

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 4 NOVEMBER 2014

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

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

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

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

4. Minutes of the Meeting Held on 7 October 2014 **5 - 14**

5. Development Control and Enforcement Matters

5.1 **14/01403/FUL - Land To The Rear Of 26 To 30 Vergette Street, Eastfield, Peterborough** **15 - 26**

5.2 **14/01566/FUL - Land To The South Of Oakdale Avenue, Stanground, Peterborough** **27 - 46**

6. Application to Register Land at Longthorpe Playing Field as a Town and Village Green under the Commons Act 2006 **47 - 54**

Emergency Evacuation Procedure – Outside Normal Office Hours



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Committee Members:

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

Substitutes: Councillors: B Rush, N Shabbir and B Saltmarsh

Further information about this meeting can be obtained from Gemma George 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.

5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 7 OCTOBER 2014**

Members Present: Councillors Harper (Chair), Serluca (Vice-Chair), Casey, Hiller, North, Rush, Stokes, Sylvester, Martin and Ash.

Officers Present: Nick Harding, Head of Development and Construction
Lee Collins, Planning and Development Manager
Jez Tuttle, Senior Engineer (Development)
Alison Chambers, Assets and Schools Place Planning 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 Harrington.

2. Declarations of Interest

No declarations of interest were received.

3. Minutes of the Meetings held on 2 September 2014

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

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

Councillor Ash declared his intention to make a representation as Ward Councillor for agenda item 5.3 '14/01017/FUL - 16 Eye Road, Dogsthorpe, Peterborough, P1 4SA'.

5. Development Control and Enforcement Matters

As several of the registered speakers for agenda item 5.1 '14/01301/FUL – 70-80 Storrington Way, Werrington' were not present, a motion was proposed and seconded to defer discussion of the item until later in the agenda. Following a vote the motion fell.

5.1 14/01301/FUL – 70-80 Storrington Way, Peterborough, PE4 6QP

The planning application was for a new shop unit with two flats above at 70-80 Storrington Way, Werrington. The application outlined in the report was a resubmission, following refusal of a previous scheme in 2013.

The main considerations were:

- The Principle of Development
- Highways
- Design and Visual Amenity
- Residential Amenity

- Neighbourhood Amenity
- Landscaping
- Section 106

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report and the signing of a legal agreement.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- The Committee previously refused planning permission for a previous version of this application, against officer recommendation.
- The Committee refused on the grounds of highways. The footprint of the site would extend into the visibility slope.
- The Committee's decision was upheld at appeal, however the planning inspector was critical of the lack of detail presented to Committee and costs were awarded.
- The current application before Committee proposed a revised footprint which cleared the forward visibility slope.
- The matters for Committee to consider were the forward visibility, which Highways were happy with, and the altered design.
- The condition of the flats and issues regarding fly tipping were not material planning considerations.

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

- The previous application had been refused on a single highways ground. This problem had been resolved with the redesign of the building.
- The current condition of the site was not relevant.
- It had been claimed that the grass was cut on the site by the Council, at its cost. It was the case that the Council had been required to cut the grass. This, however, had been paid for by the applicant in the past.
- Several of the leases at the site placed the responsibility for maintenance on the tenants.

The Committee discussed the amended application and considered that the problem of highway visibility had been resolved. It was raised by a Member of the Committee that the trees proposed for removal added to the site and requested that officers consider action in relation to these trees carefully.

The Senior Engineer (Development) explained that a speed survey had been conducted and, after evaluation of the plan and site survey, Highways were happy with the visibility proposed within the application.

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 signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

Subject to the imposition of the attached 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 proposal was for retail development within a local centre;
- The site had extant planning consent for 7 flats therefore the principle of residential development was 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 accorded 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.

5.2 14/00857/R4OUT – Land at Guilsborough Road, Eye Green, Peterborough

The planning application was for a residential development of up to 55 dwellings on land at Guilsborough Road, Eye Green, Peterborough. The application also included means of access, open space and any associated works.

The main considerations were:

- The Principle of Development
- Transport
- Noise
- Ecology Impacts
- Amount of Development
- Local Services
- Drainage
- Section 106

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report and the signing of a legal agreement.

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

- The application included an additional 0.74 hectares of land above the 2.44 hectares included in the site allocation. This 0.5 hectares would be lost from the surrounding Country Wildlife Site (CWS) if permission was granted.
- Objections to the application were on the grounds of overdevelopment, resulting highways problems and detrimental impact on public services. Objections had been received from the Wildlife Trust and Buglife regarding the loss of habitat.
- A transport assessment had been carried out and it was concluded that the A47 would not be affected. The impact on the nearby roundabout would be minimal.
- The Council's Wildlife Officer considered the loss of CWS to be acceptable if appropriate habitat was made available elsewhere. There would be no harmful impact on the adjacent nature reserve.
- The impact on local services had already been considered during the site allocation process. The additional numbers had been considered and none of the relevant authorities had objected. It was estimated that the additional housing would only generate one additional pupil per school year.
- This was an outline application. If the reserved matters application was unacceptable the number of dwellings approved may be less than 55.

Stewart Jackson MP addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mr Jackson urged the Committee to reject the planning application before them for a more appropriate planning brief.
- The Wildlife Trust and Buglife had objected.
- Eye was the key service centre and a hub for new residential housing. The services would not be able to cope with additional users.
- The 35 dwellings outlined in the core strategy was appropriate.
- The proposal would impact on residential amenity and on traffic and parking in the surrounding area.
- Mr Jackson suggested that the Committee should reject the application until the provision of school places had been clarified. He referenced an email from the Council's education services which indicated that the school would be unable to accept an increase in pupil numbers.
- Development was not objected to, however the proposal before the Committee was considered to be too dense.
- Mr Jackson had received a significant number of objections from residents.

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

- He had been involved in the initial site allocations process and received feedback from local residents on the allocations proposal.
- The buffer zones around the site were considered to be very important. The Section 106 agreement would not be able to mitigate for the loss of wildlife, but would simply move it elsewhere.
- Mr McKean had been informed two years ago that the A47 was then reaching its capacity.
- The core strategy would not have been approved for 55 dwellings instead of 35. The applicant should stay in line with the core strategy.
- The local school would be unable to cope with the additional numbers. The cumulative impact of all the development taking place in the area would have an effect at the same time, rather than over several years.
- The school did not want a three form entry. Residents had informed him that they couldn't get their children into certain year groups.
- The local residents were aware that the land had been allocated for 35 dwellings and had accepted this. They had not accepted a development for 55 dwellings.

Pippa Cheetham, Applicant, and Gail Revill, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The scheme was 20% open space. 78% of the development would house 55 dwellings, which resulted in a ratio of 27 dwellings per hectare. This was comparable to other developments in the area.
- The applicant was aware of the constraints of the buffer. The proposal before the Committee included 55 dwellings with the retention of a buffer and the footpath as well as providing an area of open space with a connecting route to the lake.
- The dwellings that backed onto the A47 had been provided with large gardens to create a greater distance between the dwellings and the road. The gardens would be approximately 15 metres.
- Acoustic fencing would be provided to mitigate any noise.
- The CWS was designated recently and was identified as a potential site for wildlife. This type of landscape could be easily recreated elsewhere. As such the site could benefit from a better design and not leave a brownfield site at the front door of dwellings.

- Three houses would be included on the CWS site.
- The CWS was a private site at the moment. The development would be creating access to the habitat, so people would be able to enjoy it more.
- There would be a single point of access developed by the lake to help ensure that safety for children was maintained.
- The density, including open space, for a 35 dwellings development on a smaller site would be 14 dwellings per hectare. The proposed 55 development on the larger site would be 18 dwellings per hectare. This is below the 30 dwellings per hectare advised in the Council's policy.

The Committee discussed the importance of the site allocation document. A Member of the Committee suggested that as consultation had been carried out for the allocation of 35 houses on a smaller site, and that this had been approved by an inspector, a development of 35 dwellings should be maintained. The increase to 55 houses was objected to by many residents and relevant consultees. The Committee asked for clarification.

The Head of Development and Construction explained that site allocation demonstrated that the Council had sufficient provision of land set out to reach its targets. It was not restrictive and land that was not included in the site allocation could still be developed. The application site did not currently support a population of wildlife, but had the potential to. As such, the Wildlife Officer and suggested the cultivation of a site elsewhere.

In response to questions from the Committee the Assets and Schools Place Planning Officer explained that one extra pupil in each year resulted from the additional 20 houses that came with the increase from 35 to 55. The total number of spaces required from 55 houses would be 19 pupils per year. The situation in Eye was no different than the rest of the city and the relatively small amount of increase in the school numbers would not make a significant difference.

