The adjoining neighbouring property, who has objected to the proposal due to the impact of noise is located approximately 80m from the site. Again it is considered that with appropriate screening and limiting the number of participants would address the impact of noise. The neighbour has also advised that Children's parties are being held in the barn to the rear of their property and two large windows have been inserted into the barn which lead to overlooking. The use of the barn does not form part of this application and planning permission would be required for a change of use of the barn.

It is considered that with the appending of conditions regarding hours, number of participants and landscaping the proposal would not unduly impact upon the amenity of neighbouring occupiers in accordance with Policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

#### **d) Visual Amenity**

The layout of the site includes a number of wooden structures which are painted green/brown and some are covered by a green netting. Under the previous proposal a condition was appended requiring all of the structure to be put away when not in play however, it would appear that the applicant has been in breach of this condition, which is unfortunate.

It was evident from the site visit that the nature of the structures present difficulty in moving them every time the activity was not operating. Comments have been made regarding the green netting around the spectator area having a bright distinctive colour and white cars being located on site which were not included on the original layout and are not included on the new layout. The applicant will be asked for clarification on this matter and this will be provided in an update report to Members.

The structures are positioned within the site at least 170m from French Drove and 280m from Bell Drove and are not directly visible from the public highway. The structures are seen against the backdrop of the farm buildings and converted barns and do not detract from the character and appearance of the rural setting. Any changes to these structures or any additional structures would require approval from the Local Planning Authority.

It is considered that the proposal does not detract from the visual amenity of the open countryside, however with the planting of trees and shrubs along the boundaries of the site the use would be entirely enclosed. Hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and Policy PP2 of the Adopted Peterborough Planning Policies DPD.

#### **e) Highway implications**

The application is supported with a traffic survey and given the scale of the use it is considered that the use would not generate unacceptable levels of vehicular movements to and from the site. Objections have been received arguing that the road leading to the site is unsuitable for the level of traffic accessing the site and that there would be safety issues for users of the road, for example, dog walkers, horse riders and so on. The Local Highways Authority raises no objections to the proposal as the use would not generate levels of traffic which would impact on the users of the highway. It is the view of the LHA that it is likely that there would be a high level of car sharing due to the likely participants. In addition, the LHA would have no control over who uses the public highway.

There is an existing access to the site which is considered to be appropriate for the proposed use. Car parking is provided within the site for up to 10 cars, 1 mini bus and 1 disabled parking space. The proposal would not result in any unacceptable impact on the adjacent highway network and accords with policies PP12 and PP13 of the Adopted Peterborough Local Plan (First Replacement) and policy CS14 of the Adopted Peterborough Core Strategy DPD.

#### **f) Landscaping**

The site currently contains no trees or landscaping and is open in nature. The applicant had suggested the planting of trees and shrubs at the time of the initial application however, a temporary consent was issued and therefore planting was not appropriate at the time. The Landscape officer and Wildlife Officer suggest the planting of native trees and shrubs. A condition would be appended should a permanent consent be given to ensure the correct species of an appropriate size are planted and maintained.

#### **g) Wildlife**

Comments have been made on the impact on wildlife resulting from the noise of the activity. Neighbours have stated that a nearby barn houses a nesting barn owl and bats are present in

nearby properties. A survey was carried out on the barn within the site during the assessment of a previous application. At the time there was some evidence that the barn was previously used by barn owls. It is the Wildlife Officer's view that as the application does not include the barn and therefore if the barn is being used by barn owls they would not be affected. The Wildlife Officer has also advised that whilst neighbours have raised concerns regarding the use of nearby barns by barn owls these would not be affected by the proposal.

With regard to the increase in vehicles using the highway as a result of the proposal and the subsequent impact on Aquatic birds from the dyke, this is not a material planning consideration and the LPA has no control over how many vehicles use the public highway.

The proposal would not result in any adverse impact on protected species and the proposal accords with policy PP19 of the Adopted Peterborough Planning Policies DPD.

