

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 7 OCTOBER 2014
9.00 AM**

Council Chamber - 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 Meeting Held on 2 September 2014** **3 - 12**
- 5. Development Control and Enforcement Matters**
 - 5.1 14/01301/FUL - 70 - 80 Storrington Way, Peterborough, PE4 6QP** **13 - 30**
 - 5.2 14/00857/R4OUT - Land at Guilsborough Road, Eye Green, Peterborough** **31 - 48**
 - 5.3 14/01017/FUL - 16 Eye Road, Dogsthorpe, Peterborough, PE1 4SA** **49 - 64**
 - 5.4 14/01103/FUL - 101 Garton End Road, Peterborough, PE1 4EZ** **65 - 70**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

5.5 14/01187/FUL - 9A Norfolk Street, Millfield, Peterborough, PE1 2NP 71 - 80

6. Application to Designation A Neighbourhood Area (Ailsworth Parish Council) 81 - 86

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), G Casey, P Hiller, N North, J Stokes, N Shabbir, S Martin, D Harrington and C Ash

Substitutes: Councillors: B Rush, Sylvester and B Saltmarsh

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@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.
4. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 SEPTEMBER 2014**

Members Present: Councillors Harper (Chairman), Casey, Hiller, North, Rush, Stokes, Shabbir, Martin, Ash and Harrington.

Officers Present: Lee Collins, Planning and Development Manager
Vicky Hurrell, Principal Development Management Officer
Jez Tuttle, Senior Engineer (Development)
Amanda McSherry, Principal Development Management Officer
Emma Naylor, Senior Strategic Planning Officer
Ruth Lea, Planning and Highways Lawyer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Serluca. Councillor Rush was in attendance as substitute.

2. Declarations of Interest

Councillor Harrington raised non-pecuniary interests in agenda item 5.2, as an objector to the original application, and agenda item 5.7, as his relatives had made an objection to the application. He would withdraw from the Committee for both of these items.

Councillor Hiller raised a non-pecuniary interest in agenda item 5.2 as a member of the Northern Level Internal Drainage Board.

3. Minutes of the Meetings held on:

3.1 8 July 2014

The minutes of the meeting held on 8 July 2014 were approved as a correct record.

3.2 22 July 2014

The minutes of the meeting held on 2 July 2014 were approved as a correct record.

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

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

5. Development Control and Enforcement Matters

The Chair advised that agenda item 5.4 '14/00895/HHFUL – 80 Ledbury Road, Netherton, Peterborough, PE3 9PJ' had been withdrawn.

5.1 14/01060/R3FUL – Thorpe Primary School, Atherstone Avenue, Netherton, Peterborough

The planning application was for the partial infill of the existing courtyard, a single storey rear extension and erection of a detached single storey teaching block at Thorpe Primary School. Also included in the application was associated alterations to the car park at the front of the site and an extension of the car park to the rear.

The main considerations were:

- The Principle of Development
- Highways Impacts and Car Parking
- Design and Layout
- Landscape Impacts
- Ecological Issues
- Construction Management
- Other Matters

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report and update report.

Principal Development Management Officer provided an overview of the application and raised the following key points:

- It was considered that the trees populating the boundary of the site were worthy of a Tree Preservation Order (TPO).
- The number of pupils was to increase to 680, with the number of teaching staff to increase to 92.
- During construction works for the car park, access would be gained by Atherstone Avenue. Construction access in relation to building works would be from Ledbury Road.
- The National Planning Policy Framework (NPPF) places weight on the need to expand schools.
- The main basis for objection was in relation to traffic. A transport assessment identified that a lot of journeys to the school were made by car.
- No objection had been raised by the Highways Authority. It was accepted that congestion would occur, but this did not result in any concerns for safety.
- Methods to improve traffic have been informally explored, with consideration given to a possible lay by included in the scheme. However, it was believed that this would ultimately result in more congestion and was not supported by the Highways Authority.
- The design was considered acceptable. Several alterations to conditions had been outlined in the update report, in response to comments from the Arboricultural Officer.

Councillors Arculus and Councillor Fitzgerald, Ward Councillors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The principle of development was not objected to, however the Councillors had concerns regarding traffic access.
- The current amount out of traffic created by the school and residents was unsustainable and an increase of 540 journey would not be feasible.
- More thought needed to be put into coming up with a 'kiss and ride' solution.
- The policy of requesting travel plans was not workable and would not be enforced, as the travel plan currently in place had no great affect.
- More consideration should be given to alternative traffic management proposals.
- It appeared that protecting trees was of greater importance than people's safety.

- The Councillors felt that more traffic would result in a higher risk of accidents happening.
- A 'drop off' system would help to alleviate the congestion in the morning rush.

Mr Peter Flowers addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The school provided sufficient places for the families within walking distance. Expansion should be considered in areas where it is really necessary.
- The additional cars that would result from expanding the school would have a significant impact on the environment, which goes against the City's aim of becoming an environment capital.
- Additional traffic would worsen an already difficult situation and would increase risk of accidents. Mr Flowers considered the accident report was flawed, as more traffic would result in more accidents.
- It was requested that, if the Committee didn't feel they could refuse the application, it be deferred to enable them to observe the traffic problems in the area.

Mr Brian Howard, Head of Schools Infrastructure, and Emma Everitt, Project Support Officer, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Consultation was undertaken with all the relevant stakeholders at the beginning of the process.
- Guidance was received suggesting that highways matters did not need to be considered.
- 'Sketch' options for traffic mitigation were drawn up, however these were not developed on the advice of Planning and highways.
- A delay in a decision on the planning application would result in a delay in the entire programme of three to six months. Cost would also be incurred on any temporary accommodation for additional pupils from September 2015.
- Alteration to the submitted scheme were possible, but would have significant implications.
- The increase in pupils would be done incrementally and would take about six years.
- The school caters for infants and, as such, a drop of zone would not be appropriate for all situations, as parents parked and walked their children to the school buildings.

In response to questions raised by the Committee, the Senior Engineer raised the following key points:

- The accident report was considered reasonable. Most accidents were registered with the police and there is nothing to suggest that there was a risk to individual's safety in the area.
- There was a problem with congestion, which was more difficult to solve.
- A significant number of car parking spaces would be required. While 40 / 50 spaces could feasibly be provided at the front of the site, this would mean concreting over the front of the site and may attract more cars nearer the school.
- Similarly, with a drop off scheme, this may attract more cars to come closer to the school instead of spreading out over a larger area. This is why the drop off / pick up options were not supported.

The Committee discussed the application and whether more could be done to mitigate the additional traffic the school expansion would attract. Although several Members suggested that a drop off system would be unfeasible, it was considered that the

problem of additional congestion should be considered in greater detail. It was believed that this site in particular presented a more significant problem than other school sites in the city.

The Planning and Highways Lawyer advised the Committee that the applicants were not required to mitigate pre-existing traffic problems, only that which was caused by the application.

A motion was proposed and seconded to defer the application to allow for more detailed exploration of traffic mitigating measures. The motion was carried eight in favour, two against.

RESOLVED: (eight voted in favour, two voted against) that the planning application be **DEFERRED**

Reasons for the decision

In order for officers to explore possible traffic mitigation measures in greater detail.

5.2 14/00206/FUL – Land to the West of Williams Close, Newborough, Peterborough

Councillor Harrington withdrew from the Committee.

The Planning and Highways Lawyer addressed the Committee and advised that the report contained an exempt appendix and if the Committee wished to discuss any information contained within this appendix, it should be considered whether the press and public should be excluded from the meeting.

At its meeting on 22 July 2014, the Committee resolved to defer the consideration of the application on the grounds:

- To resolve concern about overlooking/loss of amenity from plots 14 and 20 to the neighbouring properties on Williams Close;
- To resolve highway concerns about the impact of the development of Soke Road;
- To enable a review of the viability appraisal.

The planning application was for a residential development on the land to the west of Williams Close, comprising of 42 dwellings, access, associated works and landscaping.

The main considerations were:

- Impact of Plots 14 and 20 on Williams Close
- Impact on Soke Road
- S106/ Viability

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

The Planning and Development Manager provided an overview of the application and raised the following key points:

- Plots 14 and 20 had been relocated so that they were further away from the site boundary.
- The plans had been altered to provide a single access on to the eastern end of Soke Road, which was the wider section of road.
- The Section 106 Legal Agreement had been reduced to £15,000, however this

was considered acceptable by the Section 106 Officers, following detailed viability appraisal

Mr Matthew Taylor, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Discussion had been undertaken with Planning Officers to address the Committees concerns.
- Plots 14 and 20 had been amended as well as the site access from Soke Road.

The Committee considered all their concerns to have been addressed.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision

Subject to the imposition of 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 site was allocated for housing and its development would help meet housing need
- safe access into the site could be provided from Thorney Road and Soke Road and a new footpath link created.
- the development could be accommodated within the site without any unacceptable adverse impact upon the amenities of the neighbouring properties
- the development could be accommodated without any significant adverse impact upon existing landscaping
- the impact of the proposed development upon ecology of the site was considered to be acceptable
- the development would allow an acceptable level of amenity for the new residents including the provision of Public Open Space
- subject to further archaeological assessment the proposal not adversely affected any buried remains
- the site could be adequately drained

The proposal was therefore in accordance with Policy CS1, CS2, CS8, CS13, CS14, CS16, CS17, and CS22 of the Peterborough Core Strategy DPD (2011), policy SA6 of Peterborough Site Allocations DPD (2012), policies PP01, PP02, PP03, PP04, PP12, PP13, PP14, PP16, PP17 and PP19 of the Peterborough Planning Policies DPD (2012) and Sections 1, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework (2012)

5.3 14/00501/FUL – Land Adjacent to Haddon House, Brickburn Close, Hampton Centre, Peterborough

Councillor Harrington re-joined the Committee.

At its meeting on 22 July 2014, the Committee resolved to defer the consideration of the application in order to establish whether satisfactory amendments could be agreed in respect of the access and to address the Local Highways Authority objection relating to junction design and access.

The planning application was for the erection of a foodstore on the land adjacent to Haddon House, Brickburn Close, Hampton Centre, with associated car parking and landscaping.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

The Planning and Development Manager provided an overview of the application and raised the following key points:

- Access to the site had been addressed so that HGV's could now access without problem.
- The central traffic island had been extended to prevent vehicles from making a right turn onto the A15. Vehicles would be required to turn left and use the roundabout.
- The officer recommendation was now one of approval, as all the Committee's concerns had been addressed.

Mr Alistair Close, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The Section 106 Legal Agreement had been drafted at length and would be able to move forward if the application was approved.
- Mr Close wanted to thank all those residents that had supported the application and was happy to be able to offer 30 to 40 new jobs in the area.

The Committee were pleased to see that their concerns had been addressed and were content with the location of the site.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision

The remaining concern that Members expressing at the July meeting could be adequately addressed.

5.4 14/01025/HHFUL – 38 Audley Gate, Netherton, Peterborough, PE3 9PG

The planning application was for a two storey side and single storey rear and side extension at 38 Audley Gate, Netherton.

The main considerations were:

- Design and impact on the streetscene
- Impact on neighbour amenity
- Parking

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

Principal Development Management Officer provided an overview of the application and raised the following key points:

- The neighbouring properties were staggered, in relation to the site. So number 36 was set back from number 38.
- Though the streetscene possessed an open quality, it was considered that this would not be detrimentally impacted, as a gap of 2.4 metres would remain between number 36 and 38.
- The proposal would not extend past the rear of number 36.
- Obscure glazing had been proposed on the first floor landing
- There was sufficient space at the front of the site to allow for three or four vehicles to park. As such, the loss of the garages was not problematic.

Councillor Arculus, Ward Councillor was unable to stay for this item but his representations were read out by the Legal Officer, which in summary were:

- The Councillor believed that the proposal was too large in scale and would reduce the light able to reach number 36, contrary to planning policy.
- The scale of the building would be inappropriate within the street scene, which was worth preserving. This was contrary to planning policy.
- The Councillor encouraged the Committee to reject the application.

Ms Joy Cowland, 36 Audley Gate, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- There would be an impact on traffic. Four cars were currently on the site, this would only become more problematic when building work started.
- In responding to members questions Mrs Cowland said that the road was enjoyable to live on, with no overlooking and large amount of light. The proposal would result in a loss of light to her property, which would affect the wellbeing of her and her husband
- Ms Cowland was concerned about what would happen to their fence, which was attached to the building due to be demolished and expressed concern about any damage which may occur during construction.
- Concern was also expressed regarding the shared drainage system, if the proposal were to be approved.
- It was believed that the proposal was unnecessarily large.

The Committee discussed whether the proposal represented an overbearing impact on neighbouring properties or resulted in a significant loss of light. It was noted that officers believed the separation distances to be sufficient, however Committee would need to come to a decision on whether they considered this sufficient.

A motion was proposed and seconded that permission be refused, against officer recommendation. The motion was carried six voting in favour, four voting against.

RESOLVED: (six voted in favour, four voted against) that planning permission is **REFUSED.**

Reasons for the decision

The proposal would result in a loss of light and would have an overbearing impact on neighbouring properties, contrary to policy PP3 of the adopted Planning Policies DPD.

5.5 14/01036/HHFUL – 14 Woodbyth Road, Peterborough, PE1 3PE

The planning application was a revised application for one and two storey side and rear extensions at 14 Woodbyth Road, Peterborough.

The main considerations were:

- Character and Appearance
- Residential Amenity
- Highways

It was officer's recommendation that planning permission be refused, for the reasons set out in the report.

The Principal Development Management Officer provided an overview of the application and raised the following key points:

- The garage on the property had already been demolished and approval for a different planning application had been granted in 2011. A further extension had been proposed and refused.
- The proposal was considered to be excessively large and not in keeping with the streetscene.
- It was believed that the proposal would be visually harmful and would have an overbearing impact on other residences.

Councillor Peach, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The property in question was the smallest property in the area, so it was believed objections regarding size and scale were unfounded.
- The residents of the neighbouring properties supported the application.
- The applicant was seeking planning permission in order to properly care for his elderly relatives.
- The proposal before Committee today was very similar to the application previously granted.
- The site was not in a conservation area, was not overbearing and would be in keeping with the streetscene. As such, it should be approved.

Mr Phil Branston, Agent, and Mr Shabbir Ahmed, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The permission previously granted, for a 4 metre ground floor extension and a 2.3 metre first floor extension, was abnormal.
- The current application would be squaring off the building and would not significantly alter the streetscene.
- Mr Ahmed would like to be able to look after his parents, as they looked after him. In order to do this, a larger extension was necessary.
- While a smaller room was feasible, it would not accommodate the mobility requirements of Mr Ahmed's parents.
- Parking was not considered to be a problem, as there was sufficient space at the front of the site.

The Committee suggested that the application was acceptable. It was not believed to be overbearing and, as there had been no objection from the surrounding residents, it was considered suitable. In addition, they did not consider that there would be any unacceptable impact on the streetscene, given the position of the dwelling.

A motion was proposed and seconded to agree that permission be granted, subject to condition requiring matching materials, contrary to officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED**.

Reasons for the decision

The application proposal would not have a detrimental effect on the character or appearance of the property, or surrounding streetscene. Nor would the proposal result in an overbearing impact on adjacent sites.

5.6 14/01167/HHFUL – 204 Dogsthorpe Road, Peterborough, PE1 3PB

Councillor Harrington withdrew from the Committee.

The planning application was for a proposed two storey rear extension, detached gymnasium / store, new front wall and new rear fence at 204 Dogsthorpe Road.