Several Members of the Committee voiced concern about the increased size of the development and the affect this would have an overbearing impact, negatively impact biodiversity and infrastructure, and result in a loss of open space. Several other Members suggested that the proposal was well designed and was for up to 55 dwellings. The reserved matters application may be for a lesser number.

The Head of Development and Construction advised that that there may be a lack of evidence to refuse the application on those grounds.

A motion was proposed and seconded to agree that permission be refused, against officer recommendation, for the reasons that the development would extend beyond the site allocation boundary and that this would result in the loss of a potential wildlife habitat and biodiversity area. The motion was carried seven voting in favour, two voting against.

RESOLVED: (seven voted in favour, two voted against) that planning permission is **REFUSED** for the reasons set out below.

Reasons for the decision

The proposed development would extend beyond the site allocations boundary and would result in the loss of a potential wildlife habitat and biodiversity area.

5.3 14/01017/FUL – 16 Eye Road, Dogsthorpe, Peterborough, PE1 4SA

Councillor Ash withdrew from the Committee.

The planning application was for a residential development at 16 Eye Road, Dogsthorpe, consisting of 20 flats.

The main considerations were:

- The Principle of Development
- Siting, Scale and Design
- Impact of Neighbours
- Highways
- Noise
- Impact of Trees
- Ecology
- Section 106

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report and the signing of a legal agreement.

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

- The properties surrounding the development site were of a mix of styles, with bungalows directly opposite.
- Objections has been raised on the grounds of access, view, highways and not being in keeping with the character of the area.
- The proposed flats would front onto Eye Road and would have staggered frontage. As such, the development was not considered to be overbearing.
- 26 Eye Road, which would share a boundary with the proposal would 13 metres distance from the development and would be overlooked by one bathroom window.
- The proposal was in line with highways standards and parking capacity. The road had sufficient capacity to deal with the extra vehicles.
- Conditions would be put in place to regulate noise and landscaping. The tree belt on the site would be retained.
- The Section 106 Agreement would provide 30% affordable housing.

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

- The proposal was for two blocks of flats on a street which housed mainly single dwellings and semi-detached houses.
- There had been several accidents on the road, which was very busy. Adding to the traffic would increase the problem.
- The design of the development was not in keeping with the local area.

Jean Biggs and Jean Austin, Local Residents, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The information regarding accidents on Eye Road was questioned.
- Ms Biggs new of five accidents on the road due to the high amount of traffic.
- An extra 44 vehicles with one point of access would increase the likelihood of further accidents.
- Flats would change the character of the street, which was mainly houses.

- Ms Austin explained that her property would be directly opposite the entrance to the site.
- There were significant problems joining the road, with the traffic, as vehicles speeded around the corner.
- Ms Austin's wall had been demolished after being hit by a vehicle.
- There was a crossing on the road, however, it was further up from the development site.
- It was noted that the site's previous use as a pub would attract less traffic during the day and more at night, when the road was quieter.

The Senior Engineer (Development) clarified that the data provided in the report was police data, detailing all the accidents that had been reported. The speed of vehicles on the road was an existing problem and the applicant could not be asked to rectify it. The access to the site was up to standards and allowed for vehicles to turn around and leave the site in forward gear. 20 flats would not generate a significant amount of additional traffic and it would be considered unreasonable to object on such grounds. In response to a questions from a Committee Member, the Senior Engineer (Development) clarified that it was not thought necessary to provide gridding to keep the access to the site clear during heavy traffic.

In response to a questions the Planning and Development Manager advised that the bins were located in an underground storage area. Officers considered that, while the access to the site was directly opposite another residence, the other residence was elevated enough above the development site for glare from car headlights no the be an issue.

The issue of play area provision in the area was raised. The Planning and Development Manager explained that when considering the type of development proposed play areas were not a key concern.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried seven voting in favour, one abstaining from voting.

RESOLVED: (seven voted in favour, one abstained from voting) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

Subject to the imposition of the attached 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:

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

The proposal was 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).

5.4 14/01103/FUL – 101 Garton End Road, Peterborough, PE1 4EZ

Councillor Ash re-joined the Committee.

The planning application was for proposed additions to an existing 'play hide' at 101 Garton End Road, Peterborough. The main consideration was the impact upon the amenities of neighbouring occupants.

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

The Head of Development and Construction provided an overview of the application and raised the following key points:

- The 'play hide' had been built with a slide and steps up to an elevated platform, which allowed children to see in to the neighbouring property.
- This was not considered acceptable and an enforcement notice was made. Subsequently a retrospective application was made, which was refused by Committee.
- A further application was approved for a 'play hide' with use of the upper levels restricted.
- The current application before the Committee sought to reinstate the upper level of the 'play hide'.

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

- The nursery owner had adapted the 'play hide' and added a panel so that it was no longer possible to see into the neighbouring gardens.
- The height of the panel was 120cm. The tallest child using the structure was 107cm.
- The neighbour who objected to the original application is satisfied with this proposal and no longer objects.
- The nursery needed to provide sufficient play opportunities for children.
- The opening hours of the nursery were Monday to Friday for three hours in the morning and three hours in the afternoon.

Mohammed Younis, Applicant, and Catrina Story, Early Years, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The screen which was now on site meant that no privacy was lost.
- The screen was approximately two metres away from the boundary and had mitigated any objections from the neighbours.
- The children using the 'play hide' would be under five years old.
- The structure provided a learning opportunity for the children.
- The 'play hide' allowed for sensible risk and challenge opportunities as well as imaginative play.
- The structure would only be used in term time and for the youngest children.

A Member of the Committee suggested that as the 'play hide' would not be in use constantly in the day or throughout the year, privacy would not be a problem. It was

countered that children could be inquisitive and many people may not be happy with such a situation. It was suggested that the screen reference by the Ward Councillor and speakers would resolved the problems within the application.

The Committee discussed whether the screen was, in fact, included in the application. The Head of Development and Construction clarified that it was not included in the submission, but a condition could be added to ensure this panel be retained.

A motion was proposed and seconded to agree that permission be granted, against officer recommendation, subject to a condition to retain the screen in perpetuity. The motion was carried eight voting in favour, one voting against.

RESOLVED: (eight voted in favour, one voted against) that planning permission is **GRANTED** subject to:

- The submission of an amended plan to show the screening, and
- A condition requiring the retention of the screening in perpetuity.

Reasons for the decision

The proposal no longer presented an unacceptable level of overlooking.

5.5 14/01187/FUL – 9A Norfolk Road, Millfield, Peterborough, PE1 2NP

The Chair advised that agenda item 5.5 '14/01187/FUL – 9A Norfolk Road, Millfield, Peterborough, PE1 2NP' had been withdrawn.

6. Application to Designation a Neighbourhood Area (Ailsworth Parish Council)

The Committee received a report which outlined the application to designate a neighbourhood area from Ailsworth 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:

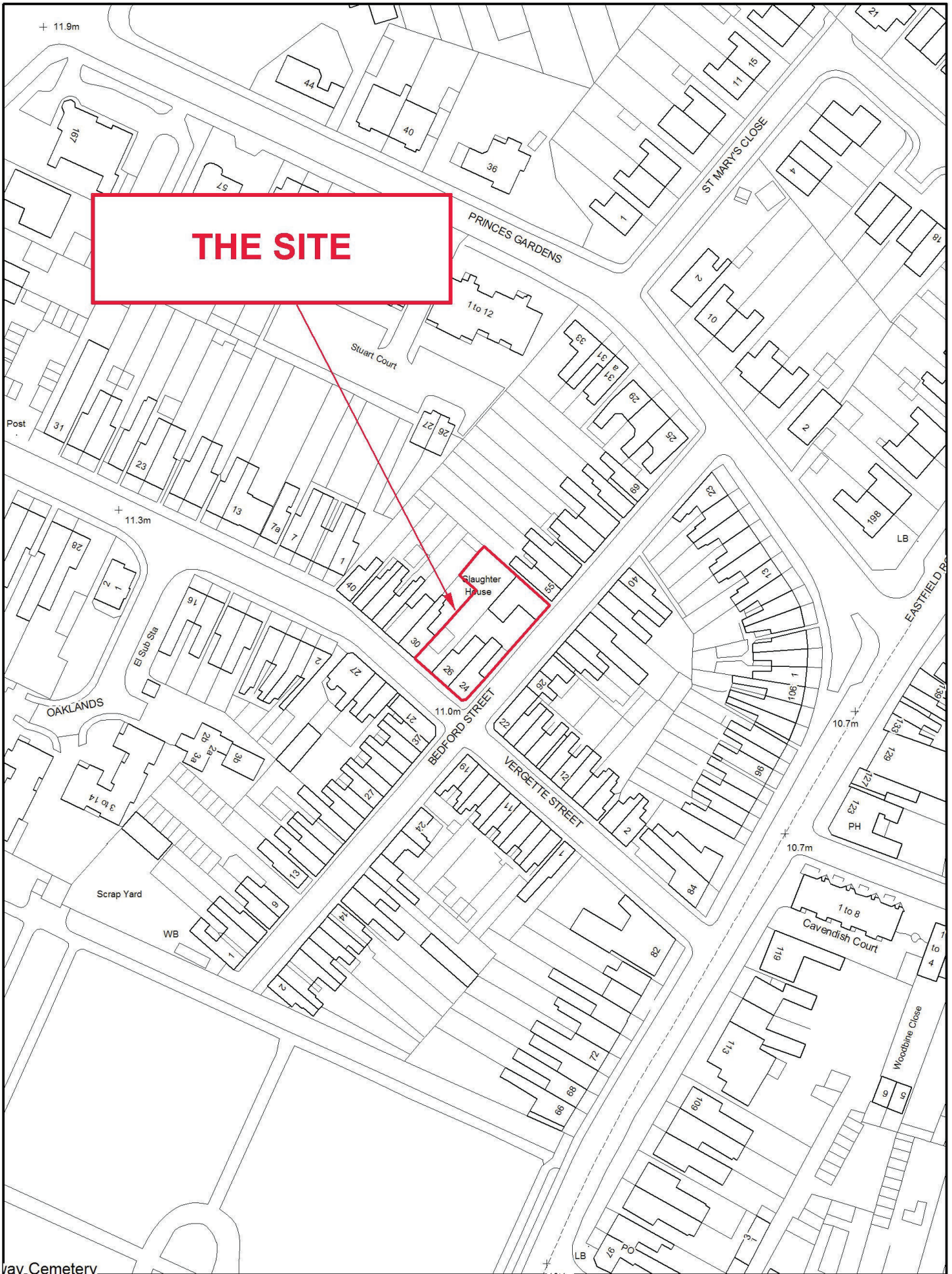
- The Committee could either approve, approve with minor amendments, or amend the application significantly, which would result in another round of consultation. They did not have the power to refuse the application outright.
- It was not considered appropriate for the area to be designated as a business area.
- 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 Ailsworth 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
9.00am – 12:15pm

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av. Cemetery

Location Plan

14/01403/FUL

Land To The Rear Of 26 To 30 Vergette Street, Eastfield, Peterborough

Scale: NTS

Date: 20th Oct 2014

Created by: LMG Planning Services



PETERBOROUGH



CITY COUNCIL

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Application Ref:	14/01403/FUL
Proposal:	The erection of 2 bed dwelling and associated parking (part retrospective)
Site:	Land to the side of no.30 Vergette Street and land to the rear of 26 to 30 Vergette Street
Applicant:	Mr N Sherwood
Agent:	Mr John Dickie
Referred by:	Cllr John Peach
Reason:	The lack of parking, overcrowding, over intensive use of land/housing and impact upon the street scene.
Site visit:	18.8.2014
Case officer:	Mr M Roberts
Telephone No.	01733 454410
E-Mail:	mike.roberts@peterborough.gov.uk
Recommendation:	GRANT subject to relevant conditions

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

The Site and Surrounding Area

The immediate area is dominated by terraced dwelling houses with only a limited number of them having on plot parking. These dwellings have their front elevations on the rear edges of the pavements. The dwellings are nearly all of the same scale and many have kept original features for example stone cills and lintel and the original off yellow brickwork to the front elevations.

The land to the rear of nos 26 – 30 Vergette Street is predominantly gravelled over. This area would have been the rear garden of no.30 Vergette Street. Only up until quite recently there were 2/3 substantially sized trees in the rear garden. These were taken down and the land is at present used as a car park for the occupiers of nos.24 and 24A, 26, 26A and no.30 Vergette Street and no.55A Bedford Street. Nos 24 to 26A comprise of 4 flats.

Other than the aforementioned properties the car park shares a boundary with the rear/flank curtilages of no.32 Vergette Street and no.55 Bedford Street. The rear shared boundary with no.32 Vergette Street comprises fencing to a height of 1.3m to 1.4m beyond which the garden area of no.32 is in a somewhat unkempt garden. The shared boundary with no.55 Bedford Street comprises a 1.8m sturdy vertically boarded fence beyond which is a maintained rear garden.

Prior to the removal of the trees there was a length of hard surfacing between nos.24/24A Vergette Street and 55A Bedford Street that accommodated 3 cars.

The dwelling at no.55 Bedford Street has only a very small amenity space to the side of its south elevation defined by a close boarded fencing to a height of 1.8m. This property was formally a slaughter house.

No.30 Vergette Street is a two storey end of terrace dwelling. It comprises of a yellow stock brick that is common in many areas of the city, including the immediate area and has a tiled roof. It has three lengths of red brick banding across its front elevation with feature stone cills and lintels. To the east side of the dwelling, still within its curtilage, was a garage and driveway. However it has been demolished and the area has been screened with 1.8m high close boarded fencing along the back edge of the pavement The site is becoming overgrown with weeds.

The application site has a width of 5.2m and the overall width of the curtilage of no.30 is 10.6m The gable end of no.26 Vergette Street does not have any windows.

Proposal

There are two aspects to the proposed development. These are:-

- The erection of a single dwelling house
- The retention of the parking area to the rear of nos.26-30 Vergette Street and no.55a Bedford Street.

The proposed two storey dwelling

The dwelling is to comprise of a lounge, kitchen and toilet on the ground floor with two bedrooms and a bathroom on the first floor. The front elevation of the dwelling would abut up against the back edge of the pavement for the most part with a slightly recessed area to the front door. The dwelling has been designed to reflect the vernacular detail of many of the residential properties within Vergette Street. For example the ridge height of the dwelling, the angle of the roof slopes, the materials, a banding feature in red brick across the front elevation with matching cills and lintels.

The rear parking areas

The proposal is seeking to retain a parking area to the rear of nos.26-30 Vergette Street and 55A Bedford Street. The parking court area is rectangular in shape with a depth of 16m and a width of 10.7m. It can accommodate up to 9 cars, two of which are in a tandem arrangement with enough space within the car park to enable vehicles to be able to park clear of the highway and to enter and exit it in a forward gear. The car park is wholly of gravel construction and were the proposal to be approved the surface of the car park is to comprise of block paving. The access to the car park is directly off Bedford Street between nos. 24/24a/26/26a Vergette Street and 55A Bedford Street. The access will have a width of 5.0m for the first 10m of its length from Bedford Street.

As a result of the size of the car park the rear garden to no.30.Vergette Street has been reduced in the size. From the reference to older drawings and aerial images the garden of no.30 had a depth of 18m to 24m. The garden area of the dwelling that is to be retained is to have depths between 2.0m at its shortage and 7.6m at its maximum with an overall area of approximately 20sq.m. The proposed rear area for the new dwelling would have a maximum depth of 7.6m and a depth of 3.4m at its shortage with an overall area of approximately 27sq.m.

Areas have been shown for the location of refuse bins and for cycle parking both for the proposed dwelling and also the existing adjoining dwellings.

2 Planning History

Reference	Proposal	Decision	Date
14/00129/FUL	The construction of 2 flats to the side of	REFUSED	31.3.2014

3 Planning Policy

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

The 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.

The Peterborough Planning Policies DPD

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 would which result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

PP03 – 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.

PP10 – 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.

PP11 – Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport in accordance with the standard set in Appendix A is made.

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**

Archaeology

There are no known heritage assets within the proposed development site and surrounding area (200m radius). Given the absence of archaeological evidence together with the small scale of the proposed development, there is no need to secure a programme of archaeological investigations by condition (no condition).

Highways Officer

The access width is to be 5.5m for the first 10m of the vehicular entrance into the site, then 5m in width thereafter to enable two vehicles to pass and to provide pedestrian access. Vehicle to pedestrian splays of 2m by 2m are required on both sides of the access, measured from and along the back edge of the pavement with no obstruction over 600mm above ground level. Vehicle to vehicle visibility splays measuring 2.4m by 43m are required (unless a speed survey is submitted to demonstrate that these requirements can be reduced). No obstruction above 600mm above ground level shall occur within the splay. The splay to the south west of the access would be required to stretch to the junction of Bedford Street and Vergette Street.

Turning Area – A turning area/manoeuvring aisle measuring 6m shall be required between the car parking spaces to enable vehicles to reverse, turn and leave safely in a forward gear. To achieve this the width of the car park needs to at least 16m.

Environmental Health – No comments.

Planning Obligations Team – The dwelling would generate an infrastructure payment under the Planning Obligation Implementation Strategy.