The proposal would provide an enhancement to biodiversity within the site through the provision of native trees and shrubs in accordance with policy PP16 of the Adopted Peterborough Planning Policies DPD.

#### **h) Mineral Safeguarding**

The site lies within a Minerals Safeguarding Area (MSA), designated due to the presence of reserves of sand and gravel which are considered to be of current or future economic importance. As such, any application, which is not on land allocated for development in other adopted DPDs, would need to be considered against Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS26 – Mineral Safeguarding Areas. Although not creating a presumption that resources will be worked, MSAs are defined in order that proven resources are not needlessly sterilised by non-mineral development; this policy is in accordance with the National Planning Policy Framework, Chapter 13.

The proposals do not include the provision of permanent structures which would sterilise the underlying mineral and the development in its current form cannot be viewed as incompatible. Any future applications for the site, particularly those that may include permanent structures, will also need to be assessed against policy CS26.

#### **i) Archaeology**

The applicant has advised that all the structures are free standing supported by their own weight. There are no foundations and they are not secured to the ground. There are also no trenches. Fences are secured by posts, 18ins below ground and smaller barricades are secured by posts 12ins below ground. The Archaeological Officer considers that it is unlikely that there would be an adverse impact on buried remains and/or deposits and no archaeological conditions are required. The proposal therefore accords with section 12 of the National Planning Policy Framework.

#### **j) Consultation**

Comments have been made regarding lack of consultation with neighbouring occupiers under original application (11/00950/FUL). It is confirmed that the LPA did notify all neighbouring properties which share a boundary with the site and a site notice had also been erected. The applicant is also the owner of a semi-detached property adjacent to the site which is a converted barn. The adjoining neighbour has advised that they were not consulted on this application and this was an oversight by the LPA which has now been addressed and the neighbour has been given the opportunity to comment on the application. The LPA can therefore confirm that it has complied with statutory requirements in respect of consultation.

#### k) Miscellaneous comment not covered

- The proposal states that it is the 5th best tourist attraction in Peterborough on the Tripadvisor web site – this is untrue: *This is not a planning matter*
- I cannot ride my horse when events are being held: *It was noted at the site visit that horses were grazing in the adjacent field and appeared to be unaffected by the activity taking place.*
- Why was the updated information not submitted with the application: *The LPA is obliged to accept additional information and neighbouring occupiers have been re-consulted.*
- This is not a new application and the details should not include changes: *Additional information can be considered by the LPA.*
- Noise should be restricted on Sundays: *This is considered unreasonable*

## 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 site is considered suitable for the proposed small scale nature of the outdoor activity;
- the facility has been operating for two years and given the low level of complaints received and with restrictions on the number of sessions and hours of use, the proposal would not unduly impact upon the amenity of neighbouring occupiers;
- the structures required for the activity do not detract from the character and appearance of the rural area;
- the proposal would not result in a substantial increase in traffic which would impact on highway safety.

Hence the proposal accords with policies CS1 and CS16 of the Adopted Peterborough Core Strategy DPD 2011, policies PP2, PP3, PP12, PP13, PP16 and PP19 of the Adopted Peterborough Planning Policies DPD 2012 and the NPPF.

## 7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C1 The development hereby approved shall be carried out in total accordance with the approved details regarding layout and structures received by the Local Planning Authority on 28<sup>th</sup> November 2013. Any changes to the size, scale, design and colour of the structures hereby approved or any additional structures shall require approved by the Local Planning Authority.

Reason: For the avoidance of doubt and to specify the details to which the permission relates.

- C2 The number of games shall be restricted to a maximum of two per day between the hours of 10am to 5pm.

Reason: In order to minimise the risk of noise disturbance to neighbouring properties and in accordance with policy PP2 of the Adopted Peterborough Planning Policies DPD 2012 and the NPPF.

- C3 The number of participants at any one time shall be limited to 30.