The main considerations were:

- Character and Appearance
- Area / Neighbour Amenity
- Highways
- Representations

It was officer's recommendation that planning permission be refused, for the reasons set out in the report.

Principal Development Management Officer provided an overview of the application and raised the following key points:

- While it was not considered that the proposed outbuilding had an adverse impact on the surrounding area, it was officers opinion that the extension to the main property would adversely affect amenity.
- It was considered that the proposed boundary railings at the front of the property were too high and visually harmful.

Councillor Peach, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application comprised of a small property on a large site. As such, an expansion should not be considered excessive.
- Those who have objection are a significant distance away and would not be effected.
- The Councillor urged the Committee to approve the application, as the family were in need of the space.

Mr Phil Branston, Agent, and Mr Mehmood, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The building at the bottom of the garden had been approved within a previous scheme.
- If the Committee were of a mind to approve the application, the applicant would be happy to lower the front boundary railing to 1 metre.
- The proposal included a flat roof to reduce impact on the neighbours. It was not believed a significant loss of light would be incurred.
- Mr Mehmood was seeking the extension to provide room for his daughters. It was not anticipated to be an issue, as the site was large.

The Committee discussed the overbearing nature of the proposal and suggested that

the loss of light on adjacent properties could be quite significant.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out in the report.

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 given in the report.

6. Determination of Castor Parish Council's Application to Designate a Neighbourhood Area

Councillor Harrington re-joined the Committee.

The Committee received a report which outlined the application to designate a neighbourhood area from Castor Parish Council, in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement.

The Senior Strategic Planning Officer provided an overview of the report and raised the following key points:

- Neighbourhood planning enabled areas to have a greater say in the planning process.
- A Neighbourhood Order set automatic planning permission for a certain class of development in a particular area.
- Caster Parish Council were currently undertaking the first stage of the process with their application.
- The Committee could either approve, approve with minor amendments, or amend the application significantly, which would result in another round of consultation. They did not have the power to refuse the application outright.
- It was not considered that any amendments would result in a more appropriate area. As such Option A, approval, was recommended.

RESOLVED that:

1. The Castor Parish Council's application to designate a neighbourhood area is approved without amendment, and
2. That the neighbourhood area is not designated as a business area.

Chairman
1.30pm – 4:47pm



LOCATION PLAN 14/01301/FUL
70-80 Stirrington Way

Scale NTS Date 25/9/2014 Name AH Department Planning Services

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Application Ref: 14/01301/FUL

Proposal: New shop unit with two flats above - resubmission

Site: 70 - 80 Storrington Way, Werrington, Peterborough, PE4 6QP
Applicant: Deangate Properties

Agent: Mr David Shaw

Referred by: **Cllr Paula Thacker**
Reason: Highway safety and the impact on the general amenity of the area
Site visit: 21.08.2014

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

Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site and surroundings: The application site is a grassed area located at the western end of a Local Centre at the intersection with Amberley Slope to the west, Storrington Way to the east and Corfe Avenue to the south. The Local Centre comprises a terraced shopping parade with commercial units at ground floor and flats at first and second floors. There are parking bays for up to 4 cars to the front of the parade and a car park is located to the east and accessed off Storrington Way. The surrounding character is predominantly residential comprising bungalows and 2 storey properties. There are currently 2 trees located within the grassed area to the west of the site.

Proposal: The proposal is a resubmission following the refusal of planning permission and a dismissed appeal. Permission was refused and the appeal dismissed because the development encroached into the forward visibility splay at the adjacent junction. The proposals has been redesigned so that it is outside the required visibility splay. The application seeks approval for the erection of an extension to the western end unit within the shopping parade. The extension would provide approximately 129m² retail (A1) floor space with 2 no. one bed flats at first floor. The flats would be accessed via an external staircase at the rear in a similar way to the existing flats. A small drying area would be located at the rear of the flats. The commercial units would also be serviced from the rear. Two parking spaces would be provided to serve the flats. The footprint of the extension would be 11m in length x 11.8m in depth and would be staggered at the western side. The overall height of the extension would be 7m.

2 Planning History

Reference	Proposal	Decision	Date
13/01263/FUL	Extension to retail floorspace with two flats above	Refused Appeal Dismissed	16/10/2013
04/00969/FUL	Erection of 11 flats and associated parking	Application Withdrawn	12/08/2004
07/00721/FUL	Erection of 7 flats with car parking	Not Determined Allowed at Appeal	21/08/2007

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 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 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.

CS15 - Retail

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

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.

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.

PP09 - Development for Retail and Leisure Uses

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

PP11A - (a) Shop Frontages (including signage)

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

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.

Community Infrastructure Levy (CIL) Regulations 2010

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

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

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

In addition obligations should be:

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

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted

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

4 Consultations/Representations

Landscape Officer – No objection - There are 2 semi-mature trees on site and whilst they are part of the landscape which is largely devoid of vegetation, they do have the appearance of being just "dropped in" and are somewhat incongruous in their surroundings. It is suggested that a more sustainable solution would be to allow for these 2 trees to be removed subject to appropriate mitigating planting which could be secured by way of a standard Condition.

Archaeological Officer – No objection - Given the low archaeological potential of the site, together with the small scale of the proposed development, the Officer's view is that there is no need to secure a programme of archaeological work by condition.

Building Control Manager – Building regulations approval required

Transport & Engineering Services - No objection - The applicant has submitted a speed survey which shows the required forward visibility splay around the bend needs to be 28m and the site layout shows that the development does not encroach in the splay. The LHA agrees with this. However, the edge of the splay envelope does pass very close to the edge of the proposed building and therefore the LHA has requested the details to be provided on an accurate site plan rather than the base mapping which has been used for this submission. The base plans have been known to be inaccurate and a small margin of error could mean that splays cannot be achieved. New survey plans have been received and the LHA is satisfied that the 28m forward visibility can be achieved. These will be shown at the meeting.

S106 Planning Obligations Officer - A S106 contribution of £6,000 is sought using POIS for the proposed new shop unit with two flats above. A monitoring Fee of £120 is also required. The proposed retail unit of 129 sqm falls below the trigger point for a POIS contribution.

Councillor P Thacker – Objects – No letter was sent directly to Cllr Thacker advising that the application had been resubmitted. As this will be built on a corner, buses cannot turn as it is at present, with school children walking up and down Amberley Slope, attending the Werrington Primary School (i.e. an accident waiting to happen !) if this goes ahead! The landlord does not maintain the shop fronts at present, like the squalid flats above, which the committee were shown photos, they are disgusting, I would not put an animal in to one of them! Tenants attended too, as well as a group of residents campaigning against this planning application, at full committee. Every couple of months, I contact the landlord, asking him to cut the grass down and to remove his fly tipping, he never does, we, the City Council, have to do this.

Local Residents/Interested Parties

Initial consultations: 36
Total number of responses: 5
Total number of objections: 5
Total number in support: 0

5 letters of objection have been received from neighbouring occupiers raising the following issues:

- The application is strongly opposed to by residents
- The scheme is no different to the one previously refused and is still dangerous in terms of traffic. *Officer response: The footprint of the building differs from the previous scheme in order to provide for forward visibility.*
- The previous application was turned down - how can any resubmission possibly overcome any building on this dangerous corner?

- On the basis of safety how can this possibly be dealt with by the case officer or a planning committee?
- Consideration should be given to traffic visibility
- If the development goes ahead there is a risk large vehicles won't be able to see the s-bend until they are on it by which time it could be too late.
- The site is completely wrong for an increase in shops and flats which are half empty already
- The existing flats are an eyesore. *Officer response – this is not a matter that can be considered in the determination of the application*
- There is no need for any more shops. *Officer response – this is not a matter that can be considered in the determination of the application*
- The present company has failed to maintain its obligations of up-keeping the complex to a required standard. *Officer response – this is not a matter that can be considered in the determination of the application*
- Planning permission would the whole complex to be put up for sale to make money? *Officer response – this is not a matter that can be considered in the determination of the application*
- Why was the Local Councillor not informed about the application. *Officer response: The Local Councillor does not receive a letter for each planning application however, does receive a copy of a 'weekly list' of planning applications received.*
- The public were not able to get information about the application off the Council website. *Officer response: The application was available on the website which was fully operational during the consultation period.*
- Most of the people living in the area are elderly and do not have access to the computer. *Officer response: The application is available can be viewed at Bayard Place, the Town Hall and the Central Library.*
- No practical help for viewing the application has been available at the Council offices. *Officer Response: Staff at Bayard Place and the Library would be able to assist in accessing the information, however would not be able to offer advice on the content. The case officer would be able to assist with specific queries and our contact details are shown on the consultation letter.*

5 Assessment of the planning issues

a) Background

The application is a re-submission following refusal of a previous scheme in 2013 (ref. 13/01263/FUL). The application was refused by members of the planning committee ONLY on the grounds of highway safety as the location of the development would have reduced the forward visibility for drivers travelling southbound along Amberley Slope as they approach the 90 degree bend in the highway and therefore the proposal was considered to be contrary to policy PP12 of the adopted Peterborough City Council's Planning Policies DPD 2012.

The application was subsequently dismissed at appeal when the Inspector conceded that the building would '*significantly diminish forward visibility in Amberley Slope on a bus route and in an area where it is to be expected that people of all ages and degrees of mobility would be crossing the road*'. Taking account of the 'Manual for Streets' guidance and the particular conditions of the site, the Inspector concluded that the safety of highway users would be compromised and that the proposal would be unacceptably harmful to highway safety. A copy of the appeal decision is attached in Appendix 1.

Although the appeal was dismissed, an award of costs against the Council was made by the Inspector.

The application now submitted has altered the position of the building in order to ensure it does not encroach into the visibility splay. The required visibility splay has been calculated from the results of speed surveys that have been undertaken.

b) The Principle of Development

The site is located within a Local Centre and therefore the principle of retail development on this site is acceptable and accords with policy CS15 of the Adopted Peterborough Core Strategy DPD and policy PP9 of the Adopted Peterborough Planning Policies DPD.

In addition, the site has an extant planning consent for 7 flats (ref. 07/00721/FUL) having been allowed at appeal in 2007 and works have commenced on site. The site is in an area which is predominantly residential in character and the mixed development is consistent with the existing development on this site. The principle of residential development is, therefore, already established.

Subject to the proposal meeting with all other relevant planning policy considerations the proposal would make a contribution to housing provision in accordance with policy CS2 of the Adopted Peterborough Core Strategy DPD.

c) Highways

Two parking spaces would be provided for the flats and the existing secure gates would be repositioned to enable space to be provided for staff parking, turning and loading to serve the extension within the secure perimeter. There is a parking area located to the east of the Local Centre. Parking is provided to the front of the site and it is considered that there is capacity for some parking on the street.

A Transport Statement has been submitted in support of the application and a speed survey has been undertaken assessing the speed of vehicles travelling along Amberley Slope over a period of one week. 'Manual for Streets' documents that there is a correlation between vehicle speed, carriageway width and forward visibility. The survey has demonstrated that the required forward visibility for vehicles travelling along Amberley Slope in a southbound direction would be 28m. The Local Highways Authority agrees with this calculation. However, it is acknowledged that the edge of the splay is close to the edge of the building and therefore the LHA requested the details to be provided on an accurate site plan rather than the base mapping which has been used for this submission. The base plans have been known to be inaccurate and a small margin of error could mean that splays cannot be achieved. New survey plans have been received and the LHA is satisfied that the 28m forward visibility can be achieved. These will be shown at the meeting.

It is acknowledged that a number of objections have been raised regarding the impact the proposal would have on the adjacent highway, in particular the impact on the forward visibility. However, unlike the previous application and indeed the subsequent appeal a survey has been undertaken to assess the speed of vehicles travelling along Amberley Slope. This has demonstrated the required forward visibility can be achieved.

The proposal would not result in any adverse highway implications and accords with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

d) Design and Visual Amenity

The existing building was built in the 1960s/70s and the design is typical of that period and has no particular architectural merit. To the rear of the building are single storey storage elements serving the commercial properties and a rear balcony/terrace which provides the amenity area serving the existing flats. The rear of the building is particularly untidy in appearance. It is hoped that the development, if implemented, would encourage some investment into the site and encourage a sense of responsibility for the appearance of the site as a whole.

As with the previous scheme, number of objections have been received regarding the lack of upkeep of the existing buildings and the grassed areas and parking areas within the site. It is unfortunate that the buildings and areas outside are not being adequately maintained. However, this is not a material planning consideration.

The design of the extension has been amended from the earlier scheme and now has a staggered footprint to the western end in order to achieve the forward visibility for vehicles travelling in a southbound direction along Amberley Slope. The design of the building is considered to be in keeping with the existing building and the style of the shopfront serving the ground floor would be sympathetic in style and proportions to the shop front within the existing building.

Whilst the first floor windows within the front elevation do not have a vertical emphasis as do the first floor windows in the existing building they are in keeping with the windows within the second floor of the existing building and have a more domestic appearance.

It is considered that the extension could be accommodated within the site and would not be detrimental to the character and appearance of the existing building or to the street scene as a whole. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policies PP2 and PP11 of the Adopted Peterborough Planning Policies DPD

e) Residential Amenity

It is considered that the proposal would provide a satisfactory level of amenity for the future occupiers of the first floor flats. There is a small amenity/drying area to the rear. The rooms within the flats appear spacious and are all served with windows to provide natural light. The flats would be located within a residential area which is well served by shops and services to meet the residential needs of the future occupiers. The proposal therefore accords with policy CS2 of the Adopted Peterborough Core Strategy DPD and policy PP4 of the Adopted Peterborough Planning Policies DPD.

f) Neighbouring Amenity

The extension would be positioned approximately 10m from the side elevation to the neighbouring property at 78 Amberley Slope which is a bungalow. The proposed extension would not unduly impact upon the amenity of the occupiers of this property in terms of overbearing impact or loss of light due to the separation distance.

There is a window within the first floor rear elevation of the extension which would serve a hallway. There is a window within the side elevation of the neighbouring property at number 78 and therefore this could result in some overlooking. As the main purpose of the window would be to provide light and that the room it serves is not primary living space it is considered reasonable that the glazing is obscured to prevent the possibility of overlooking to the neighbour.

It was apparent from the site visit that the neighbour at number 78 has solar panels on the south roof slope however, it is considered that the positioning of the extension is such that it would not have a significant impact on the effectiveness of the panels.

The proposal would not unduly impact upon the amenity of the occupiers of neighbouring properties and hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

g) Landscaping

It is noted that there are two trees located on the western boundary which would need to be removed in order for the development to be implemented. It is the Landscape Officer's view that although the trees are part of the landscape they do have the appearance of being just 'dropped in' and are somewhat incongruous in their surroundings. It would be appropriate to allow the trees to be removed and replaced with a more appropriate variety. This would be secured by condition. The proposal would not result in the loss of trees which contribute positively to the setting and an enhanced landscaping scheme could be provided by the development in line with policy PP16 of the Adopted Peterborough Planning Policies DPD.

h) S106

The proposal would give rise to a S106 contribution in accordance with the Planning Obligations Implementation Scheme (POIS). The contribution of £6,000 plus monitoring fee is sought.

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 for retail development within a local centre;
- The site has extant planning consent for 7 flats therefore the principle of residential development is already established;
- The proposal would not be detrimental to the surrounding character or to neighbouring amenity;
- The proposal would provide a satisfactory level of accommodation for the future occupiers of the flats;
- The proposal would not result in any adverse highway implications; and
- The proposal would provide for replacement tree planting.