Stewart Jackson MP

I am in receipt of a number of representations from constituents in Bedford Street and Vergette Street.

I write to **OPPOSE** the above application again.

I believe if agreed that it would represent an over intensive use in an established residential area; would impact on the residential amenity of local residents, is an incursion of an HMO in a densely populated area; would cause unnecessary disruption in terms of car parking/traffic, noise and anti-social behaviour.

This is an example of a poor quality, urban infill proposal which lacks aesthetic value and is based on speculative greed, irrespective of the impact of existing householders.

For these reasons, I suggest that the application should be sent to the planning and environment protection committee and subsequently **REJECTED** by City Councillors.

Local Residents

Initial consultations: 25

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

Two objections have been received, one of which from a local resident and the other from a

resident outside the immediate area, on the following grounds:-

- The area is already over populated for the size of the street
- The area is already saturated with such development that are to the detriment of the character of the area which is becoming in decline and crowding
- There are too many Houses in Multiple Occupation in this area and the general state of them is poor.
- More parking congestion is likely
- The applicant has other properties in the area that tend to be for bed-sit accommodation but not the whole property for a family. This tends to result in at least 2 vehicles per dwelling
- The land next to no.30 Vergette was deemed by the applicant to be waste land. However up until this year it had a perfectly good garage for the vehicles of the dwelling
- There does not seem that much attention has been given to the amenities of the neighbouring residents during the construction period should planning be granted.
- On a positive note the design of the proposed dwelling would be in keeping with the houses in the area

5 Assessment of the planning issues

The main considerations:-

- **The principle of the proposed dwelling**
- **The impact of the development upon the character and appearance of the immediate locality**
- **Highway safety implications**
- **The impact of the proposals upon the amenities of the occupiers of the adjacent dwellings**

The principle of the development

The application site is located within an area of the city that is dominated by residential development as such the principle of the proposed new dwelling is considered to be acceptable. Parking areas in backland locations are not common within the immediate area. Therefore there are no comparisons with which to elsewhere compare the proposed car park.

The impact of the development upon the character and appearance of the immediate locality

The dwelling

As previously stated the design and scale of the proposed dwelling has fully taken into account the local vernacular. Its location between two dwellings would provide for a positive addition to the streetscene and it would fill in a gap within the row of dwellings. At present this gap upsets the rhythm of the street scene. It is therefore considered that the dwelling would not harm the character and appearance of the immediate area.

The car park

Whilst there is no comparison between what was previously on the site and the car park there now its retention has to be determined based on its merits.

The car park area, due to its size, location, and surface materials does stand out from within the street scene but only from a brief glimpse as one would walk along Bedford Street. However it is to be resurfaced with grey coloured permeable blocks which would soften the visual impact of the car park surface compared with that of the gravel. The car park is completely screened from Vergette Street and most of the length of Bedford Street.

Therefore it is not considered to have a significant adverse impact upon the character and appearance of the area.

Highway safety implications

On road parking is in short supply in the immediate area resulting in congestion which leads residents having to find a parking space in other nearby streets. The car park will provide space for the occupiers of 7 residential properties which will result in less pressure for on road parking. This is a material consideration that carries weight. The parking provision satisfies the standards of the Peterborough Planning Policies DPD.

The car park has been designed to enable 9 cars to enter the site, park and leave in a forward gear. The entrance road is to have a width of 5m for the first 10m into the site. The Local Highways Authority require a width of 5.5m to provide a shared surface for the residents to walk to and from their vehicles and at the same time in a safer manner. To address the slight shortfall in the width of the access the proposal includes a pathway that will reduce the length the access road that the residents of the four flats at numbers 24 - 26A Vergette Street would have to walk along both to and from their vehicles.

The pedestrian to vehicle visibility splays can be achieved. However the vehicle to vehicle visibility splay to the north cannot satisfy the required distances of the Local Highways Authority. The splay to the north has a maximum length of 13m which is substandard but the visibility splay to the south is acceptable. The required visibility splays are 2.4m by 43m. Within the older parts of towns there can be vehicular accesses that do not satisfy the access requirements of the current standards. Whilst there is as a shortfall in the visibility splays this can make drivers pay a greater attention to passing traffic and move at slower speeds both on entering and leaving the car park. Further the new access and parking area significantly improve the previous situation where just 3 vehicles could be accommodated along the site frontage to Bedford Street and they would either had to reverse onto the public highway or reverse into the spaces. Either of these options was detrimental to highway safety. The proposed car park arrangement will enable vehicles to park clear of the public highway, to enter and leave the car park in a forward gear.

Therefore whilst the visibility splays do not meet the current standard it is considered that this proposal is an improvement to what was there previously.

The impact of the proposal upon the amenities of the occupiers of the adjacent dwellings

The proposed dwelling would have little impact upon the amenities of the two properties on either side. The rear elevation of the proposed dwelling is to align to the rear elevations of the dwellings on either side.

The use of block work for the surfacing of the car park will be considerably less noisy than that of the gravel which is there at present. The shared boundary of no.32 Vergette Street offers little screening of the car park at present. A new boundary fence is proposed to a height of 1.8m. This will provide no.32 with a significant increase in privacy as well as screening it from the car park. There have been no objections from the householder. The shared boundary of the car park with no.55 Bedford Street is a sturdy fence that screens the car park from views within the rear garden of the dwelling.

No.55a has a restricted side garden area and vehicles entering and leaving the car park will have to pass close to its boundary. However the expected slow movement of the cars and the proposed surfacing will keep noise to an acceptable level. No objections have been raised to the development from the occupiers.

Other matters

- The gardens of nos.24, the new dwelling, 26 and no.30 are to be provided with a bicycle stand each to encourage a sustainable mode of transport
- A benefit of the proposal is that it would enable the occupiers of the flats is to have a designated bin store area that will be accessible both to the residents and the collectors of the waste. The bin store area is to be enclosed by close boarded fencing to a height that will screen the bins from view. At present the wheelie bins of the flats provide a cluttered appearance.

Stewart Jackson MP has submitted an objection to the proposal. It is considered the matters raised have been addressed. Specifically the following:-

- The proposed dwelling is not to be used a HMO
- The car park would not have an adverse impact upon the occupiers of the adjacent residential properties due to the low vehicle speeds and the new block work surface.
- The car park will provide off road parking for residents of 7 dwellings
- The proposed dwelling is of a design that is wholly in keeping with the local vernacular.

6 Conclusions

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

- The design of the dwelling has taken into account the local vernacular and would have a positive impact upon the character and appearance of the immediate residential area in accordance with policy PP2 of the Peterborough Planning Policies DPD
- The car park would result in less cars having to park within the public highway to the benefit of the residents of the locality in accordance with policy PP12 of the Peterborough Planning Policies DPD.
- The access to Bedford Street is considered to be acceptable due to the expected low vehicle speeds 2of vehicles exiting the car park and the pedestrian to vehicle splays that can be met in full, in accordance with policy PP12 of the Peterborough Planning Policies DPD. It is also considered to be an improvement on the previous parking arrangement.
- The outdoor amenities to be provided for the occupiers of nos.24 - 26A Vergette Street are an improvement to the very small provisions at present in accordance with policy PP4 of the Peterborough Planning Policies DPD
- The rear garden proposed for the new dwelling and that to be retained for the existing dwelling at no.30 Vergette Street are adequate in accordance with policy PP4 of the Peterborough Planning Policies DPD

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 Notwithstanding the submitted information the surfacing of the car park is be of a permeable Pennant Grey blockwork. The surfacing of the car park shall be fully implemented prior to the occupation of the dwelling hereby approved.**

Reason: In the interest of the appearance of the car park and the amenities of the occupiers of the adjoining residential properties in accordance with policy PP2 of the Peterborough Planning Policies DPD.

- C 3 The external materials for the dwelling hereby approved shall match those as set out on drawing no. JDA/2014/290/PL.010G**

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

- C 4 Notwithstanding the provisions of Schedule 2, Part 2, Class A the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby approved shall be constructed unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to protect the amenity of the occupiers of the dwellings hereby approved in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 5 All fenestration and external doors shall be located at least 50mm behind of the face of the masonry.**

Reason: To ensure a satisfactory external appearance of the dwelling in accordance with policy PP2 of the Peterborough Planning Policies DPD.