Reason: In order to minimise the risk of noise disturbance to neighbouring properties and in accordance with policy PP2 of the Adopted Peterborough Planning Policies DPD 2012 and the NPPF.

- C4 The game play weapons shall be electronic in nature and shall not fire physical objects and no pyrotechnics shall be used on the site.

Reason: To minimise the risk of noise disturbance to neighbouring properties and in the interests of visual amenity in accordance with policies PP2 and PP3 of the Adopted Peterborough Planning Policies DPD 2012 and the NPPF.

- C5 No lighting shall be provided on the site unless approved by the Local Planning Authority.

Reason: In order to protect the character and appearance of the open countryside and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP2 of the Adopted Peterborough Planning Policies DPD.

- C6 Within one month of the date of planning permission a scheme for tree and shrub planting along the eastern and northern boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the date of this permission.

The scheme shall include:

- a double staggered row, 450mm apart with 7 plants per linear metre with stakes and rabbit guards with the following species mix: 40% Hawthorn, 30% Hazel, 10% Blackthorn, 10% Field Maple and 10% Holly.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C7 Any trees, shrubs or hedges forming part of the approved scheme that die, are removed or become diseased within five years of the implementation of the scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C8 No adverts shall be erected at the site which would otherwise be permitted under the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of the visual amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP2 of the Adopted Peterborough Planning Policies DPD.

Copies to Cllrs Sanders, McKean

- Request:** To confirm the immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 made by Planning and Environmental Protection Committee on 9 July 2013 restricting permitted development rights at 270 Eastfield Road, Peterborough to make the demolition of the building subject to planning permission.
- Site:** 270 Eastfield Road, Peterborough, PE1 4BE
- Reason :** Expiry of Article 4 Direction and continued threat of demolition of 270 Eastfield Road, Peterborough
- Officer:** Mr J. Daley  
**Telephone No.** 01733 453522  
**E-Mail:** jim.daley@peterborough.gov.uk
- Recommendation:** That committee approves the confirmation of the current immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to withdraw the 'permitted development' right of development within Class A of Part 31 of Schedule 2 to the Order.

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## 1 Explanation

Planning and Environmental Protection Committee made an immediate Article 4 Direction Order under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to withdraw the 'permitted development' right of development within Class A of Part 31 of Schedule 2 to the Order applying to no. 270 Eastfield Road, Peterborough.

The purpose of this was to make the demolition of 270 Eastfield Road the subject to obtaining planning permission as the building was considered to be of sufficient heritage value and to be to be inclusion on the councils list of 'Buildings of Local Importance' (the 'local list'). The 'local list' is a 'non-statutory' designation and does not provide any statutory protection. Designation as a Building of Local Importance is a material consideration when considering applications for permission to alter or demolish such a building.

The immediate Article 4 Direction Order lapses 6 months after making, unless it is confirmed by the local planning authority. No direct public responses have been received in response to the publication of the Notice.

The threat of demolition remains and it is considered appropriate to require that planning permission is required for the demolition of the building.

## 6 Conclusion

It is considered that the demolition of no. 270 Eastfield Road which has significant heritage value without the usual planning considerations would be prejudicial to the proper planning of the area. An Article 4 Direction has the advantage of removing the threat of the demolition of the building without first obtaining planning permission.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Committee confirms the current immediate Article Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to withdraw the 'permitted development' right of development within Class A of Part 31 of Schedule 2 to the Order to remove the threat of the demolition of the building without first obtaining planning permission.