Hence the proposal accords with policies PP2, PP3, PP4, PP12, PP9, PP11, PP13 and PP16 of the Adopted Peterborough Planning Policies DPD 2012, policies CS14, CS15 and CS16 of the Adopted Peterborough Core Strategy DPD 2011 and the National Planning Policy Framework.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

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

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

- C 2 No development other than groundworks and foundations shall take place until details of materials to be used in the external elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

- C 3 Prior to the occupation of the development hereby approved, the two parking spaces shown on plan ref. AP0101_B shall be provided and thereafter maintained as parking in association with the proposed development.

Reason: In the interests of highway safety in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD (2012).

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

The scheme shall include the following details

- Proposed finished ground and building slab levels
- Planting plans including replacement trees, species, numbers, size and density of planting

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP14 of the Peterborough Planning Policies DPD (2012).

- C 5 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased 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 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 PP14 of the Peterborough Planning Policies DPD (2012).

- C 6 The development hereby approved 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.

- C7 Before the development hereby permitted is first occupied, the proposed window within the first floor north (rear) elevation shall be obscure glazed, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

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

Copies to Councillors D Fower, P Thacker MBE, J Davidson

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Appeal Decision

Site visit made on 13 January 2014

by Clive Tokley MRTPI

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

Decision date: 6 February 2014

Appeal Ref: APP/J0540/A/13/2208380
70-80 Storrington Way, Peterborough, PE4 6QP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Deangate Properties Ltd against the decision of Peterborough City Council.
 - The application Ref 13/01263/FUL, dated 23 August 2013, was refused by notice dated 16 October 2013.
 - The development proposed is an extension to retail floorspace with two flats above.
-

Application for Costs

1. An application for costs is made by Deangate Properties Ltd against Peterborough City Council. That application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Introduction and main issue

3. The application was refused for two reasons; however following the completion of a unilateral undertaking by the appellant the issues raised by the second reason have been resolved. In the light of my conclusion on the main issue there is no need for me to consider the content of the appellant's undertaking.
4. The main issue is the effect of the proposal on highway safety.

Reasons

Highway Safety- context

5. Nos 70 to 80 Storrington Way is a parade of shops with residential accommodation above that forms a local centre within an extensive residential area. The appeal site comprises land to the rear and each side of the building and extends from Amberley Slope in the west to Storrington Way in the east.
 6. The local centre lies at the meeting point of four roads all of which are subject to a 30mph speed limit. The main traffic route is down Amberley Slope and then via a left and right turn into Corfe Avenue. The primacy of this route in the local hierarchy is indicated by the "give way" line markings where Cissbury Ring
-

and Storrington Way meet the through road. The roads in the immediate vicinity of the shops have double yellow line parking restrictions but there are three parallel kerbside parking places in front of the shops and there is an off-street parking area within the appeal site to the east of the shops. There are no pedestrian crossings in the area but I noted a "pram drop" to the west of the roadside parking spaces that provides a convenient route for wheelchairs and buggies from the shops to the west side of Corfe Avenue.

7. At the time of my visit, in mid afternoon, local traffic was light, but taking account of the residential character of the area I would expect to see more traffic during the peak hours including school opening and closing times. This would coincide with parents and children walking to Werrington Primary School to the north and the primary and secondary schools to the south. The site is on a bus route and both before and during the site visit I saw a number of buses travelling in each direction.
8. The three storey building accommodating the shops and flats is roughly centrally-placed between Storrington Way and Amberley Slope with open grassed areas to each side of the building. When travelling south along Amberley Slope highway users have a view across the grassed area and can see the road and pavements as they describe an "S" bend past the shops and into Corfe Avenue. The grassed area contains two medium-sized deciduous trees; however they do not materially inhibit views across it from the north and the south.
9. The proposed two-storey building would continue the line of the front wall of the existing building and would extend to within less than 2m of the back edge of the footpath as it turns the corner. The building would prevent views across the grassed area thereby significantly reducing the forward visibility for drivers approaching the bend.

Analysis

10. The Manual for Streets (HMSO 2007) (MfS) includes guidance on stopping site distances (SSDs) for a range of vehicle speeds (expressed as 85th percentile speeds). MfS indicates that these represent the minimum forward visibility to enable drivers to stop safely and at 30mph the SSD for drivers is 43m. The Council indicates that this is currently achieved for vehicles travelling south along Amberley Slope with the "visibility envelope" touching the southwest corner of the existing building. In correspondence following the Council decision the Highways Officer indicted her view that vehicle speeds around the bend are likely to be less than 30mph but neither the Council nor the appellant provides any survey data to support this view.
11. The appellant draws attention to table 7.16 of MfS which shows correlations between vehicle speed and visibility; this indicates that reduced visibility results in a tendency towards lower speeds. In these circumstances a survey of current speed is unlikely to be an accurate predictor of speeds when visibility is reduced. The proposal would materially decrease the forward visibility available at the bend and I have no reason to disagree with the appellant's view that this would modify drivers' behaviour resulting in lower speeds. I consider that the determining factor in this appeal is whether the speed reduction arising from

- the proposal would be sufficient to maintain safety for all highway users in the vicinity of the site having regard to the reduced forward visibility.
12. The Council indicates that at both 20mph and 25mph the proposal would obstruct the recommended minimum visibility envelopes (stated to be 27m and 36m). Appendix JPC7 to the appellant's statement of case, submitted with the appeal, is an annotated aerial photograph prepared by the Council showing forward visibility splays around the corner. This indicates that a 27m visibility splay (for 20mph) would be obstructed by the proposal. The appellant's statement questions the accuracy of the 27m lines but the Council makes no comment. My assessment of the document indicates that the scale bar on the photograph is reasonably accurate but that the 27m lines drawn by the Highways Officer are materially inaccurate. I therefore consider that the Council's conclusions as regards forward visibility cannot be relied on.
 13. Appendix JPC8 of the appellant's statement shows that when travelling south 20m forward visibility (SSD) can be achieved within the highway throughout the bend. The appellant concludes that case study evidence indicates that this would be sufficient to enable drivers to react successfully to perceived hazards, however the appellant does not analyse the actual SSDs through the bends. Table 7.1 of MfS indicates that an SSD of 20m would translate to a safe approach speed of 16 to 19 mph.
 14. Table 7.16 of MfS indicates that for a road of 7.5m width (Amberley Slope) a forward visibility of 20m would correlate to an 85th percentile speed of about 23 mph. Table 7.1 indicates that at this speed the SSD is about 30m. I have seen no indication of the extent of a 30m forward visibility envelope but based on Appendix JPC8 I consider it likely that it would be encroached on by the proposed building.
 15. The reduction in forward visibility at the corner would result in drivers seeing pedestrians using the pram-drop crossing much later than at present and pedestrians seeking to use that crossing point would also be given less warning of oncoming vehicles from the north. I have not seen any swept-path analysis of the bends but I noted that buses travelling at slow speed in each direction swung out and crossed the central white line when navigating them. Under present conditions those manoeuvres can be carried out in safety with one of the buses giving way if another is seen approaching from the opposite direction. However the proposed building would significantly limit the forward visibility at the bends for vehicle travelling both north and south thereby increasing the likelihood that buses or other large vehicles would meet when straddling the centre-line of the road. Unlike the example of Poundbury in MfS the roads in this area are wide and are designed with good forward visibility. In this context I consider that the poor standard of visibility arising from the proposal would be unexpected and thereby pose a more significant danger for all highway users.
 16. The appellant draws attention to an extant 2007 permission for the development of two-storey dwellings on part of the site of the proposed building. I saw no evidence of above ground development at the site visit but the Council confirms that the permission is extant. The appellant places significant weight upon that development; however I have seen no indication of any intention to complete it. I therefore give it limited weight as a "fall back"

for the appellant. It is nevertheless a material consideration in the determination of this appeal.

17. The 2007 permitted dwellings would be positioned further from the bend than the proposed building and would have a reduced effect on visibility as compared with the proposal. The appellant points out that the 2007 proposal included hedge planting close to the highway edge up to 1.2m in height; however whilst a hedge of this height would inhibit visibility across the corner for car drivers it would not prevent higher-seated drivers in buses and goods vehicles from seeing potential hazards and it would also enable car drivers to see buses and taller vehicles as they approached the bends. Pedestrians would also be able to see approaching vehicles.
18. I acknowledge that the relationship between visibility and speed is to some extent self-regulating; however this interplay also depends on carriageway width and will also be influenced by other local factors. The appellant has demonstrated that an SSD of in excess of 20m would be achieved by the proposal but taking account of the specific circumstances of the area and the general advice in MfS I am not convinced that this would be sufficient to prevent an unacceptable reduction in highway safety. As a result I consider that the proposal would conflict with Policy PP12 of the December 2012 Peterborough Planning Policies DPD which indicates that planning permission will only be granted where it would not result in an unacceptable impact on highway safety.

Other matters

19. Local residents raise a number of issues including the design of the proposal, the prospect of the shops being occupied, the adequacy of car parking and the effect of the proposal on living conditions; however I have seen no evidence that would lead me to conclude that any of these issues, or other matters raised by residents, would justify the refusal of permission.

Conclusion

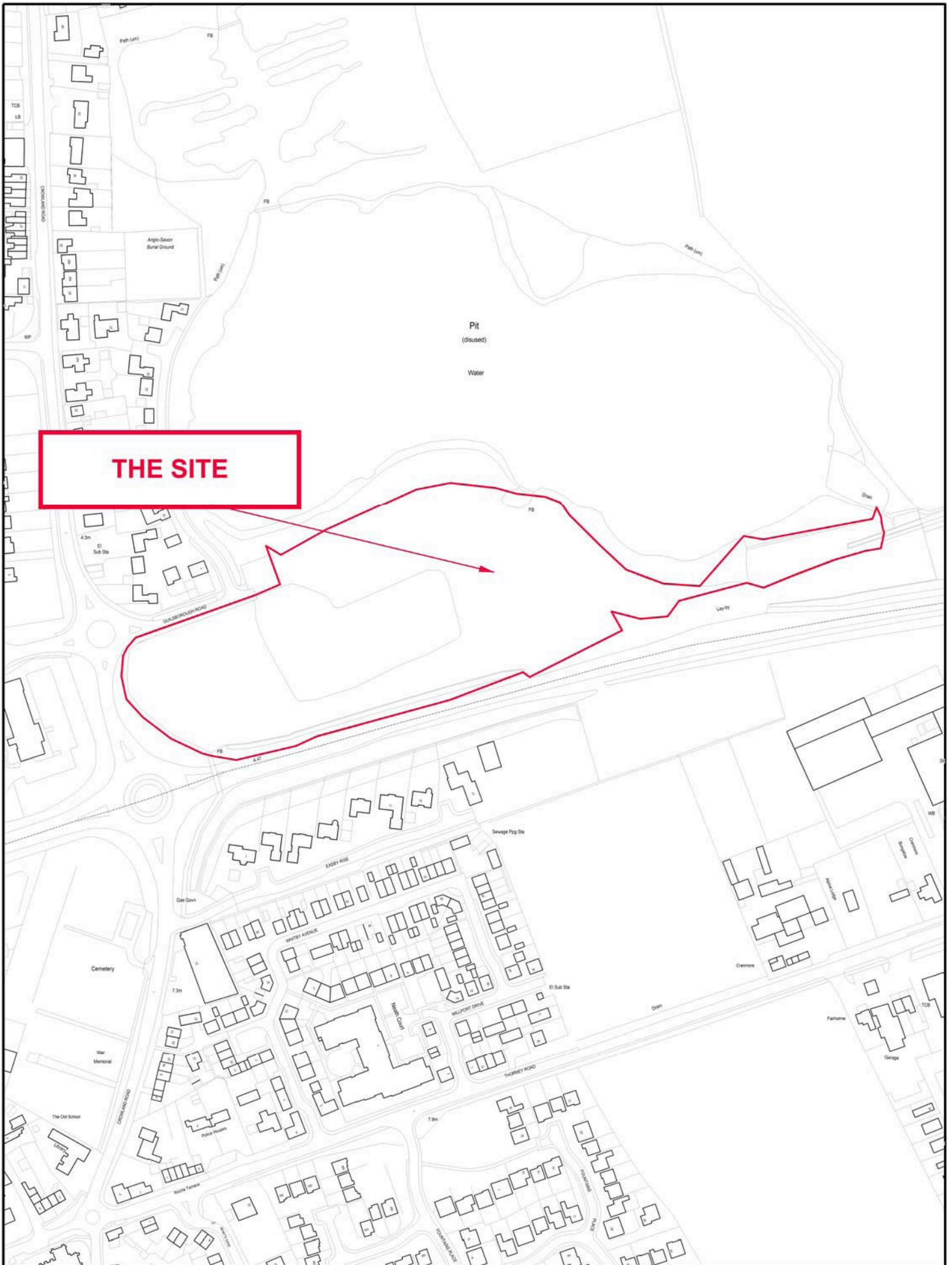
20. The appeal site is unused land within an urban area and an appropriate development here would result in investment in the area and would create an opportunity to improve local services and make a contribution to housing. These positive factors arising from the development are consistent with the underlying economic and social roles of planning system that are set out in the National Planning Policy Framework. However the planning system also has a role in improving the conditions in which people live, work and travel and highway safety is an implicit part of that role.
21. The proposal would significantly diminish forward visibility in Amberley Slope on a bus route and in an area where it is to be expected that people of all ages and degrees of mobility would be crossing the road. The appellant has demonstrated that a minimum forward visibility would be achieved but I consider that taking account of the MfS guidance and the particular conditions at the site this would not prevent the safety of highway users from being unacceptably compromised.
22. Neither party has provided an exhaustive analysis of the effect of the proposal on highway safety but based on what I have read and seen I have concluded

that the proposal would be unacceptably harmful to highway safety. I have had regard to the benefits that may arise from the proposal but they do not outweigh the harm that I have identified and taking account of all matters I have concluded that the appeal should not succeed.

Clive Topley

INSPECTOR

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LOCATION PLAN 14/00857/R40UT

Land at Guilsborough Road, Eye Green

Scale NTS Date 25/9/2014 Name AH Department Planning Services



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Application Ref: 14/00857/R4OUT

Proposal: Residential development for up to 55 dwellings, means of access, open space and associated works

Site: Land At, Guilsborough Road, Eye Green, Peterborough
Applicant: O&H Properties Ltd

Agent: David Lock Associates

Referred by: **Cllr Harrington**
Reason: Overdevelopment, highway and parking issues.

Site visit: 30.05.2014

Case officer: Miss A McSherry
Telephone No. 01733 454416
E-Mail: amanda.mcsherry@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a legal agreement and relevant conditions

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

Site and Surroundings

The site is located within Eye Green. The application site covers an area of 3.18 hectares, including housing site allocation SA5.4 (2.44ha). The site is currently a vacant brownfield site. It was formerly the Northam Brickworks, which closed in 1990. The chimneys and associated works have been removed. To the north of the site are the residential properties of Pershore Way and Crowland Rd, the Eye Green Gravel Pit County Wildlife Site and the Eye Green Local Nature Reserve. To the south of the site is the A47, and to the west beyond Crowland Road there is a hotel, petrol filling station and MacDonalDs restaurant.

Proposal

The application seeks outline planning permission for up to 55 dwellings. Access is being committed at this stage with all other matters being reserved for detailed assessment at a later stage. One single vehicle access point is proposed from Guilsborough Road.

Whilst all matters other than access are being reserved until later, an illustrative layout plan has been submitted to demonstrate how 55 dwellings could be achieved on the site. This plan is for illustrative purposes only and would not form part of any planning approval.