- C 6 Prior to the occupation of the dwelling hereby approved all 9 of the car parking spaces shall be clearly numbered in accordance with drawing no. JDA/2014/290/PL.010G. Thereafter the numbering of the car parking spaces shall be retained.**

Reason: To ensure that the car parking spaces are clearly marked out to ensure that the car park is used efficiently at all times in accordance with policies PP12 and PP13 of the Peterborough Planning Policies DPD

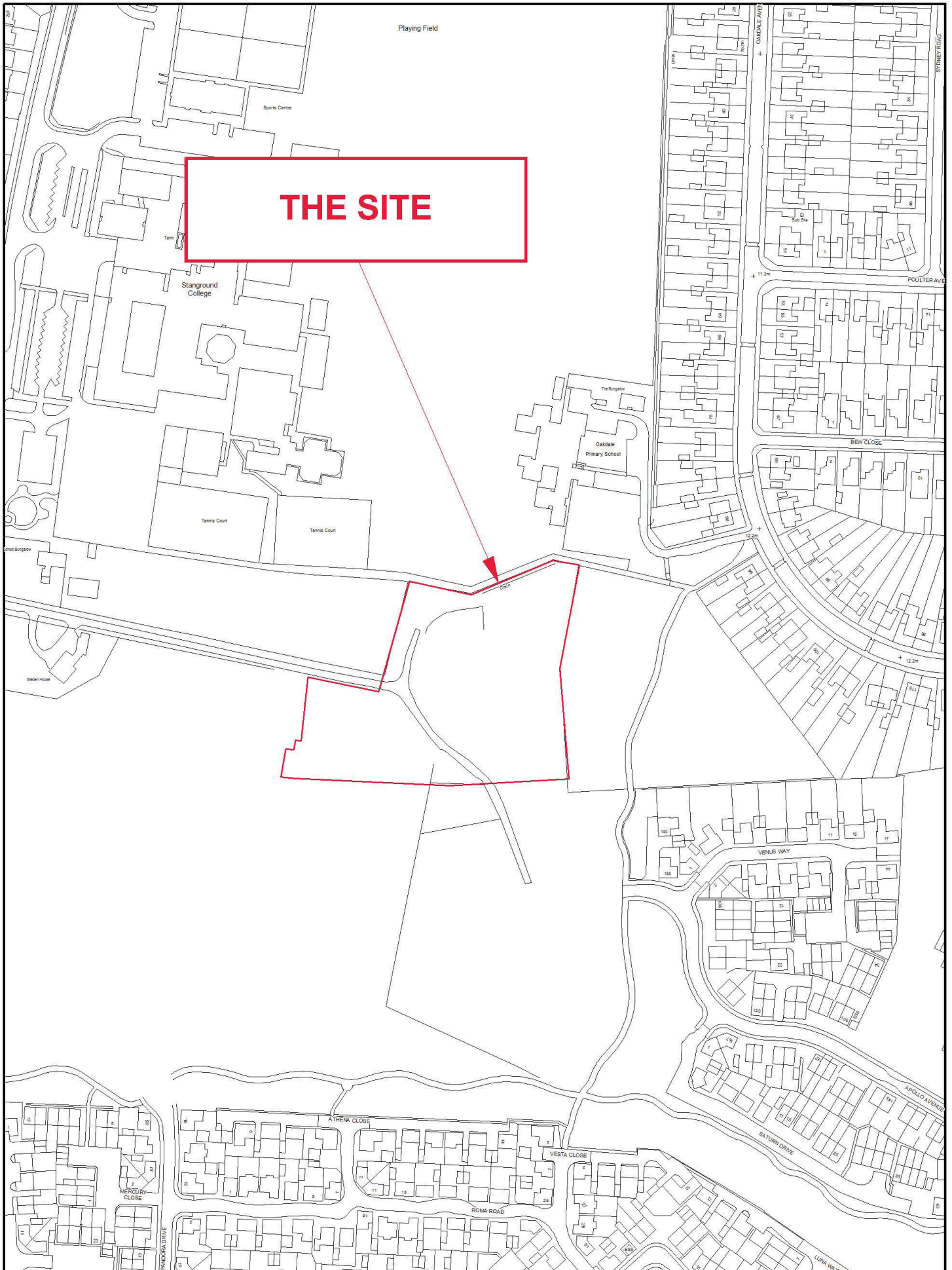
- C7 The close boarded fences as set out in drawing no. JDA/2014/290/PL.010G shall have a height of 1.8m other than the fencing to surround the bin store to the rear of no.24 Vergette Street which is to have a height of 1.5m. The fencing shall thereafter be retained. The fences shall be implemented prior to the occupation of the dwelling hereby approved.**

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

- C8 Prior the first occupation of the dwelling hereby approved pedestrian visibility splays shall be provided on both sides of the access to Bedford Street shown on the drawing number JDA/2014/290/PL.010G. The splays shall measure 2.0m x 2.0m measured up the side of the access and along the back edge of the highway from where the access joins the public highway. The visibility splays shall thereafter be retained and kept permanently clear of all obstacles above 600mm in height.**

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012).

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Location Plan

14/01566/FUL

Land To The South Of Oakdale Avenue, Stanground, Peterborough

Scale: NTS

Date: 20th Oct 2014

Created by: LMG Planning Services



PETERBOROUGH



CITY COUNCIL

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Application Ref: 14/01566/FUL

Proposal: Erection of 33 dwellings and the associated access

Site: Land To The South Of, Oakdale Avenue, Stanground, Peterborough

Applicant: Mrs Anne Dew
Persimmon Homes East Midlands

Agent:

Referred by: Director of Growth and Regeneration

Reason: Departure from the adopted Local Plan

Site visit:

Case officer: Miss Louise Lovegrove

Telephone No. 01733 454439

E-Mail: louise.lovegrove@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 South Stanground Urban Extension (SSUE), known as Cardea, is located between Oakdale Avenue to the north and the Stanground Bypass to the south. The new Horsey Toll roundabout is situated to the east of the site and Peterborough Road to the west. There is a small length of dual carriageway heading off the new bypass into Cardea which is referred to as the Entrance Avenue. At the end of this avenue is a smaller roundabout leading to various development plots of the urban extension.

The parcel of land subject to this application is situated to the northern-most extent of the wider SSUE site, adjacent to the boundary with Glebe Farm to the north. To the east of the application site is an existing area of public open space with an established children's play area which links through to the existing dwellings along Oakdale Avenue. To the west of the application site is an undeveloped parcel of residential land referred to as Phase 3D and to the south is the partially constructed residential development referred to as Phases 3A, B and C.

For Members' information, a copy of the framework plan for the SSUE is attached as Annex A. It should be noted that the application site is allocated through Policy SA9 as employment land and this has been approved under outline planning permission reference 03/00842/OUT.

Proposal

The application seeks planning permission for the development of 33 dwellings, comprising a mixture of 3, 4 and 5-bedroom properties with associated parking and access. The design and character of the development, along with the dwelling types/styles, would be similar to the existing development within the wider SSUE.

2 Planning History

Reference	Proposal	Decision	Date
03/00842/OUT	Outline application for Urban Extension including 1525 dwellings, school, local centre, 5.5ha of employment land, playing fields and other infrastructure.	17/8/2001	Approved

03/00507/FUL	Stanground bypass	27/10/2005	Approved
07/01651/REM	Entrance avenue from bypass to the centre of the estate	30/5/2008	Approved
07/01893/REM	Western part of the spine road (which runs through the north-west quadrant of the site and will become the bus route)	5/6/2008	Approved
08/00870/REM	135 dwellings with roads, phase 1a/1b	9/6/2009	Approved
08/01518/REM	115 dwellings with roads	7/4/2009	Approved
10/00153/REM	48 dwellings with roads, phase 1c	3/6/2010	Approved
10/00285/REM	Green Infrastructure incorporating a sustainable drainage system (SUDS) relating to the western part of Cardea		Pending
10/00146/REM	45 dwellings with roads	12/5/2010	Approved
10/00483/REM	Road to the south of the local centre	13/9/2010	Approved
10/00484/REM	Road to the north of the local centre	21/9/2010	Approved
10/00524/REM	Southern loop road (through the south-west quadrant of the site)	26/7/2010	Approved
10/00560/FUL	New centre for Stanground South comprising foodstore (use class A1) including petrol filling station and recycling facility, public house/restaurant (use class A4), day nursery (use class D1), retail terrace (use class A1 (restricted) A2, A3, A5, D1, B1a) together with associated car-parking, servicing and landscaping	20/8/2010	Approved
10/01027/REM	Part of the sustainable drainage system to the east of the Local Centre and playing fields sites, serving the school, Local Centre, playing fields and housing phases 1f, 1i and 2c; and landscaping to the east of the Local Centre	4/2/2011	Approved
10/01619/REM	33 dwellings with roads phase 1e	18/1/2011	Approved
10/01628/REM	48 dwellings with roads, replan of phase 1c	23/2/2011	Approved
11/00467/REM	110 dwellings with roads, phases 2a/2b	9/09/2011	Permitted
11/00487/FUL	Construction of foot/cycleway to link Cardea with Oakdale Avenue, across the open space by Oakdale Primary School	25/5/2011	Approved
11/00778/REM	Construction of 210 place C of E Primary School, including fenced games area, playing field and car parking	19/08/2011	Permitted
11/00961/REM	Creation of playing fields, (incorporating a NEAP and a MUGA.) involving re-contouring of land, laying of drainage and landscaping - land South of the Local Centre	23/09/2011	Permitted
11/01952/REM	Construction of electricity sub-station to serve new primary school as approved under planning permission 03/00842/OUT	1/02/2012	Permitted
12/01252/REM	Construction of 159 dwellings, access and landscaping on phases 3a-c	19/02/2013	Permitted
13/00969/R3FUL	Construction of new 3m wide shared-use footpath/cyclepath through open space buffer within Stanground South	5/09/2013	Permitted
13/01670/REM	Substitution of housetypes to replace six approved dwellings on plots 227-232 of tranche 3a-c with three detached dwellings	2/01/2014	Permitted
13/01712/REM	Construction of 12 dwellings and associated landscaping - Phase 3ABC	21/02/2014	Withdrawn
13/01852/R3R	Proposed development of a sports pavilion with	7/02/2014	Permitted