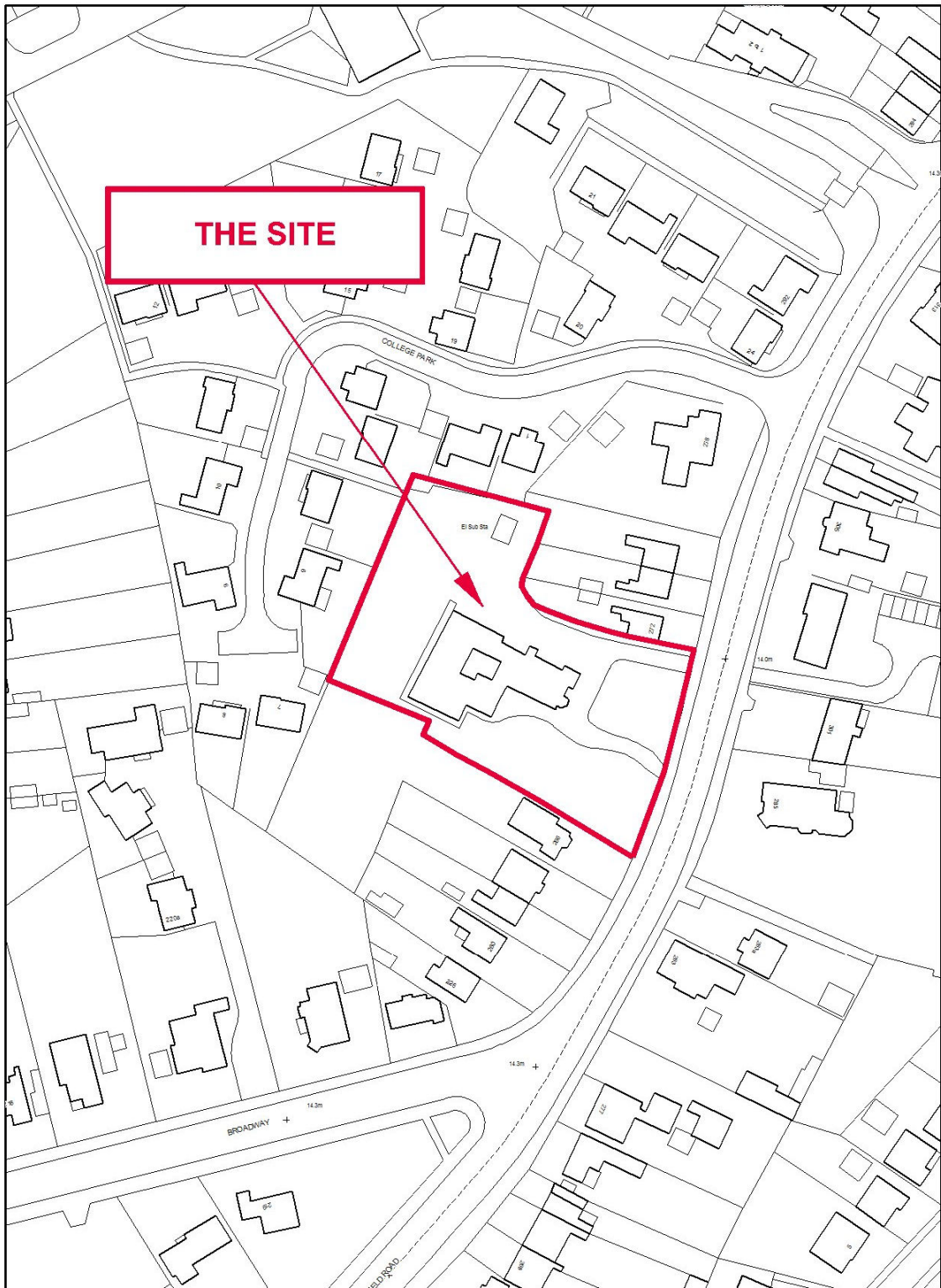
### **Appendix A: Location Plan**

Background Paper used in compiling this report: -  
Planning and Environmental Protection Committee report 9 July 2013

Copies to Cllrs P Kreling, J Peach & J Shearman



**Appendix A: Location Plan**



270 Eastfield Road, Peterborough

PCC GIS



Scale NTS    Date 8/7/2013    Name MKB    Department Planning Services

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