2 Planning History

Reference	Proposal	Decision	Date
13/00006/SCREEN	Request for EIA Screening opinion for the construction of up to 55 dwellings	Comments	03/09/2013

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 1 - Economic Growth

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

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 11 - Re-use of Previously Developed Land

Should be encouraged provided that it is not of high environmental value.

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.

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.

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.

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 envelope 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.

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.

Community Infrastructure Levy (CIL) Regulations 2010

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

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

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

In addition obligations should be:

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

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

4 Consultations/Representations

Archaeological Officer

No objections - recommend monitoring and recording of all groundwork be secured by condition.

Cambridgeshire Fire & Rescue

No objections – Adequate provision should be made for fire hydrants, this can be secured by condition.

Drainage Team

No objections – Additional information would be required to support the proposed drainage and flood risk management scheme. This could be secured by way of a planning condition.

Environment Agency

No objection – Subject to the imposition of a condition in respect of the provision of mains foul sewage infrastructure.

Highways Agency

No objection – The A47 trunk road is unlikely to be detrimentally affected. The noise attenuation barrier along the site's boundary cannot be within the public highway and will not be maintained by the Highways Agency.

Minerals and Waste Officer (Policy)

No objection – The site lies adjacent to but not within a Minerals Safeguarding area.

Natural England - Consultation Service

No objection – It is not considered the proposal would have any negative impact on the nearby Dogsthorpe Star Pit, and Eye Gravel Pit Sites. Natural England has standing advice on Protected Species. The impact of developments on priority habitats, should be avoided, mitigated for, or compensated for. This site would benefit from enhanced green infrastructure. The impact of development on the adjacent Local Nature Reserve must be fully considered. Landscape and biodiversity enhancements should be secured.

North Level District Internal Drainage Board

No objection – Supports the method of surface water discharge proposed in the Flood Risk Assessment. A development levy will be required for dealing with the run off from the site. Formal land drainage consent will also be required for the surface water discharge.

Police Architectural Liaison Officer

No objection – There are currently no known crime risks at the site as unused and fenced off from Guilsborough Road. The specific crime prevention/deterrent measures can be provided once the specific layout, house types, surveillance of play space, parking etc are known at the reserved matters stage.

Pollution Team

No objection – The conclusion of the acoustic noise report are accepted, including the provision of a 3m and 2m high acoustic fence, and alternative ventilation capable of purge and rapid cooling (acoustic trickle vents will not be acceptable for these purposes). A noise mitigation condition should be imposed. The Phase 2 Ground Contaminated Land Assessment recommends further ground investigations, once the exact site layout and nature of development is known, this can be secured by way of a Planning Condition.

Transport & Engineering Services

No objections – subject to conditions and informatives

Travel Choice

No objections – Householder travel information packs, to encourage sustainable travel modes should be secured.

Wildlife Officer

No Objection – The initial objection to the loss of the Open Mosaic Habitat (OMH), and the loss of 0.5ha of Eye Green Gravel Pit County Wildlife Site, has been overcome by the agreement to provide suitable off site habitat to mitigate for its loss. This will be negotiated and secured through the S106 legal agreement. The ecological approach to the protection of protected species is considered to be acceptable.

The Wildlife Trusts (Cambridgeshire)

Objection – The proposal has not sufficiently considered the potential impact on the open mosaic habitat (OMH) on the application site, and the impact on the adjacent Eye Green Local Nature Reserve/County Wildlife Site. The proposal will result in the loss of OMH which is a nationally recognised habitat of principal importance, therefore the proposal must include mitigation/compensation measures specifically to address this loss. We would suggest the Local Nature Reserve (LNR) boundary should be clearly defined on site, and suggest the land of the LNR is transferred to PCC. Increased visitor pressure and access are the main areas of concern for the LNR. The use of appropriate boundary materials should guide people to one formal access point, to prevent health and safety risks. We object to the creation of a car park for the reserve. The Reserve is a resource for local people and people should be encouraged to walk or cycle to the reserve, rather than drive. We would support cycle parking for users of the Reserve. There are current problems with unauthorised access to the Reserve from the layby on the A47, a new boundary treatment could deter this. Further clarity is required in respect of how the S106 contribution for the Local Nature has been reached and what it is supposed to cover. In respect of drainage, there is a need to prevent backflow into the lake, and to come up with a strategy for

managing the drainage channel (targeting habitat improvements for water voles if appropriate).

GeoPeterborough (Sites Of Interest)

No objection – We request that during the initial phase of the development GeoPeterborough is provided with the opportunity to record and sample temporary excavations associated development. This will add to our current understanding and interpretation of the palaeoenvironment of the Fen Basin and the Eye Gravel SSI.

Strategic Housing

No objection - 30% on site affordable provision is required. 70% of which to be in the form of affordable rented homes and 30% intermediate homes. There will also be a requirement of 20% of the dwellings to be Lifetime Homes standards. If more than 50 dwellings are proposed, there is an additional requirement of 2% of the dwellings to be built as wheelchair homes.

Buglife

Objection – The site is almost entirely Open Mosaic habitat on previously developed land, a habitat of Principal importance under Section 41 of the Natural Environment and Rural Communities Act (2006). This mosaic includes a diverse range of habitats that have developed on site since the site clearance. Many of these habitats will complement those on the adjacent Local Nature Reserve/County Wildlife site. The ecological assessment states the site will contain a favourable habitat for a diverse range of invertebrate species, but has not undertaken invertebrate surveys to determine exactly what species are on site. Buglife consider invertebrate surveys must be undertaken, to influence sufficient mitigation. The mitigation proposed is not sufficient. Object to the increased site size and number of dwellings from that of the Site Allocation in the Development Plan 3.18 ha from 2.44 ha, and 55 dwellings from 35 dwellings.

Eye Parish Council

Objection – This is an over development of the site. The site was designated by Peterborough City Council for 35 houses.

Stewart Jackson MP

Objection – This represents an over intensive use of the site, significantly above the indicative residential numbers agreed by the Planning Inspectorate, in the Core Strategy and Site Allocations documents, of 35 and not 55 homes. The development will cause problems in respect of traffic movements, parking and traffic infrastructure and access and egress to Crowland Road, the bypass, and Eye village. Extra residential development will put further pressure on core public services in Eye, especially health and school provision, and will impact on the residential amenity of the residents in Pershore Way.

Cllr Harrington

Objection – On the grounds of over development, together with highway and parking issues.

Local Residents/Interested Parties

Initial consultations: 30

Total number of responses: 12

Total number of objections: 12

Total number in support: 0

Objections have been received from 12 residential households in the surrounding area, on the following grounds:-

- Too many dwellings proposed. 35 dwellings proposed in site allocation, why are 55 now proposed?
- The Site Allocations development plan document signed off by the Planning Inspectorate identifies the site as being suitable for 35 dwellings.
- The site size and number of dwellings was limited through the Site Allocations Process

- to mitigate against potential adverse impacts on the Local Nature Reserve.
- The Highways Agency raised concerns during consideration of the site through the Site Allocation Document about the potential need for improvements to the A47, due to the road reaching capacity in this area.
- Schools, doctors, dentists, shops and local infrastructure, cannot cope with this increased growth
- Local children already have to travel to schools further away as there is not sufficient space at the local primary
- Stop expanding this village
- Negative impact on surrounding area and Nature Reserve
- Increase in traffic, parking and access issues
- This extra traffic will cause traffic congestion at peak times
- Users of the Nature Reserve and new housing will cause further parking and access problems on Guilsborough Road, even with the provision of a car park for the Reserve.
- Negative impact on the quality of life of surrounding residents
- Eye is already overdeveloped
- Lack of public open space in area
- Lack of parking this high density development will create
- On street parking already a problem in the area, particularly Verde Close/Newstead Close.
- Impact during construction
- The level of development will have an overbearing impact on the Nature Reserve
- The amount of housing would not be in keeping with the adjacent housing in Pershore Way.
- Allowing development so close to the A47 will preclude the ability to dual it in future
- There needs to be a buffer zone of land between development and the A47 and adjacent nature reserve

5 Assessment of the planning issues

The main considerations are:-

a) The principle of development

The 3.18 hectare application site comprises of the 2.44 hectare housing allocation site, SA5.4, which was identified in the Site Allocations DPD (2012) as providing an indicative 35 dwellings. It also comprises 0.74 hectares of additional land, adjoining but not within the site allocation site.

All of the application site is contained within the village envelope of Eye Green.

As part of the identification of the site allocation site boundary, through the Site Allocations Development Plan Document process, this current larger site area was considered, however it felt that the allocated site should not include any of the adjacent County Wildlife Site (CWS) to give an ecological buffer area with the adjacent Lake, and so the smaller allocated sized site was adopted. It was also identified that any proposed development on this site would also need to mitigate against any potential impacts on the Local Nature Reserve.

Therefore whilst the principle of residential development is acceptable the loss of 0.5 hectares of CWS and the potential impacts and proposed mitigation on the Local Nature Reserve are key issues in determining whether the larger site area, is also acceptable in principle for residential development.

b) Transport

The application is supported by a Transport Assessment (TA) which assesses the impact of

the development on the surrounding road network. This is based on a development of 55 dwellings.

A full TA was submitted to determine whether the impact of the development on the Crowland Rd/Guilsborough Rd roundabout would cause queuing back onto the A47/Crowland Road roundabout. The requirement for this came from the Highways Agency, as they are the Authority responsible for Trunks Road, such as the A47.

The Highways Agency has considered the assessment and concluded the A47 is unlikely to be detrimentally affected by the proposed development and so raises no objections. They note the intention to erect a noise barrier along the length of the sites boundary adjacent to the A47, and state that this should not be placed on highway land and must be maintained by a third party, as the Highways Agency would not take on the maintenance liability.

The Local Highway Authority is mainly interested in the impact on the Guilsborough Rd/Crowland Road roundabout. The transport modelling shows that the impact on the roundabout would be minimal, which would be expected for a development of this size. This conclusion is accepted by the Local Highway Authority.

Car and cycle parking requirements would be required to be provided in line with Policy PP13 of the current Planning Policies DPD, however these specific layout details would be assessed at the Reserved Matters stage.

The site access layout plan indicates a 5m wide carriageway extending from the existing spur. This is acceptable in principle, however it is not clear why the footways are also not shown extending from the spur. The Local Highway Authority is satisfied an acceptable vehicle access can be achieved into the site, so the specific details of it, including footpaths can be dealt with by way of a planning condition.

The Local Highway Authority and the Highways Agency raise no objection to the proposal on highway safety or highway capacity grounds, subject to the imposition of conditions. The proposal is therefore considered to be in accordance with Policies CS14, and PP12 of the Core Strategy and Planning Policies DPD.

c) Noise

A noise assessment has been submitted in support of the application, due to noise that would be experienced on site from the adjacent A47 and Crowland Road.

The report concludes that the predicted noise levels across the majority of the site is acceptable for outdoor amenity areas. This is on the basis that a set-back distance of 45m from Crowland Road should be used if gardens are proposed in this area. Gardens are not suitable facing onto the A47 Thorney Road in the south east of the site. This will need to be factored into any proposed layout at the Reserved Matters stage.

Mitigation is required to reduce the internal noise levels to an acceptable standard. A 3 m high acoustic barrier has been recommended for the south west corner (adjacent to the junction of Crowland Roads and the A47 Thorney Road) and in the south east of the site. A 2 m high barrier has also been recommended on top of the existing embankment to the south of the site.

Additional on plot mitigation is required mainly for the houses over-looking the roads. The house specific mitigation proposals, will be assessed at the Reserved Matters stage when the exact layout and house types are known.

The Pollution Control Officer accepts the conclusions of the acoustic noise report, including the provision of a 3m and 2m high acoustic fence, and on plot mitigation, to provide an

acceptable noise environment for future residential occupiers. The noise mitigation scheme should be secured by way of a Planning Condition.

d) Ecology impacts

An ecological appraisal was submitted in support of the application.

The proposed scheme would result in the loss of approximately 2.5ha of Open Mosaic Habitat (OMH). This is classed as Brownfield land which is suitable for invertebrates. This also includes the loss of approximately 0.5ha of Eye Green Gravel Pit County Wildlife Site which is not included in the Site Allocation DPD.

The initial area proposed by the applicant to be retained and/or enhanced for OMH plants and invertebrates was not considered to be sufficient mitigation for what was being lost. The Wildlife Trust, Buglife and the Council's Wildlife objected to proposal on this basis. The applicant is therefore currently in discussion with the Council's Wildlife Officer in respect of a provision of an off-site mitigation package to be secured through the S106 Legal Agreement, to suitably compensate for the loss of this OMH on site. OMH can, unlike other habitats, easily be recreated on other sites. Officers consider that subject to securing appropriate off site habitat mitigation the loss of the 2.5 hectare OMH, including the 0.5 hectares of CWS would be acceptable, as it is a small amount of the overall CWS, and its loss would not harmfully impact on the remaining CWS. It is also considered that the impact of the housing on the remaining LNR could be dealt with by both planning conditions and at the detailed layout Reserved Matters stage, to ensure there is an appropriate interface between the two sites and that a suitable transition occurs between the built form and Nature Reserve to prevent any damage to it. On the basis of this revised approach to the loss of habitat and subject to agreeing a suitable mitigation package, the City Council's Wildlife Officer's objection has been overcome.

Protected Species

Great Crested Newts (GCN):- The proposed development will not directly affect any water bodies, however a medium population of GCN is known to be present within the adjacent nature reserve. The application site provides suitable terrestrial GCN habitat, therefore, whilst no site surveys have been carried out, it can be assumed that GCN (and other amphibian species) are likely to be present within the application site.

The proposed approach to mitigate impacts to GCN involves a capture and translocation programme with the nearby local nature reserve acting as the receptor site to accept the trans-located newts. This approach is accepted by the Council's Wildlife Officer.

Reptiles: – The reptile survey carried out found no evidence of reptiles on the site.

Bats: - The site has no bat roosts on site, however bats are known to utilise the lake and habitats surrounding the site. Therefore external lighting should be minimised and designed to prevent light pollution to bats, bat friendly planting and a range of bat roosting features should be incorporated into the scheme. These measures can all be dealt with by way of a planning condition.

Water Voles: - The Report identified the presence of water voles in North Level drainage ditch, to which this site will drain. A thorough survey of the ditches is required to be carried out and a water vole mitigation strategy produced, which should include suitable enhancement measures, the detail of which can be dealt with by way of a Planning condition.

Nesting Birds/Hedgehogs: - The Report identifies habitats and features within the site which are likely to support nesting birds and hedgehogs. Therefore before any site works on site

which may affect these species, through site checks must be undertaken to establish if they are present and if so the necessary ecology mitigation measures used to ensure their protection. This can be dealt with by planning condition.

e) Amount of development

This is an outline application, and with the exception of access all other matters are reserved for consideration at the detailed design stage (the reserved matters). Outline consent is being sought for up to 55 dwellings. An indicative layout has been submitted in support of the application but this is for illustrative purposes only and not for approval. Having reviewed the illustrative layout, whilst it is felt that improvements could be made, it provides a sufficient level of comfort for Officers to recommend approval of this outline application for up to 55 dwellings, as other design solutions are possible and the mix of units is not set. If the detailed layout at reserved matters stage demonstrates that with all the site constraints 55 dwellings cannot be accommodated, then the site will have to be developed for a fewer number of dwellings.