EM	associated parking	
14/01567/REM	Reserved matters submitted pursuant to application 03/00842/OUT - relating to access	Pending
14/01614/REM	The erection of 45 dwellings and the associated works	Pending
14/01668/REM	Application for Reserved Matters for the construction of 30 dwellings and associated works pursuant to planning permission 03/00842/OUT	Pending

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 - Alternative uses for Allocated Employment Sites

Where there is no reasonable prospect of an employment use being implemented applications for alternative uses should be considered, having regard to market signals and the need to support sustainable local communities.

Section 6 - Change of Use of Employment Land to Residential

Applications should normally be approved where there is an identified need for additional housing in that area and provided that there are not strong economic reasons why such development would be inappropriate.

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 10 - Development and Flood Risk

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

Section 11 - Contamination

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

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.

CS03 - Spatial Strategy for the Location of Employment Development

Provision will be made for between 213 and 243 hectares of employment land from April 2007 to March 2026 in accordance with the broad distribution set out in the policy.

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.

CS12 - Infrastructure

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

CS13 - Development Contributions to Infrastructure Provision

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

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

CS19 - Open Space and Green Infrastructure

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

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)

SA09 - Urban Extensions

Identifies sites for B1, B2 and B8 employment uses in accordance with Core Strategy policy CS3.

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.

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.

PP17 - Heritage Assets

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

PP20 - Development on Land affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

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.

Peterborough Planning Obligations Implementation Scheme SPD (2010)

4 Consultations/Representations

Childcare Market Facilitation Manager (T Laws)

No comments received.

Travel Choice

No comments received.

Police Architectural Liaison Officer (16.09.14)

No objections – it is evident that crime prevention and community safety has been adequately considered in the proposed layout. Access to the open space between plots 46-49 and 76-78 should be protected with a low fence to deter vehicle access and/or parking. In addition, street lighting should be provided.

Section 106 Planning Obligations Officer (15.09.14)

A Section 106 contribution of £259,000 is sought using POIS for this development plus a 2% monitoring fee of all financial contributions. An off-site contribution towards public open space may be required and 30% affordable housing is also required as the proposal exceeds the relevant triggers.

Senior Recreation Officer

No comments received.

Transport & Engineering Services (14.10.14)

No objections – The proposed highway layout and car parking is acceptable and would not give rise to any unacceptable highway safety danger. Request a number of conditions relating to provision of parking, visibility splays, lighting and further measures to reduce vehicle speeds along the adoptable road.

Peterborough Local Access Forum

No comments received.

The Open Spaces Society

No comments received.

Ramblers (Central Office)

No comments received.

Middle Level Commissioners (22.09.14)

Confirmation that they will not be commenting on the application.

Environment Agency (19.09.14)

No objections – Request a condition relating to details of foul sewage disposal to ensure that there is sufficient capacity existing for the connection.

Waste Management

No comments received

Archaeological Officer (16.09.14)

No objections – At the time of previous evaluation, the site was considered to yield low archaeological potential as a result of extensive truncation of buried remains resulting from the buildings previously in situ.

Education & Children's Dept - Planning & Development

No comments received.

Pollution Team (25.09.14)

No objections – The previously agreed contamination remediation scheme for the site (under reference 10/01460/DISCHG) is adequate and no further remediation will be required for this site.

Strategic Housing

No comments received

Middle Level Commissioners

No comments received

The Open Spaces Society

No comments received

Peterborough Local Access Forum

No comments received

Ramblers (Central Office)

No comments received

Senior Recreation Officer

No comments received

GeoPeterborough (Sites Of Interest)

No comments received

Section 106 Major Group

No comments received

Police Architectural Liaison Officer

No comments received

Travel Choice

No comments received

Waste Management

No comments received

Drainage Team

No comments received

Local Residents/Interested Parties

Initial consultations: 13

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No neighbour representations have been received.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Connections to other developments within the urban extension
- Layout, design and amenity provision
- Highway safety and parking
- Contamination
- Archaeology
- Drainage
- Developer contributions

a) Principle of development

The wider South Stanground Urban Extension (SSUE) was granted planning permission under application reference 03/00842/OUT in August 2007 for the construction of up to 1,525 dwellings, 5.52 hectares of Class B1 employment land, a primary school, local centre and associated access roads, drainage and public open space.

As detailed in Section 1 above, the application site forms part of the employment land, which is specifically allocated under Policy SA9.2 of the Peterborough Site Allocations DPD (2012). The breakdown of the 5.52 hectares of employment land within the SSUE comprises: 2.8 hectares to the west of Entrance Avenue, abutting the Stanground bypass; 1.5 hectares within the Local Centre; and the 1.1 hectares which is the subject to this current planning application.

In 2010, planning permission was granted for the development of the Local Centre (which has since been completed) which is formed by a mixture of a supermarket, public house and local shops/facilities. Further, under application reference 11/00795/FUL, planning permission was granted to construct a total of 138 houses on the parcel of employment land adjacent to Entrance Avenue. This current application therefore seeks residential development on the remaining parcel of employment land allocation and, if granted, would result in the loss of employment land within the urban extension.

Accordingly, due consideration must be given to the level of provision of employment land set out in the City Council's Spatial Strategy. Policy CS3 of the Peterborough Core Strategy DPD (2011) states that provision will be made for development of between 213 and 243 hectares of employment land over the plan period from 2007 to 2026. Whilst this is clearly vital to the economic future of the City, the most recent monitoring survey undertaken in respect of office and industrial development in Peterborough (March 2013) highlights that with outstanding planning permissions (both under construction and not yet started) plus those sites which are allocated but not yet consented, there is a total amount of land available of 245 hectares. As such, even with the proposed loss of 1.5 hectares resulting from this application, there is sufficient land supply to meet the employment land requirement of the plan period.

On this basis, it is considered that the proposed change of use of an allocated employment site to residential would not result in any unacceptable impact in terms of the overall provision of employment land within the City, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011).

b) Connections to other developments within the urban extension

Cardea is a well-established development with occupancy of 667 dwellings as of August 2014 (almost half of that approved at outline application stage). Furthermore, reserved matters applications are currently pending consideration for a further 75 dwellings. It has been identified that the wider development is one of the fastest selling in the country and annual dwelling completion rates are around the 100 figure which is considerable given the current economic climate.

The local centre has been partially completed with the provision of a supermarket, public house and local shops; the pedestrian footway/cycleway link to Oakdale Avenue is in place which permits connectivity to the wider Stanground locality; and the primary school has been completed and occupied since 2012. Furthermore, a bus service is in operation which connects Cardea through to the City Centre via Stanground. This bus service currently enters and leaves the estate via the entrance avenue; in due course it will run through Cardea from Peterborough Road to Park Farm at a point in close proximity to the application site.

With regards to the proposed use as a residential site comprising a total of 33 dwellings, it should be noted that the site is bound to the south and west by other parcels of land allocated for residential use. The majority of the residential dwellings proposed would be accessed from the south, through Phase 3ABC whilst 11 of the dwellings would be accessed from the west

through Phase 3D. Given the surrounding residential uses and proximity to an existing area of open space, in addition to the community services, local centre and public transport links already present within the wider SSUE, it is considered that the site is appropriate for development for residential purposes. On this basis, the proposal is in accordance with Policies CS1 and CS16 of the Peterborough Core Strategy DPD (2011).

c) Layout, design and amenity provision

The layout which is being considered by Members has been subject to discussion with Officers and has been amended at their request. It is considered that the revised scheme now offers an acceptable level of amenity for future occupants.

Layout and design

It is considered that the application proposal responds to the context of the site and its constraints. To the east of the site is situated an area of public open space with play area. Plots 68, 70, 72 and 71 all have primary habitable windows at both first and ground floor level which overlook this area to provide natural surveillance to the open space. This would reduce the risk of crime and be of considerable benefit from the original permitted use of the site as B1 employment which would only reasonably be used during normal working hours.

With regards to the principal route through the site, the dwellings have been set back from the public highway to create a verdant frontage. Through appropriate landscaping this would soften the appearance of the development and create an acceptable quality of public realm. Furthermore, the private driveway serving Plots 77 and 78, along with their orientation would create an active frontage to the pedestrian footway/cycleway which bounds the site to the south, maintaining its open character whilst mirroring the approved and constructed development beyond.

In terms of the eastern portion of the site, it is acknowledged that there would be a considerable level of hardstanding to the front of dwellings. However, through the highway layout and soft landscaping, it is considered that the streetscene would not appear unduly dominated by vehicles and views through to the open space to the south of the site would be maintained. As such, on balance it is considered that the proposal would provide an acceptable quality of public realm which respects the character, appearance and built form of the wider development in the locality. On this basis, the proposal is in accordance with paragraph 58 of the National Planning Policy Framework (2012) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

Amenity provision

The majority of dwellings have a suitable level of outdoor amenity space, with the smallest garden (serving a 2-bed terraced dwelling) 8 metres in depth however on average, garden depths are approximately 9-10 metres. Some concern is expressed in respect of north facing gardens which are 10 metres in depth, however it is considered that overall these are of a sufficient size so as to afford an adequate area which is not subject to an overshadowing impact and would therefore provide an acceptable and usable outdoor space.

Further, in terms of separation distances, it is considered that these are adequate so as to prevent any unacceptable level of direct overlooking and loss of privacy. However, consideration must be given to the future implications of occupants exercising their 'permitted development' rights and the impact that this may have upon neighbour amenity. It is considered that the separation distances between Plots 42-48 and 57-60, 66-67 and 68, and 71-72 and 73-74 represent the minimum that is acceptable. Therefore, any further encroachment upon this at first floor would result in an unacceptable impact in terms of direct overlooking. Accordingly, it is considered necessary to remove the permitted development rights for two storey rear extensions on these plots only.

On the basis of the above, it is considered that the proposed layout would provide an acceptable level of amenity for future occupants and is therefore in accordance with Policy

PP4 of the Peterborough Planning Policies DPD (2012).

d) Highway safety and parking

Access

The proposal seeks to serve the majority of the dwellings proposed by way of a 5.5 metre wide shared surface (shared between both vehicles and pedestrians). Similarly, the south-western corner of the site would be served by way of a 5.5 metre wide shared surface which runs through the immediate development Plot of Phase 3D. This access road is subject to a pending reserved matters application (reference 14/01567/REM). The use of this form of access accords with the relevant safety standards applied by the Local Highway Authority and as such, they have raised no objections.

In order for the highway to be adopted, the LHA has advised that additional speed reduction measures (such as build outs, ramps, deflection) would need to be provided however this may readily be secured by way of a condition. The proposed highway arrangement and junctions with private driveways can allow for the requisite vehicle-to-vehicle and vehicle-to-pedestrian visibility splays and as such, no undue risk would result.

Parking

The proposed dwellings would all be afforded with conveniently located parking and the number of spaces allocated for each dwelling accord with the parking standards set out in Policy PP13 of the Peterborough Planning Policies DPD (2012). All dwellings proposed would provide at least 2 off-road parking spaces, with the larger detached dwellings providing more than 2 spaces. Whilst no visitor parking is to be provided, it is considered that the proposed dwellings would provide more than adequate space on-plot to allow visitors to park and avoid congestion along the adoptable highway.

On this basis, it is considered that the proposal would afford safe access for all users of the public highway and adequate parking would be provided to meet the needs of the development. The proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

e) Contamination

As part of the original outline planning permission for the SSUE, the entire area subject to development was subject to an assessment of the contamination risks present. Given that the current application site was formerly used for vehicle storage, contaminants were present and accordingly, a scheme of remediation was submitted. Whilst this was originally based upon the intended use of the site as B1 employment land, the City Council's Pollution Control Officer has confirmed that the remediation measures - capping layer comprised of chemically tested clay, ventilated subfloors with gas membranes and removal of made ground from all soft areas e.g. gardens - are sufficient to ensure that no risk to human health would result for residential occupants. Compliance with this remediation scheme may be secured by condition.

On this basis, the proposal would adequately address contamination risks on the site, in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

f) Archaeology

As above, under the original outline planning permission the entire SSUE was subject to detailed archaeological evaluation. Initially by way of a series of trial trenches and geophysical surveys and then more detailed wider excavations. The initial trenches, some of which covered the application site, did not find any substantial archaeological remains within the area and this is predominantly owing to the historic buildings which were in situ and heavily truncated any remains contained therein.

As such, the City Council's Archaeological Officer has confirmed that there is no requirement for further evaluation as the proposal does not pose any risk to buried archaeological remains. The proposal is therefore in accordance with paragraph 128 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).

g) Drainage

A Drainage Strategy and Flood Risk Assessment were prepared for the western half of Cardea (which includes the application site), and approved in January 2010 after consultation with the Environment Agency and the Middle Level Internal Drainage Board. These reports and calculations assumed that the application site would be put to employment use and as such, the issue for Members to consider is whether the change of use of this area from employment to residential dwellings will affect the drainage system, and whether the risk of flooding will increase or be unacceptable. The City Council's Drainage Engineer has advised that this is unlikely to be the case and that the drainage system would have capacity owing to only a very minimal increase in impermeable area from the original outline consent for an enterprise use on the application site.

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

The Drainage Strategy has been amended and reviewed by the Internal Drainage Board (IDB) and Environment Agency (EA). The EA has made no specific comment on the application, requesting only a pre-commencement condition which requires full details of a foul water drainage strategy to be submitted. The IDB however has advised that they do not wish to comment upon the application scheme.

The City Council's Drainage Engineer has advised that the submitted Flood Risk Assessment, which details that the proposed method for managing surface water on site would correspond to those set out in the previously approved Flood Risk and Drainage Assessment Reports in principle, is acceptable. However, the associated planning application for the construction of the SuDS on site is still pending consideration and has yet to be agreed. This results from a difference between what has been built on site and what has broadly been approved in principle through the Drainage Strategy for the site. As such, there is a small area of uncertainty with regards to the capacity of the SuDS which requires addressing. The Drainage Engineer has advised that this uncertainty may be resolved through the submission of further information post-decision in respect of drainage capacity and run-off rates from the development. This may be readily secured by a suitably worded condition.

Subject to the above conditions, it is considered that the proposed change of use would have no detrimental impact on the drainage system, and the development would not be at unacceptable risk of flooding. The proposal is therefore in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2012).

h) Developer contributions

In accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011), all new development is required to make a financial contribution towards the infrastructure demands it generates. Under the contribution figures set out within the Peterborough Planning Obligations Implementation Scheme SPD (2010), a contribution of £259,000 is sought (plus a 2% monitoring fee of £5,180). The Applicant has agreed to this contribution and work has begun to secure this through a Section 106 Legal Agreement.

In addition to the above, the proposal generates a requirement to provide 30% Affordable

Housing within the site, in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011). Where it is accepted that on-site provision is not possible due to exceptional circumstances the same policy notes that an Affordable Housing Commuted Sum is acceptable. However, within Cardea and the surrounding Stanground area, there is considerable need for the provision of a Sports Pavilion to be provided. It has been negotiated that this need is greater than the provision of on-site Affordable Housing, or a commuted sum towards off-site provision, and that the provision of this much-needed community facility outweighs the requirement for affordable units on this small development. Accordingly, Officers are seeking a commuted sum in lieu of the affordable units (10 no.) of £20,000 per unit, which equates to a total contribution of £200,000.

With regards to the requirement for Public Open Space (POS), as required by Policy CS19 of the Peterborough Core Strategy DPD (2011), it is not considered that the application site is of sufficient size to accommodate on-site provision. Furthermore, it is sited immediately adjacent to an existing and well-established play and grassed area which is designated as POS and therefore the provision on-site of additional space would be under-used. In addition, the SSUE has been permitted with an adequate level of open space and playing fields to meet the needs of residents, located in close proximity to the application site and it is considered that the additional 33 dwellings would not place any greater pressure on these facilities than the originally permitted housing numbers for Cardea.