Therefore whilst the concerns of the local residents, Parish Council, Councillor and MP are understood, it is considered that with the re-provision of the habitat to be lost, and with suitable measures put in place to protect the remaining LNR, that an increased site area and an uplift in the number of dwellings could be accommodated.

f) Local Services

Education/Health Provision – This is an allocated site for housing redevelopment, therefore the impacts on local education and health services were considered as part of the allocation process. Whilst the number of houses has increased, part of the POIS S106 contribution for each of the houses to be built, includes money that will be put specifically towards education and health and adult social care, to help meet the needs of this development. The Education department or Health Service have not raised any objection to the proposed development.

g) Drainage

The site is located within Flood Zone 1, an area of low probability of flooding. A Flood Risk Assessment has been submitted in support of the application. The adjacent Lake in the nature reserve has very high water quality, therefore discharge of surface water from the site to it was not permissible. The preferred strategy is therefore to drain surface water to the North Level's Internal Drainage Board's existing network to the east of the site, using a system of swales and pipes.

The North Level Internal Drainage Board supports this method and has raised no objections.

Peterborough City Council's Drainage Officer raises no objection in principle but requires the submission of additional information to support the scheme. This can be dealt with by way of a planning condition.

h) S106

Under the City Council's Planning Obligations Implementation Scheme (POIS) a S106 Contribution is sought in line with the contribution table below.

Studio Flat	£2,000
1 Bed Flat	£3,000
2 Bed Flat	£4,000
3+ Bed Flat	£5,000
1 Bed House	£3,000
2 Bed House	£4,000
3 Bed House	£6,000
4 Bed House	£8,000
5+ Bed House	£9,000

This formula approach will be secured through a S106 legal agreement, and the final contribution calculated at the reserved matters stage, when the exact number of properties and their number of bedrooms is known.

A 30% on site affordable provision (with a 70/30 split in rented and shared ownership) is also proposed in line with policy. Policy CS8 also seeks the provision of 20% Lifetime Homes, and 2% wheelchair (if more than 50 dwellings are secured). These can be secured by way of a planning condition should planning permission be granted.

Policy PP14 of the adopted Planning Policies DPD requires the provision of on-site open space. Under this policy 3.85 hectares of open space is required per 1000 people which equates to approximately 95 sq metres per dwelling (assuming an average household size of 2.46 people as per the latest census information). For 55 dwellings this equates to 5225sq metres (or 0.52 hectares). This outline application proposes 0.64 hectares of open space. The amount of on-site open space proposed is therefore considered to be acceptable. The detailed design and positioning of the open space will come forward at the reserved matters stage and the amount will be secured through the legal agreement.

Householder travel packs are also required to encourage the use of sustainable travel modes.

The indicative layout shows the provision of a car park for the adjacent Nature Reserve. The feasibility of this, its ongoing maintenance and security are all issues that are currently being explored with the applicant, and should agreement be reached, the provision of the car park, will be secured through the legal agreement. However, the acceptability of this housing development, is not reliant on the provision of this car park for the adjacent Nature Reserve, therefore should this car park not be provided, planning permission could not be refused on this basis.

All the above issues will all be secured through a suitably worded S106 legal agreement.

The proposal is therefore considered to comply with policy CS13, and CS8 of the adopted Core Strategy.

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 principle of residential development on the site is acceptable.
- An acceptable vehicle access into the site can be achieved and there is capacity with the existing highway network to accommodate the level of traffic that would be generated by this development.
- Subject to securing adequate off site Open Mosaic Habitat to compensate for that lost on site, and ensuring suitable protection of habitats and protected species, both on this site and the adjacent Local Nature Reserve/County Wildlife Site, the ecological impacts of the proposed development are considered to be acceptable.

- Subject to conditions, appropriate noise mitigation can be provided to ensure acceptable noise levels are achieved.
- Subject to conditions the site can be adequately drained and mitigation measures secured to deal with ground contamination.
- A legal agreement is sought to secure affordable housing, on site open space provision, POIS, Compensatory Open Mosaic Habitat, and Householder Travel Information Packs.

The proposal is therefore in accordance with Policies CS2, CS8, CS10, CS13, CS14, CS16, and CS21, CS22 of the Peterborough Core Strategy DPD (2011), and Policies PP01, PP03, PP04, PP12, PP14, and PP16 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to conditions and the completion of a S106 Agreement:

- C1 Approval of details of the access, appearance, landscaping, layout and scale (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.

- C2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, appearance, landscaping, layout and scale 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.

- C3 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).

- C4 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).

- C5 The development hereby approved shall be carried out in accordance with the following approved details:-**

- **Site Location Plan (OHP003-101 A)**
- **Site access layout (27273/002 C)**
- **Application boundary plan (OHP003-102 B)**
- **Topographic survey (ASC.13.078)**
- **Existing Site Plan (OHP003-103 A)**

Reason: For the avoidance of doubt to ensure that the development complies with the information which it has been assessed on the basis of.

- C6 No development shall take place/commence until a watching brief programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. No development shall take place unless in complete accordance with the approved scheme, should any archaeology of importance be found further on site archaeological investigation works may be required. The approved scheme shall be implemented in full including any post development requirements.**

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

- C7 Prior to the commencement of construction, a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of general amenity and fire safety, in accordance with Policy CS16 of the Core Strategy DPD 2011.

- C8 Prior to the commencement of development other than ground/enabling works 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)

- C9 Prior to the commencement of development other than ground/enabling works, details of the tie between the existing carriageway and the new site access shall be submitted to and approved in writing by the Local Planning Authority. The access shall be implemented in accordance with the approved plans prior to the occupation of any dwelling.**

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

- C10 Prior to the commencement of development other than ground/enabling works, details of a pedestrian/cycle route to link the development with the existing Green Wheel Cycleway shall be submitted to and approved in writing by the Local Planning Authority. The route shall be implemented in accordance with the approved plans prior to the occupation of any dwelling.**

Reason: In the Interests of highway safety and to promote the use of non-car modes to travel to and from the site in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD.

- C11 Adequate cycle parking spaces for each dwelling shall be provided in accordance with the current Peterborough City Council Guidance and should be implemented prior to the occupation of that dwelling.**

Reason: In the Interests of promoting the use of non-car modes to travel to and from the site in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD.

C12 Prior to the commencement of any development a construction management plan shall be submitted to and approved by the Local Planning Authority. The construction Management Plan shall include (but not exclusively) the following:-

- **Haul Routes to and from the site**
- **A scheme for controlling dust, arising from building and site works**
- **Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction.**
- **Hours of working**
- **Parking, Turning and Loading/Unloading areas for all Construction/contractors vehicles**
- **Site compounds/storage areas**
- **Scheme for access and deliveries including hours**
- **Temporary construction access(es)**

Reason: In the interests of the safety of all users of the public highway in accordance with emerging policy PP12 of the Peterborough Planning Policies DPD.

C13 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.

Reason: In the Interests of Highway Safety, in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD.

C14 Prior to the commencement of development, an ecological mitigation strategy shall be submitted, which shall include, but not be limited to:-

- **A Great Crested Newts Strategy**
- **A ditch survey and Water Vole Mitigation Strategy**
- **Details of external lighting to prevent light pollution for bats**
- **Details for dealing with hedgehogs, invertebrate etc found on site**
- **Details of Protective and boundary fencing**
- **Details for preventing pollution from the site being transferred to the adjacent habitats and Lake**

Reason: In the interests of enhancing the biodiversity potential of the site in accordance with policy PP16 of the adopted Planning Policies DPD.

C15 20% of all dwellings shall be constructed as life time homes and 2% as wheel chair housing. As part of the reserved matters application a plan identifying where the life time homes and wheel chair houses will be located within shall be submitted to and approved in writing by the Local Planning Authority. The plans and particulars submitted detailing the life time homes/ wheel chair housing shall also confirm how this standard will be complied with.

Reason: In order to meet housing needs in accordance with policy CS8 of the adopted Core Strategy.

C16 The plans and particulars to be submitted under condition 1 shall include a detailed noise assessment and associated mitigation measures. The development shall

thereafter be carried out in accordance with the approved details before the dwellings to which they relate is first occupied.

Reason: In the interests of residential amenity in accordance with policy PP3 of the adopted Planning Policies DPD.

- C17 The plans and particulars to be submitted under condition 1 shall include measures to promote and enhance biodiversity including the provisions of bird and bat boxes. The development shall thereafter be implemented in accordance with the approved details before the area, building or dwelling to which they relate is first brought into use.**

Reason: In the interests of enhancing the biodiversity potential of the site in accordance with policy PP16 of the adopted Planning Policies DPD.

- C18 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**
- **Full details of the proposed pond**
- **Confirmation that the discharge is still to be to the ditch**
- **Provide further details of how the flow will ensure the development will not pose a flood risk elsewhere**

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)

- C19 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).

- C20 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.**

Moreover, it must include:

- (i) **a survey of the extent, scale and nature of contamination;**
- (ii) **an assessment of the potential risks to:**
 - **human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

- C21 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

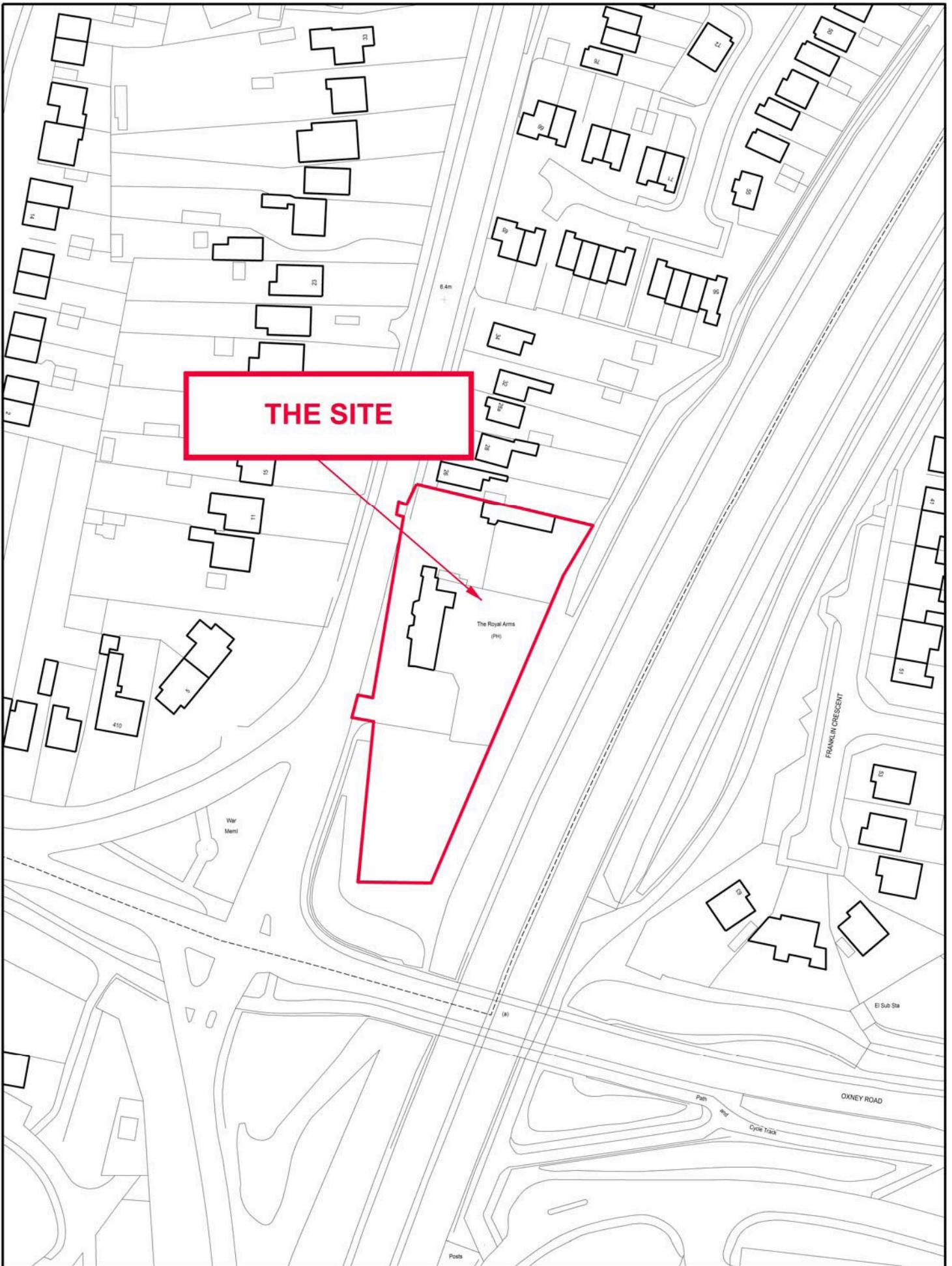
- C22 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.**

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

- C23 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.

Copies to Councillor D N Harrington



LOCATION PLAN 14/01017/FUL

16 Eye Road, Dogsthorpe

Scale NTS Date 25/9/2014 Name AH Department Planning Services

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PCC GIS



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Application Ref: 14/01017/FUL

Proposal: Residential development comprising of 20 flats

Site: 16 Eye Road, Dogsthorpe, Peterborough, PE1 4SA
Applicant: S Reilly

Agent: Paul Bancroft Architects

Referred by: **Cllr Ash**
Reason: The massing of the buildings is inappropriate in this location, impact on rear tree belt adjacent to Parkway, Highway concerns raised by local residents.

Site visit: 09.07.2014

Case officer: Miss A McSherry
Telephone No. 01733 454416
E-Mail: amanda.mcsherry@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a legal agreement and relevant conditions

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

Site and surroundings

The application site is located on Eye Road, close to the junction with Eastfield Road, Oxney Road and the slip road from the Parkway. To the east of the site there is a mature landscaped tree belt, which screens the site from the adjacent Frank Perkins Parkway. To the south of the site there is also an area of landscaping that provides a buffer with Oxney Road. To the west of the site is Eye Road and on the opposite side of the road there are residential bungalows, and to the north are 2 storey residential dwellings.

The application site is currently vacant. It is understood that the former public house on site closed in January 2011. That building remains on site, together with the associated outbuildings and hard standing car parking areas.

Proposal

Planning permission is sought to demolish the former Royal Arms Public House and replace it with 20 x 2 bedroom flats, contained within two detached buildings, one 2 storey in height containing 8 flats, and the other 3 storey, containing 12 flats.

6 of the 2 bedroom flats will be affordable housing units which equates to an on-site affordable housing provision of 30%.

The existing vehicle access to the site is to be closed and a new vehicle access created on to Eye Road. 44 on site car parking spaces are proposed together with 2 secure covered cycle stores.

2 Planning History

Reference	Proposal	Decision	Date
13/01113/OUT	Residential development comprising of 18 x flats and 5 x houses	Withdrawn	25/09/2013
11/00610/FUL	Construction of single storey side and rear extension to existing building	Permitted	30/06/2011
01/00142/FUL	Alterations including new entrance	Permitted	07/03/2001

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 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 - 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)

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.

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.

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.

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.

Community Infrastructure Levy (CIL) Regulations 2010

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

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

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

In addition obligations should be:

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

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

4 Consultations/Representations

Transport & Engineering Services

No objection – Subject to the imposition of conditions and informatives.

Archaeological Officer

No objection - Given the low archaeological potential of the site and the recent land use history, no work is required pre-determination. However due to the possibility of Roman remains an archaeological investigation by way of trial trenching, should be secured by planning condition.

Police Architectural Liaison Officer

No objection - There are low levels of recorded crime in the vicinity of the site. Natural surveillance of the site is good. The proposed lighting on site should be column mounted rather than bollard for security. Details of the proposed cycle shelters should be agreed. The applicant should contact the Crime Prevention Design Team in respect of the Secure by Design accreditation.

Pollution Team

No objections – Subject to the imposition of conditions in respect of the proposed windows and means of ventilation, to ensure suitable internal noise mitigation is achieved in respect of the adjacent road noise.

Landscape officer

No objections – This revised layout has addressed my previous concerns about encroachment and future growth potential of the adjacent tree belt under the previous application 13/01113/OUT, as the buildings have been repositioned further from the trees. A tree protection scheme and arboricultural method statement should be secured by way of a planning condition.

Wildlife Officer

Comments awaited

Strategic Housing

6 flats, are required to be affordable, to meet the on-site 30% affordable housing provision.

Local Residents/Interested Parties

Initial consultations: 32
Total number of responses: 13
Total number of objections: 12
Total number in support: 0

Stewart Jackson MP – has forwarded on an objection he has received from a constituent and specifically asked that the Highways issues be looked into in respect of the suitability of the proposed development.

Shailesh Vara MP - – has forwarded on an objection he has received from a constituent and asks that it be fully considered in the decision making process.

Objections have been received from 9 residential households in the surrounding area, on the following grounds:-

- Increase in traffic, especially at peak times, in an already busy area
- Residents already have difficulty exiting their drives this will increase this problem
- There are excessive traffic speeds in this area
- The properties opposite regularly have cars crashing into their front boundary walls
- Cause further traffic congestion at the traffic light junction nearby
- Endanger pedestrians, as there is no crossing
- The road is already extremely dangerous, increasing the population will make this worse
- Increase in traffic noise
- The roads can't handle this additional traffic, there are already tailbacks at the junctions and accidents.
- Highway safety problems if residents park on the road
- Parents already cause highway safety problems in this area, when they park and then walk their children to school.
- This will no longer be a quiet village location, as it is presently
- Loss in property values, compensation required.
- This could add disturbance to a quiet area
- A bat report has not been submitted, despite there being high levels of bat activity in this area. The vacant building on site may have potential for bats.
- The submitted streetscene drawings do not take account of the site gradient/levels
- The 2 and 3 storey flats are not in keeping with the properties in this area, opposite the site they are predominately bungalows.
- The loss of the pub is of detriment to the community, in an area where there is little by way of community facilities
- The site should be kept for community facilities
- This development will not enhance or complement this road, which is one of the nicest in Peterborough
- Flats mean young families is there sufficient school places and play areas in the vicinity for them?
- Potential for anti- social behaviour and noise
- Light Pollution
- Disruption during construction – Noise, dust, dangerous construction traffic, debris on the road, air pollution, blocking of neighbours vehicle accesses
- This area mainly consists of elderly retired people. It is considered any new housing should reflect the existing housing in this area.
- Flats are not in keeping with this area, all surrounding properties are cottages, bungalows and houses.
- The site is too small for this number of flats and the 40+ people who will live there.
- The development will be overbearing
- There will be a loss of privacy
- The vehicle access will be adjacent to my property and will cause me increased noise, odour, pollution and reduced privacy.

- I am concerned about the security of my site. What boundary treatment will replace the current outbuildings that form part of the boundary.
- Will the hedgerows remain on site, otherwise there will be a harmful impact on wildlife.

5 **Assessment of the planning issues**

The main considerations are:-

- a) Principle of development
- b) Siting, scale and design
- c) Impact on neighbours
- d) Highways
- e) Noise
- f) Impact on trees
- g) Ecology
- h) S106

- a) Principle of development

The site is within the urban area in a residential location well related to services and facilities. It is therefore considered that the principle of residential development is acceptable.

- b) Siting, scale and design

There is a mixture of different styles, ages, heights and designs of residential properties in surrounding area. Therefore, there is not a strong unifying character in this part of the street scene.

The first block of flats proposed on the northern part of the site has been designed to be two storey in height, with its principal elevation fronting Eye Road, and sited to follow the existing front building of the neighbouring property No.26. This has been done to reflect the existing two storey height of properties adjacent, and their siting in relation to the street scene. The block has also been designed with all the flats having their own individual front doors on Eye Road, rather than a central communal entrance door, which helps to give the external appearance the impression of being more of a terrace row of houses, rather than a traditional flat block.

The building comprises a 30m front elevation, so to reduce the mass of the building, it has been designed with a staggered front building line, with the 4 central flats being set back from the 2 adjoining end sections. The design also introduces a central gable design feature, with two balancing projecting gable window features on either side of the frontage, which again helps to break up the appearance of a long frontage. There will be a significant separation distance of about 13m between this new 2 storey block of accommodation and its closest existing residential neighbour, so visually this new building will appear quite separate and detached from this nearest neighbour.

The second block of flats in the southern part of the site, is proposed to be 3 storey in height, again with its principal elevation facing on to Eye Road, but it will be set back slightly further into the site from Eye Road than the adjacent 2 storey block. It also proposes a staggered front building line, with the 24m frontage being split into two 12m long blocks, with two main front doors each serving 6 flats within, 2 on each floor. Each block has a projecting gable window feature, which gives continuity of appearance with the other flat block, and also breaks up the mass of the building frontage. There is an 8m separation between the two flatted blocks, so the increased height of the second block will not feel visually overbearing. There is car parking and landscaped areas beyond this building, so it will not appear visually overbearing to any development to the south either.

Officers have questioned whether the mix of brick and render is appropriate for these buildings particularly on their principal elevations, and whether the use solely of brick, or a reduced use of

render would be appropriate. The applicant has said they are willing to re-consider the external materials to be used, and this could be suitably dealt with by way of a materials planning condition.

Whilst there are no existing flats, 3 storey buildings, or buildings with long frontages in this area, the proposed buildings have been designed and sited to sit both comfortably on the site, and to not detract from the visual character and appearance of the surrounding street scene. It is therefore considered that the siting, scale and design of these two flatted blocks is acceptable.

c) Impact on Neighbours

No.26 Eye Road is the only existing residential property that shares an adjoining boundary with the application site, and it is positioned to the north of the application site. It is a two storey detached property, with windows and its door on its southern elevation facing on to the application site. The house is set back from the adjoining boundary by its vehicle and pedestrian access.

To address the relationship with this neighbouring dwelling, it is proposed that the first new residential building on site will have a 13m separation from this property, and will only have bathroom windows on the side elevation to protect privacy. The building similar to the adjacent neighbour will be also be 2 storey in height and follow closely the front and rear building lines of the adjacent property so as to prevent any unacceptable overbearing, overshadowing or overlooking impact.

The vehicle access on site is set off the neighbouring boundary by a minimum of 2m, with the provision of a landscape buffer strip. A suitable boundary treatment can be secured by condition. Due to the separation distance of the road with the neighbouring boundary and neighbours vehicle access providing further separation to their house, it is not considered that the use of the new vehicle access would result in an unacceptable impact on the residential amenity of the occupiers of the neighbouring house.

The residential bungalows on the opposite side of Eye Road are positioned a sufficient distant from the proposed development (approximately 40m), so there would not be an unacceptable overbearing, overshadowing or privacy impact.

It is therefore considered that the proposal will be in accordance with Policies CS16, and PP03 of the Core Strategy and Planning Policies DPD.

d) Highways

The scheme proposes one new single vehicle access point at the northern end of the site. This is the end of the site furthest from the junction with Eastfield Road, Oxney Road and the Parkway. The access road is proposed to be 5.5m wide for the first 10m into the site and reduced to 5m wide thereafter. The new vehicle access road proposed is therefore in accordance with the Local Highway Authority (LHA) standards.

44 on site car parking spaces are proposed for the 20 flats; this provides 2 car parking spaces per flat and 4 visitor spaces. Cycle parking is also proposed on site, in enclosed lockable cycle shelters. This level of car parking and cycle parking is considered to be sufficient to meet the needs of the development, and is in accordance with Policies CS14, and PP13 of the Core Strategy and Planning Policies DPD.

The on-site layout provides adequate turning space within the site to enable vehicles to safely turn and leave the site in forward gear. It has also been demonstrated that a 10.5m refuse truck can adequately turn on site, so that it can also leave the site in a forward gear, and would not have to reverse into or out of the site.

Residents have raised concerns that the site is in close proximity to a very busy and dangerous road junction. The LHA has carried out a brief study of the Accident Data in the vicinity of the site.

In the past 3 years there have been 3 accidents at the junction of the slip road off the A1139 and Oxney Road. These accidents occurred on the opposite side of the junction and over 90m away from the application site. Therefore vehicles entering and leaving this site would not be doing so on a part of the highway network which is currently known for accidents, and there is no highway evidence to suggest that traffic manoeuvres or cars from this site, would significantly add to the potential for road accidents in this area.

Residents have also raised concerns about the increase in motor traffic close to an already very busy road junction. The resultant increase in traffic from this proposed development is considered to be minimal in comparison to the already existing traffic flows along Eye Road. Taking into consideration the previous use of the site as a public house with a car park, it is considered the traffic increase from this proposed residential use will be negligible.

Residents have said that they already experience difficulty in gaining access to Eye Road from their drives due to the nature of the busy road and the speed at which cars emerge from the slip road. They consider the new site access which will be directly opposite residential accesses will cause further problems. It is not considered that vehicle traffic entering or leaving the site will cause any problems for surrounding residents when entering or leaving their sites. In fact, vehicles accessing the site from the slip road will have to slow down on approach to the site and adjacent to residents' drives, before they can turn right to enter the site.

Residents have raised concerns that future occupants might park outside the site and that this would result in highway safety dangers. There is adequate on site resident and visitor parking proposed to negate the need for vehicles to park on the adjacent paths and verges. There is also double yellow lines both outside the site and on the opposite side of the road which will prevent this from happening.

In respect of the resident's concerns about debris on the road during construction, construction traffic blocking accesses etc, this can all be dealt with through the submission of a construction management plan, which could be secured by condition.

e) Noise

A noise assessment has been submitted in support of the application, due to noise that would be experienced on site from road traffic on the A1139 (Frank Perkins Parkway), Eye Road and Oxney Road.

The noise report concludes that the site is unsuitable for outdoor residential gardens/amenity areas due to the high levels of road traffic noise levels experienced, which is why the provision of flats rather than houses on the site is considered a more acceptable option.

The noise report is sufficient to confirm that a design solution to achieve acceptable internal noise levels for the proposed apartments is feasible. However the specific details of the proposed scheme for the windows and ventilation will need to be submitted and agreed by way of a planning condition.

f) Impact on trees

The application is supported by an Arboricultural Assessment. The Council's Landscape Officer has confirmed that the Assessment has been carried out in accordance with the British Standards and is in agreement with the categories identified. The recommendation of the report is that all trees and hedges contained within the application site boundaries are removed. These are identified as 3 U category (poor quality), 4 C category (low quality) and 2 B category (moderate quality). Category B trees are of moderate amenity value and worthy of retention. Those in C have a low amenity value and are not worthy of retention whilst category U trees are unsuitable for retention and should be removed. By way of mitigation for the loss of 2 moderate quality trees, the report recommends new planting which can be secured by condition.

The Landscape Officer has no objection to the loss of all the on-site trees, and considers none of them to be high quality specimens worthy of a Tree Preservation Order (TPO).

There is a mature Peterborough City Council owned tree belt to the east of the site, which screens the site with the adjacent Parkway. This proposed scheme has moved the buildings on site further away from this adjacent tree belt, than was the case under the previous application 13/01113/OUT. This has therefore addressed the Landscape Officer's previous concerns about negative encroachment and potential future growth issues, between the new buildings and this important landscape belt. The proposed cycle and car parking positioned adjacent to this tree belt could cause some root severance due to its location within the root protection area. However, the Landscape Officer considers the trees roots could be suitably protected, and this would be secured via a condition.

The proposal is therefore considered to be in accordance with Policy PP16 of the Planning Policies DPD.

g) Ecology

An ecological report and Protected Species report in respect of the sites potential for bats and nesting birds has been submitted in support of the application. This is currently being considered by our Wildlife Officer and Members will be updated of his response in the Update Report.

h) S106

Under the City Council's Planning Obligations Implementation Scheme a S106 Contribution of £80,000 is being sought to meet the infrastructure needs of the development. A 30% on site affordable provision is also being secured, which equates to 6 of the proposed apartments.

This will be secured through a suitably worded S106 legal agreement.

The proposal is therefore considered to comply with policy CS13, and CS8 of the adopted Core Strategy.

i) Miscellaneous

The loss of property values, is not a material planning consideration that can be taken into consideration in the determining of planning applications.

In respect of the loss of the pub and the retention of the site for community facilities. There are no adopted planning policies which would prevent the loss of this site as a public house. Public houses are now generally in decline and frequently closing, as they are not proving to be financially viable. This pub on site has been closed for over 3 years. The consideration of this planning application therefore has to be on the basis of whether the proposed development is acceptable as the loss of the pub is not a valid planning reason for refusal.

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:

- a safe access into the site can be provided from Eye Road and sufficient on site car parking is proposed;
- the development can be accommodated within the site without any unacceptable adverse impact upon the amenities of the neighbouring properties;
- the siting, scale and design is considered to be acceptable with no adverse visual impact on the character or appearance of the surrounding area;
- the development can be accommodated without any significant adverse impact upon the adjacent tree belt; and
- appropriate noise mitigation can be provided for the flats to ensure acceptable noise levels are achieved.

The proposal is therefore in accordance with Policies CS2, CS8, CS10, CS13, CS14, CS16, and CS21 of the Peterborough Core Strategy DPD (2011), and Policies PP01, PP02, PP03, PP04, PP12, PP13, and PP16 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to conditions and the completion of a S106 Agreement:

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).

C2 No development shall take place until details of all external 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.

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).

C3 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for trial trenching has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

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

C4 Prior to the commencement of development, in line with Acoustic Associates Noise Assessment Reference SEM/J2777/14907 full details of the proposed windows and means of ventilation shall be submitted to and approved by the Local Planning Authority in writing. This is to ensure that appropriate acoustic windows are proposed, and as the living room and bedroom windows need to remain closed to achieve acceptable noise levels, appropriate means of ventilation without the need to open windows is installed. Thereafter the development shall not be carried out

expect in accordance with the approved details.

Reason: To ensure acceptable noise levels and levels of residential amenity are achieved, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C5 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).

- C6 The development hereby permitted shall be carried out in accordance with the following approved plans:-**

- **983-20 A**
- **983-01**
- **983-23 A**
- **983-22 A**
- **983-24**
- **983-21 A**

Reason: For the avoidance of doubt and in the interests of proper planning.

- C7 Prior to the occupation of development the parking spaces shown on drawing number 983-20 Rev A shall be laid out for vehicles to park and turn clear of the public highway and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.**

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

- C8 Prior to the occupation of development the new 5.5m wide access road into the site shall be constructed in accordance with the approved drawing 983-20 Rev A.**

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

- C9 Prior to the occupation of development hereby permitted the vehicle to pedestrian visibility splays shown on the plan 983-20 Rev A of the following dimensions 2m x2m on both sides of the access shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm.**

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

- C10 Prior to the occupation of development hereby permitted the vehicle to vehicle visibility splays of the following dimensions 2.4m x 43m on both sides of the access shown on the plan 983-20 Rev A shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm.**

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

- C11 Prior to the occupation of development the cycle parking spaces shown on drawing number 983-20 Rev A shall be laid out for cycles and those areas shall not thereafter be used for any purpose other than the parking of cycles.**

Reason: In the interests of encouraging the use of sustainable modes of transport to visit the site, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C12 Prior to the commencement of any development a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively) the following:-**

- **Noise management plan**
- **A scheme for controlling dust, arising from building and site works**
- **Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction.**
- **Hours of working**
- **Parking, Turning and Loading/Unloading areas for all construction/contractors vehicles**
- **Site compounds/storage areas**
- **Scheme for access and deliveries including hours**

Reason: In the interests of the safety of all users of the public highway in accordance with emerging policy PP12 of the Peterborough Planning Policies DPD (Submission Version incorporating the modifications recommended by the Inspector following examination).

- C13 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.

- C14 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.**

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

- C15 Prior to the commencement of any works within the root protection areas of trees in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) a tree protection plan and Arboricultural Method Statement in accordance with BS5837-2012 shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall thereafter take place except in complete accordance with the approved Tree Protection Plan and Arboricultural Method Statement.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies CS20 and CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012) and TD1 of the Trees & Woodlands Strategy 2012.

- C16 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier**

The scheme shall include the following details:

- **Planting plans including retained trees, species, numbers, size and density of planting**
- **An implementation programme (phased developments)**
- **Proposed finished ground and building slab levels**

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).

- C17 A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the Local Planning Authority.**

The Plan shall include the following details:

- **Long term design objectives**
- **Management responsibilities**
- **Maintenance schedules**

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).

- C18 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.

- C19 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. Thereafter the approved lighting scheme shall be implemented in accordance with a timetable to be agreed.**

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).

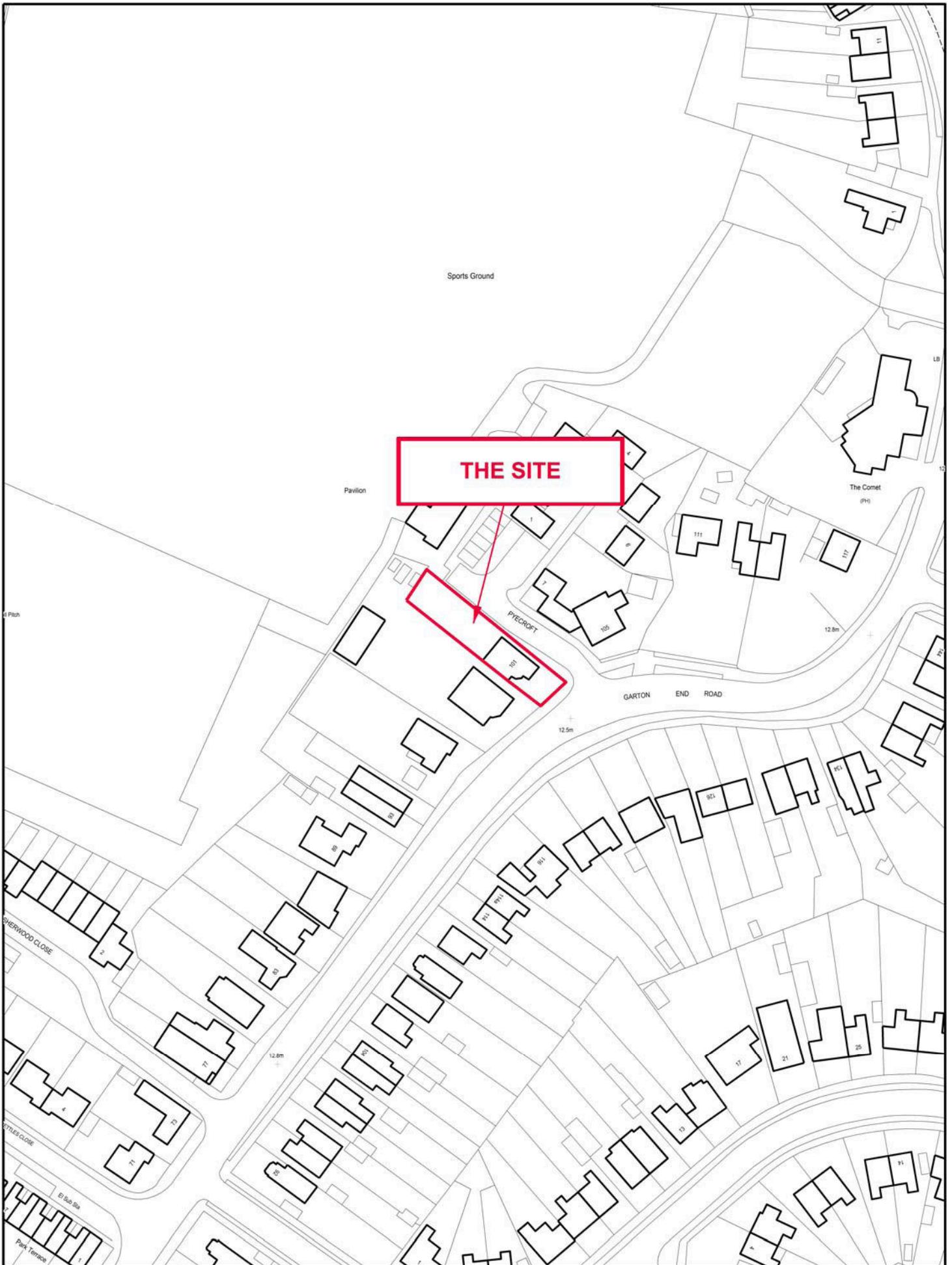
C20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.

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

C21 Before the development hereby permitted is first occupied, the proposed side bathroom windows to Units 1 and 3 shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

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

Copy to Councillors A J Miners, C M Saltmarsh and C D Ash.



LOCATION PLAN 14/01103/FUL

101 Garton End Road

Scale NTS Date 25/9/2014 Name AH Department Planning Services

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PCC GIS



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Application Ref: 14/01103/FUL

Proposal: Proposed additions to existing play hide

Site: 101 Garton End Road, Peterborough, PE1 4EZ,
Applicant: Mr M Younis

Agent: Mr Robert Gooding, GOOD-DESIGN-ING LTD

Referred by: Councillor Shearman
Reason: The application scheme appears reasonable
Site visit:

Case officer: Miss Louise Lovegrove
Telephone No. 01733 454439
E-Mail: louise.lovegrove@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises a single storey nursery building which was converted from a residential dwelling following the granting of planning permission under application reference 09/00885/FUL. The site is located on the northern side of Garton End Road and in a prominent position at the junction with Pyecroft. Vehicular access to the site is taken via Pyecroft, a small cul-de-sac with an area of parking located immediately to the rear of the site.

The surrounding area is characterised by a variety of single storey and two storey detached and semi-detached dwellings albeit all are residential in use.

Proposal

The application seeks planning permission to alter an existing raised platform located within the rear outdoor space of the nursery to allow for children to access the upper platform. It should be noted that this platform has been in situ since the change of use to a children's nursery was implemented however access to the raised platform was restricted. A more detailed background to this history of the site is provided in Section 5 below.

2 Planning History

Reference	Proposal	Decision	Date
91/P0440	Change of use to child nursery for up to 18 children	Permitted	01/08/1991
07/01740/FUL	Change of use from day nursery to residential dwelling	Permitted	25/04/2008
09/00885/FUL	Change of use from residential to Child Day Nursery	Permitted	06/10/2009
10/01724/FUL	External canopy (retrospective)	Refused	03/02/2011

11/00351/FUL	Installation of external canopy and play equipment - retrospective	Refused	10/06/2011
11/00359/ADV	Banner signage	Refused	10/06/2011
11/01253/FUL	Proposed part retrospective application for canopy and raised platform around tree	Permitted	29/09/2011

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 8 - School Development

Great weight should be given to the need to create, expand or alter schools.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, 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.

4 Consultations/Representations

Victoria Park Residents Association

No comments received.

Early Years & Child Intervention Team

No comments received.

Local Residents/Interested Parties

Initial consultations: 7

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No neighbour representations have been received.

Councillor Shearman (31.07.14)

In view of the fact the application appears to me to be perfectly reasonable, I request that it be referred to the Planning Committee.

5 Assessment of the planning issues

The main considerations are:

- Impact upon the amenities of neighbouring occupants

a) Background

As detailed in Section 1 above, the change of use to children's day nursery was granted planning permission under application reference 09/00885/FUL. As part of the conversion, the Applicant erected a 'tree house' type structure around an existing tree within the rear outdoor play area which comprised a raised platform with play hide beneath. This 'play hide' was constructed without the benefit of planning permission.

Following enforcement action, planning application reference 11/00351/FUL was submitted to regularise the situation, seeking retrospective permission for the play hide (along with a further unauthorised canopy). This application came before Members of the Planning and Environmental Protection Committee on 7th June 2011 and the play hide was refused for the following reason:

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

Following refusal of this application, a further scheme was submitted under application reference 11/01253/FUL. This revised scheme removed the access to the raised platform, thereby removing the potential for overlooking to the neighbouring dwelling. Given that this scheme had resolved the earlier reason for refusal, planning permission was granted under delegated powers.

The current planning application now seeks to reinstate access to the raised platform.

b) Impact upon the amenities of neighbouring occupants

The play hide is located in close proximity to the shared boundary with No.99 Garton End Road (0.5 metres), located to the west of the application site. The raised platform, which this scheme seeks to provide access to, stands at a height of 1.3 metres above ground level whereas the adjoining boundary fence stands at a height of only 1.8 metres. Having previously reviewed the relationship between the adjacent neighbouring property and the play hide, it was considered that even a small child standing upon the raised platform would be tall enough to peer into the neighbours garden and conservatory. It is not considered that the relationship has altered during the intervening period and as such, there are no grounds upon which to alter the recommendation made by Officers.

It is considered that the proposed alterations to the play hide would permit direct overlooking to the neighbouring garden area and primary habitable rooms of No.99 Garton End Road, resulting in a loss of privacy and unacceptable level of harm to occupants amenity.

Accordingly, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reason given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed alterations to provide access to the raised platform of the play hide, by virtue of the platform height and proximity to the shared boundary with No.99 Garton End Road, would permit direct views into the rear windows and private rear garden of the neighbouring property. The proposal would result in an unacceptable loss of privacy for neighbouring occupants and therefore an unacceptable level of harm to their amenity. As such, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors J Shearman, J P Peach



LOCATION PLAN 14/01187/FUL

9A Norfolk Street, Millfield

Scale NTS Date 25/9/2014 Name AH Department Planning Services

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PCC GIS



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Application Ref: 14/01187/FUL

Proposal: Change of use from workshop and offices to accommodation for Ara Community Association for social and religious purposes

Site: 9A Norfolk Street, Millfield, Peterborough, PE1 2NP

Applicant: ARA Community

Agent: Mr Langford-Smith

Referred by: **Cllr Khan, Cllr Nadeem**

Reason: Inadequate access, potential for congestion and noise implications resulting from the use of the building.

Site visit: 31.07.2014

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 is approximately 0.08ha and is situated between Lime Tree Avenue to the south and Norfolk Street to the north and there is vehicular access from both streets with residential properties tightly abutting the accesses. The site contains a two storey building of brick construction and of Victorian era which has a footprint of approximately 16m in length by 4.8m in width. There are single storey elements to the west and to the east is a storage building with a footprint of 10m in length by 8m in width; the building has high level windows and forms the rear boundary to no. 13 Norfolk Street. There is hardstanding to the front of the building. To the rear of the building is a large area of land which is overgrown. The site has not been occupied for some years and is falling into a state of disrepair. The building formerly had a B1 use operating as a tie manufacturing company known as 'Delany Hanaper'. The surrounding area is predominantly residential in character.

Proposal:

The application seeks approval for the use of the site as a community building for social and religious purposes including religious gatherings/instruction and meetings for educational, medical and social purposes. The application proposes a vehicular access to the site via Lime Tree Avenue and egress on to Norfolk Street. 15 no car parking spaces would be provided within the site. The scheme has been revised twice since the initial submission in order to resolve the access to the site and now proposes an undercroft vehicle access to enable a one-way system through the building.

2 Planning History

Reference	Proposal	Decision	Date
P0584/76	Provision of covered area for storage purposes	Withdrawn	14/09/1976
02/00839/OUT	Residential development	Permitted	19/08/2002

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 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.

Peterborough Core Strategy DPD (2011)

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.

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.

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.

4 Consultations/Representations

Transport & Engineering Services – No objections - Having reviewed the revised plans the LHA considers the proposed undercroft to be acceptable and would enable vehicles to enter the site from Lime Tree Avenue and exit via Norfolk Street. Recommend approval subject to conditions regarding signage for the management of the one way system, bin store provision, cycle parking and temporary facilities.

Councillor M Jamil – Objects – Cllr Jamil appreciates that the building has not been utilized for a long time however, is supporting residents of Norfolk Street and Lime Tree Avenue who all say that the resulting traffic will cause even more congestion in an area that is already congested. He

considers the car park has limited capacity compared to how many people will potentially use the building and is not convinced that this location is ideal for this use.

Councillor N Khan – Objects - Request for referral to committee if the officer recommendation is for approval. Cllr Khan is supporting local residents and their objections to the proposal on grounds of inadequate width of access particularly for emergency vehicles, congestion in an already busy street and noise implications resulting from the use of the building.

Councillor M Nadeem – Objects - The access to the site is very narrow and a single vehicle would struggle on this let alone vehicles on both sides, I think this is not practical and should not be approved. Agrees with Cllr Khan and requests the application is referred to committee.

Pollution Team – No objection - The information provided is generally limited. Although there is nothing there that causes us great concern, equally there is not enough for us to comfortably say that we are happy with the application. Recommend limiting the maximum occupancy, and restricting hours (9am - 9pm could be acceptable) while the latter could be capped at the usage level indicated by the application (25/30 people). Recommend a condition requiring details of physical and administrative measures to control noise to be submitted and approved in writing. If in future there are works that could create a pollutant linkage (such as the construction of a new building or the introduction of a grassed area), investigation of the potential contamination issue is likely to be required.

Environment Agency – No objection - We have assessed this proposal as having a relatively low environmental risk. We therefore have no further comments on the current application, as submitted.

Local Residents/Interested Parties

Initial consultations: 107

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

Consultation was undertaken with all neighbouring properties adjoining the site however, as the use of the property would have a wider public interest all properties in Norfolk Street and Lime Tree Avenue have now been consulted on the revised scheme.

5 neighbour objection letters have been received raising the following issues:

- The property has previously been used for gatherings; the noise and congestion was unbearable
- Norfolk Street and the vicinity is not suitable for that volume of people and traffic
- Limiting the numbers to 30 would make no difference to the level of noise and nuisance
- There is insufficient parking
- There are already meeting centres in Gladstone Street, Bourges Boulevard, Lincoln Road and Cromwell Road which are appropriately placed, have sufficient space
- It is unclear what activities will be taking place, when and how often.
- The former factory use raised no issues as there were few people and we had peace and quiet at evenings and weekends.
- Concern regarding overlooking and loss of privacy.
- The proposal would have a negative effect on the neighbourhood as a whole
- The intended use of the property and hours should be clarified
- Concern regarding noise from activities particularly late into the evening
- Both access and egress are too narrow
- Both access and egress should be gated
- Norfolk Street already has fairly heavy traffic due to the Courtyard Business Centre and

a local madrassa at number 17. The traffic would increase as a result on the proposal. Group Action In Norfolk Street (GAINS) (local residents' association) have made the following comments:

- Why weren't all residents consulted? *Officer response: All residents in Norfolk Street and Lime Tree Avenue have subsequently been consulted*
- The application would result in the increase in traffic and parking pressures as the Kurdish community is spread across the city
- The entrance to the site is very narrow
- The proposal could result in congestion in an already busy street
- Norfolk Street is already widely used by people visiting the local madrassa at number 17 and The Courtyard Business Centre.
- Concern regarding access to the site by emergency vehicles
- Noise implications as a result of use of the centre during the evenings/weekends

Following the first re-consultation on the revised scheme the 2 letters of objection were received raising the following issues:

- The site is directly to the rear of my property however, I was not consulted
- There would be an adverse effect on the residential amenity of neighbouring occupiers (noise, disturbance, overlooking and loss of privacy)
- The building will overlook our property and impact on the peaceful enjoyment of our house and garden
- The parking is close to our garden causing noise, pollution, dust
- Lime Tree Avenue is a busy and congested road
- Driveways along Lime Tree Avenue are always blocked by parked cars
- The additional concentration of traffic and roadside parking will cause traffic problems
- There will be safety hazards and friction caused between residents and users of the community centre
- The main use of the building is at the same time as Friday prayers at the Cromwell Rd and Gladstone St Mosques and both Norfolk St and Lime Tree Avenue are used for parking at these times
- We have the right to use the site entrance which lies adjacent to our property - the right of use would be compromised

Following the second re-consultation on the revised scheme 1 letter has been received from a neighbouring occupier raising the following comments:

- No objection to the undercroft however, still consider the access track is very narrow
- Access by a fire engine could be a real challenge.
- The windows within the elevation abutting our property would need to be sound-proofed and obscured glazed to protect our amenity
- The hours of use should be restricted and we would support a restricted use that requires the centre to be closed by 9pm
- The occupancy numbers should be restricted to 30
- Lighting should be designed to minimise light pollution
- We remain concerned about noise however with restrictions on hours of use, maximum capacity and adequate noise and light pollution control, we would not object to the change of use.

5 Assessment of the planning issues

a) The Principle of Development

The site contains a two storey building of brick construction and a large storage building to the eastern side which tightly abuts the rear gardens of nos. 13 to 15 Norfolk Street. The lawful use of the site is B1 light industrial and there are no restrictions on hours of use or the level of occupancy

of the building. The site would be used by the Kurdish Community as a meeting place; the group currently have no permanent premises and meet at different member's houses. The application states that half of the members are within walking distance of the site and that the maximum number of people that would use the building at any one time would be 30. It is acknowledged that limited information has been submitted on the actual use of the site and the hours of use, however the building is of modest scale and given the former B1 use of the site it is not considered that the use would adversely impact on character of the surrounding area. The NPPF states that planning should support the provision of social and cultural facilities/services to meet the needs of residents and communities. It is considered that with limitations on the hours of use and occupancy levels the proposal is acceptable and accords with the principles of the NPPF.

b) Highway Implications

The site has two accesses one from Lime Tree Avenue and one from Norfolk Street however, it is understood that the Lime Tree Avenue access has never been formally used to serve the site. The width of both accesses are below the current highway standard for a shared access being only 3m in width. Whilst the building could be occupied as a B1 use whereby the Local Planning Authority would have no control over access and egress arrangements for the site, as this is a change of use vehicles both entering and exiting the site from either of the access points would not be acceptable in highway terms as two cars would not be able to pass. The initial application proposed the demolition of single storey elements to the building located at the western end of the site in order to allow for vehicles to manoeuvre around the building and to create a one-way system. However, having visited the site it was not considered that there would be sufficient space for vehicles to manoeuvre around the building.

A revised drawing has now been submitted which proposes an undercroft within the main building which would enable vehicles to enter the site from Lime Tree Avenue and leave via Norfolk Street. The arrangement is considered to be the most suitable option as there is better visibility for vehicles leaving the site onto Norfolk Street. The provision of the one way system would prevent any adverse impact on the adjacent highway and would be an improvement on the existing situation with the site and thus accords with policy PP12 of the Adopted Peterborough Planning Policies DPD.

15 no parking spaces would be available within the site which is considered acceptable. Cycle parking would also be provided, the details of which would be secured by condition. The proposal therefore accords with policy PP13 of the Adopted Peterborough Planning Policies DPD.

It has been noted that the access would not be suitable for emergency vehicles, however, as stated earlier the building could be occupied today as a B1 use and the Local Planning Authority would have no control over this issue. The change of use would require Building Regulations approval whereby the issues of emergency vehicles will be considered. Notwithstanding the narrow access width the building may need to be fitted with a sprinkler system which would negate the need for fire appliances to enter the site. It should be noted that the installation of a sprinkler fire suppression system could not be made the subject of a planning condition.

It is acknowledged that the one-way system would not be suitable for large delivery/service vehicles as they would not be able to pass under the undercroft. However, it is likely that such vehicles would visit the site infrequently and at these times the vehicle would either park on the road or enter the site and leave through the same access point.

The main concern with neighbouring occupiers is the likely increase in traffic that would result from the change of use. It has been stated in the application that most people using the site live locally and would walk to the site, however, it is acknowledged that there would be more vehicle movements to and from the site. The occupancy of the building would be limited to 30 and 15 car parking spaces are available within the site which is considered sufficient to serve the use. With regard to additional parking on Norfolk Street and Lime Tree Avenue there are yellow lines to the front of the site in Norfolk Street and most of the road is limited to residential permit holders. There are yellow lines at the entrance to Lime Tree Avenue and most of the road is also limited to

residential permit holders. Therefore if people choose to park on the street they do so at their own risk.

It is considered that the proposal would not unduly impact upon the adjacent highway and therefore the proposal accords with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD

c) Neighbouring Amenity

There have been a number of concerns raised regarding the potential impact on the amenity of neighbouring occupiers in terms of noise and disturbance generated by the activities taking place within the building. A condition would be appended to the decision requiring details to be submitted on how the applicant proposes to mitigate any noise implications and the general management of the site. It is acknowledged that this is particularly important as the site is so closely situated to neighbouring occupiers. In addition the maximum number of people occupying the building at any one time should be restricted to 30, though it is fair to say that these two controls might not be straightforward to enforce. The hours of use would be restricted to between 9.00 am and 9.00 pm Monday to Saturdays and 10.00 am to 4.00pm Sunday and Bank Holidays. Comments have been made on the former occupiers of the building and there being few people and the site did not operate during the evenings and weekends. The site, however, could be used both day and night as there are currently no restrictions on the use of the site.

Some objectors have expressed concern with regard to loss of privacy but given that the level of overlooking would be no greater than if the building were reoccupied by a B1 user, the proposal is considered acceptable.

It is considered that the proposal would not unduly impact upon the amenity of neighbouring occupiers and hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

d) Design and Visual Amenity

The building lies well within the site and is not directly visible from the street. The building is in need of refurbishment and it is considered that the proposal would bring the building back into beneficial use as well as tidying up the site and enhancing the appearance of the site as a whole. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

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 has a former commercial use and the proposed use, with appropriate restrictions, would be sympathetic with the surrounding residential character and would support the needs of the community;
- the one-way system would avoid any impact on the adjacent highway and a satisfactory level of parking would be available within the site;
- with conditions in place regarding the hours and level of occupancy, the proposal would not unduly impact upon the amenity of neighbouring occupiers; and the proposal would bring the site back into beneficial use.

Hence the proposal accords with policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD, policies PP2, PP3, PP12 and PP13 of the Adopted Peterborough Planning Policies DPD and the NPPF.

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 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 Prior to the commencement of any development hereby approved details of a signage scheme to show how vehicles will be prevented from accessing the site via Norfolk Street and exiting from the site from Lime Tree Avenue shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development for its proposed use.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 3 Prior to the commencement of any development hereby approved revised plans showing the bin store located in the area of widening adjacent to 9A Norfolk Street shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be located in accordance with the approved details prior to the occupation of the development for its proposed use.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 4 Prior to the occupation of the development hereby approved 2 cycle parking stands shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking stands should be covered in accordance with Peterborough City Council standards.

Reason: To encourage alternative modes of travel to the car and in accordance with policy PP13 of the Adopted Peterborough Planning Policies DPD.

- C 5 Adequate temporary parking, turning and loading/unloading shall be provided clear of the public highway for any construction/contractors vehicles.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 6 Before the development hereby permitted commences a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. These provisions could include physical and/or administrative measures. The scheme shall be implemented in accordance with the approved details prior to the building being brought into use.

Reason: In the interests of neighbouring amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C 7 The building shall not be used outside the hours of 9.00 am to 9.00 pm Monday to Saturday and 10.00 am and 4.00 pm Sunday and Bank Holidays.

Reason: In the interests of neighbouring amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C 8 Notwithstanding the details hereby approved the building shall not be occupied by more than 30 people at any one time.

Reason: In the interests of neighbouring amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C 9 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 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C10 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority.

- Elevation drawings of the front and rear elevations with undercroft vehicle access to a scale of 1:100
- The finishing materials to be used in the elevations (The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800)
- The surfacing material for the car parking areas
- Lighting for the building and outside areas
- Security measures for the site
- The development shall be implemented in accordance with the approved details prior to the building being brought into use.

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

Copies to Councillors M Nadeem, N Khan MBE, M Jamil

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
7 OCTOBER 2014	PUBLIC REPORT

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

**APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA
(AILSWORTH PARISH COUNCIL)**

R E C O M M E N D A T I O N S	
FROM : Director of Growth and Regeneration	Deadline date : 7 October 2014
<p>1. That Ailsworth Parish Council’s application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).</p> <p>2. That the neighbourhood area is not designated as a business area.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the receipt of an application from Ailsworth Parish Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement (2012, page 36).
- 1.2 Members will recall that you recently approved the Castor Neighbourhood Area (September 2014) and that you approved five neighbourhood areas in 2013, namely Bretton, Deeping Gate, Glinton, Northborough and Peakirk. This area, if approved, would then become the seventh neighbourhood area to be designated in Peterborough.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of Ailsworth Parish Council’s application to designate a neighbourhood area. The reasoning behind said recommendations is included within this report. It is expected that the Committee will determine the application following consideration of the recommendations and the reasons provided.
- 2.2 This report is for the Committee to consider under its Terms of Reference in paragraph 2.5.1.1 and Schedule 2.5.3 of part 3, section 2, of the Constitution, to exercise the functions of the Council under the Town and Country Planning Act 1990, specifically “Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area).”

3. **TIMESCALE**

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

4.1 The Localism Act 2011

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

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

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

4.2 Application

As a parish council, Ailsworth Parish Council automatically qualifies as a relevant body under section 61G(2) of the Town and Country Planning Act 1990.

Ailsworth Parish Council proposes that the whole of the parish area be designated as a neighbourhood area.

The reason put forward by the parish council for the area proposed was:

“The whole parish is specified as the designated area, in order to create a neighbourhood plan inclusive of the whole parish.”

4.3 Factors for consideration

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

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

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

5. CONSULTATION

- 5.1 Ailsworth Parish Council's application to designate a neighbourhood area was received on 11 July 2014. A six week consultation period on the application ran from Tuesday 29 July to 12 noon on Tuesday 9 September 2014. The application, and the opportunity to comment, were advertised on the Council's website and on the Ailsworth village notice board. The adjoining parish councils, Castor, Marholm, Helpston, Ufford and Sutton were notified. Relevant ward Councillors and portfolio holders were also notified.
- 5.2 One response (submitted on behalf of three people) was received during the six week consultation. However, this response made no reference to the proposed area (instead commenting on matters such as the "urgent need for a neighbourhood plan" and "concerns at the possibility of losing the lovely countryside"): as the consultation was solely on the appropriateness of the area proposed, comments relating to any other matter are not relevant and therefore should not be taken into consideration. A copy of the response is included below, for information purposes.

	Comment
<p>1 (submitted on behalf of 3 members of the public)</p>	<p>"We would like to express our concerns at the possibility of losing the lovely countryside that Peterborough has around Castor and Ailsworth and WE therefore BELIEVE THERE IS AN urgent need for a neighbourhood plan for the community to work TOGETHER to save this wonderful rural area near Peterborough.</p> <p>This area, as it is, is one of the main reasons that tourists are attracted to Peterborough and THE LOCAL Ferry Meadows PARK AND NATURE RESERVE. A housing estate on a large scale would destroy this area as a tourist attraction AND FACILITY FOR THE RESIDENTS OF PETERBOROUGH. It would be a highly impossible area to police, making it a no go area for many residents of Peterborough and tourists to the city, this alone needs careful thought and planning. The infrastructure of the village would not take much more traffic and the main road through the village would become dangerous.</p> <p>A neighbourhood plan is essential to enable to keep England's rural neighbourhoods for the benefit of future generations and to preserve a wonderful attraction and keep the community alive, other than a city.</p> <p>There is also to be considered as well as the wonderful nature reserves that surrounds all the village, the historical significance of Castor and Ailsworth of which there is an abundance of history (PARTICULARLY ROMAN AS DISPLAYED IN PETERBOROUGH MUSEUM) some of which we are sure lays undiscovered still.</p> <p>We feel, as do many others who live in and around Peterborough, that it would be catastrophic to destroy what no one can deny is one of the most beautiful areas AROUND Peterborough and would be madness to spoil on a large scale, again therefore for these reasons, it is essential we have a neighbourhood plan."</p>

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that the Committee will determine the application to designate a neighbourhood area following consideration of the recommendations and the reasons for these recommendations made herein.
- 6.2 The Committee is able to choose one of the following three options for the application: Option A, 'area approved, without amendment'; Option B, 'area approved, with minor amendments'; Option C 'minded to approve an area, but only if significant amendments are

made which are subject to a further round of consultation'. The Committee is not permitted in law to reject the proposal outright.

- 6.3 The Committee must also decide whether it is appropriate to designate the area as a business area.

7. REASONS FOR RECOMMENDATIONS

7.1 Recommendations:

- 1) That Ailsworth Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).
- 2) That the area is not designated as a business area.

7.2 Reasons for recommendations:

- i) The specified area falls entirely within Peterborough City Council's area.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form is considered justified.
- iv) No comments were received during the consultation period in objection to or in support of the proposed area (one response was received during the consultation period however this response made no reference to the proposed area: as the consultation was solely on the appropriateness of the area proposed, comments relating to any other matter should not be taken into consideration).
- v) Paragraph 4.4.25 (page 37) of the city council's Statement of Community Involvement states that in reaching its decision on whether to designate a neighbourhood area as a business area, the city council will take into account whether the area is wholly or predominantly business in nature; the number of people residing in the area; and the results of public consultation. The parish of Ailsworth is not wholly/ predominantly business in nature. Furthermore, no representations in relation to the designation of the area as a business area were received during the consultation period. In light of these considerations, it is not deemed appropriate to designate the area as a business area.

- 7.3 Summary: It is considered that the whole of the parish is a logical and appropriate area for designation as a neighbourhood area and that the neighbourhood area should not be designated as a business area.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 As outlined in Section 6 'Anticipated Outcomes', the options from which recommendation '1' above is selected and which are available to the Committee are:

Option A: 'area approved, without amendment';

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

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

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

- 8.2 It is recommended that Options B and C are discounted. It is considered that minor or significant amendments would not result in a more appropriate or strategic neighbourhood area, and therefore it is not considered that either minor or significant amendments to the area would derive any significant benefits.

- 8.3 In relation to recommendation '2', the alternative option is that the neighbourhood area is designated as a business area. It is recommended that this option is discounted in light of

the fact that the parish is not wholly or predominantly business in its nature, as is the criteria stipulated in the Town and Country Planning Act 1990 (Section 61H(3), as inserted by Schedule 9 of the Localism Act 2011) for the designation of business areas.

9. IMPLICATIONS

The designation of the Neighbourhood Area will have some implications.

9.1 Legal Implications

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

9.2 Financial Implications

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

9.3 Cross-service Implications

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

10. BACKGROUND DOCUMENTS

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

One electronic response, held on file.

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