On the basis of the above and subject to the signing of a Section 106 legal agreement, it is considered that the proposal would meet the infrastructure demands it generates and is therefore in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and the Peterborough Planning Obligations Implementation Scheme SPD (2010).

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:

- whilst the proposal would result in the loss of an allocated employment site, as set out in Policy SA9.2 of the Peterborough Site Allocations DPD (2012), the most up-to-date monitoring report identifies that the loss of 1.2 hectares would still ensure an adequate supply of land to meet the plan-period, in accordance with Policy CS3 of the Peterborough Core Strategy DPD (2011);
- the application site is considered an appropriate location for residential development which would provide good connections to the wider South Stanground Urban Extension, in accordance with Policies CS1 and CS16 of the Peterborough Core Strategy DPD (2011);
- the layout and design of the proposal would provide an acceptable quality of public realm which would mirror the existing wider development of Cardea, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal would afford an acceptable level of amenity for future occupants, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012);
- the proposed layout would provide safe access for all users and adequate parking provision would be provided for occupants, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- subject to appropriate remediation, the site would not pose any unacceptable risk to human health, in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012);
- the site has already been subject to archaeological evaluation and owing to the presence of building previously in situ, it is considered that there is little potential for undiscovered remains, in accordance with paragraph 128 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);
- the proposed drainage strategy would accord with that which has been approved for the wider

western half of the Cardea development and the proposal would not be at unacceptable risk from flooding, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);

- the Applicant has agreed to enter into a Section 106 legal agreement to secure a financial contribution towards the infrastructure demands generated by the proposal, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and the Peterborough Planning Obligations Implementation Scheme SPD (2010).

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 The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Proposed Layout (drawing number 104 Rev F)
- Boundary Treatments (drawing number 102 Rev B)
- Materials Layout (drawing number 108 Rev B)
- Turner Elevations – Plot 70 only (drawing number Tu-PD/03 Rev A)
- Turner Plans – Plot 70 only (drawing number Tu-PD/04 Rev A)
- Keating Elevations (drawing number KE-PD/01)
- Keating Plans (drawing number KE-PD/02 Rev A)
- Turner Elevations (drawing number Tu-PD/01)
- Turner Plans (drawing number Tu-PD/02)
- Holland Elevations (drawing number HO-PD/01)
- Holland Plans (drawing number HO-PD/02)
- Clayton Corner Elevations (drawing number CL-CR-PD/01)
- Clayton Corner Plans (drawing number CL-CR-PD/02)
- Turner Type A Elevations (drawing number Tu-PD/01)
- Turner Type A Plans (drawing number Tu-A-PD/02)
- Lewis Elevations (drawing number LW-PD/01)
- Lewis Plans (drawing number LW-PD/02)
- Hatfield Elevations (drawing number HF-PD/01)
- Hatfield Plans (drawing number HF-PD/02)
- Hanbury Elevations & Plans (drawing number HB-PD/01)
- Bewick Elevations (drawing number BE-PD/01)
- Bewick Plans (drawing number BE-PD/02)
- Rufford Elevations (drawing number RU-PD/01)
- Rufford Plans (drawing number RU-PD/02)
- Stanground Enterprise Specific Garage (House Type: G1)
- Stanground Enterprise Specific Garage (House Type: G2)

Reason: For the avoidance of doubt.

- C 3 The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be in accordance with the materials schedule shown on drawing number 108 Revision B.

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

- C 4 Prior to the commencement of development, full details of the hard and soft landscaping of all areas other than enclosed private rear gardens, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include (but not necessarily limited to):
- Site levels
 - Planting plans including species, size and density of planting;
 - Surface finishes including the delineation and identification of parking spaces;
 - Hard surfaced refuse collection points; and
 - Ramps and bollards where required.

Development shall be carried out in accordance with the approved details and the hard landscaping (surface finishes) shall be provided prior to first occupation of the dwelling to which they serve. Soft landscaping shall be planted in the first planting season following occupation of the dwelling(s) to which it serves.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and layout in the interests of residential amenity and highway safety, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 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 PP16 of the Peterborough Planning Policies DPD (2012).

- C 6 Prior to first occupation of the dwelling to which it relates, all boundary treatments shall be erected in accordance with the details shown on drawing number 102 Rev B. Thereafter and notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no other boundary treatments or means of enclosure shall be erected on any plot without the submission of a planning application to the Local Planning Authority.

Reason: To ensure that the site is adequately secured and to in the interests of the visual amenity of the locality, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

- C 7 Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP to be submitted shall include (but not necessarily limited to):
- Hours of construction;
 - Access routes for construction vehicles;
 - Parking, turning, loading and unloading areas for all construction vehicles visiting the site;
 - Parking of contractor vehicles;
 - Materials storage;
 - Wheel wash facilities; and
 - Measures to control the emission of dust from the site.

Reason: In the interest of highway safety and the amenity of nearby residential properties, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 8 No dwelling shall be occupied until such time as the highway linking that dwelling to the existing public highway on Whittlesey Road, Stanground and/or A1139 Fletton Parkway have been completed to base course level.

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

- C 9 Notwithstanding the details shown on the drawings hereby approved, vehicle-to-vehicle visibility splays shall be provided at either side of the junctions of all shared accesses with the adoptable road. The minimum dimensions of these splays shall be 2.4 metres (measured along the centre line of the access roads from their junctions with the channel line of the adoptable road) x 25 metres (measured along the channel line of the adoptable road from the centre line of the access roads). The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the road nearest the new access. Those visibility splays shall be kept clear of any obstruction above a height of 600mm above footway level in perpetuity.

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 first occupation of the dwellings hereby permitted, vehicle-to-pedestrian visibility splays shall be provided to both sides of the vehicular access. The visibility splays shall be of a minimum dimension of 2 metres x 2 metres for shared accesses and 1.5 metres x 1.5 metres for individual plot accesses (measured from and along the highway boundary). Those visibility splays shall be kept clear of any obstruction above a height of 600mm above footway level in perpetuity.

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 The dwellings hereby permitted shall not be occupied until the areas shown for parking and turning on the approved drawings have been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter,

those areas shall not be used for any purpose other than the parking and turning of vehicles in connection with the use of the dwelling to which they relate.

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

- C12 Notwithstanding the details shown on the drawings hereby approved and prior to the commencement of development, speed reduction measures to the adoptable highway shall be submitted to and approved in writing by the Local Planning Authority. The adoptable highway shall be constructed in accordance with the approved details.

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

- C13 Notwithstanding the details shown on the drawings hereby approved and prior to first use of the vehicular access to the site, barriers/bollards at either side of the adoptable highway with the footway/cycleway to the south of the site shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

- C14 Notwithstanding the submitted Flood Risk Assessment and prior to the commencement of development, full and up-to-date design details of the proposed surface water drainage system to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- confirmation of ownership/maintenance provision of all drainage assets;
- calculations showing the surface water discharge rates from the development;
- confirmation that the downstream drainage network and attenuation features serving the wider urban extension are capable of accommodating the surface water flows from the development; and
- a drawing demonstrating overland flood flow conveyance in the event of a surface water exceedance event.

Reason: To ensure that the dwellings approved are not at unacceptable risk from flooding, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C15 Prior to the commencement of development, full details of a scheme (including phasing) for the provision of mains foul water drainage on- and off-site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no dwelling 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 the provision of sustainable water infrastructure, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C16 The development hereby permitted shall be constructed in accordance with the contamination remediation measures set out in the submitted 'Site Investigation at Glebe

Farm, Havelock Farm and Sycamore Lodge, Stanground, Peterborough on behalf of Persimmon Holmes (E.Mids) Ltd' (reference E09/091).

Reason: To ensure all contamination within the site is dealt with in accordance with paragraphs 120 and 121 of the National Planning Policy Framework and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C17 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 paragraphs 120 and 121 of the National Planning Policy Framework and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C18 Notwithstanding the details shown on the drawings hereby permitted and prior to first occupation, the following first floor windows shall be obscurely glazed to a minimum of Level 3 obscurity, 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:

- Side elevations to Plots 40 and 41;
- Side elevations to Plots 42, 45, 46 and 48;
- Northern elevation to Plot 57;
- Side elevations to Plots 58, 61, 62 and 63;
- Southern elevations to Plots 59 and 60;
- Southern bathroom and eastern master bedroom windows to Plot 64;
- Southern bathroom and western master bedroom windows to Plot 65;
- Southern elevation to Plot 66;
- Northern elevation to Plot 67;
- Side elevations to Plots 68, 69, 71, 72, 74 and 75;
- Western elevation to Plot 70;
- Southern elevation to Plot 73;
- Northern elevation to Plot 76;
- Side elevations to Plot 77; and
- Western bathroom windows to Plot 78.

Thereafter, those windows shall be retained as such in perpetuity.

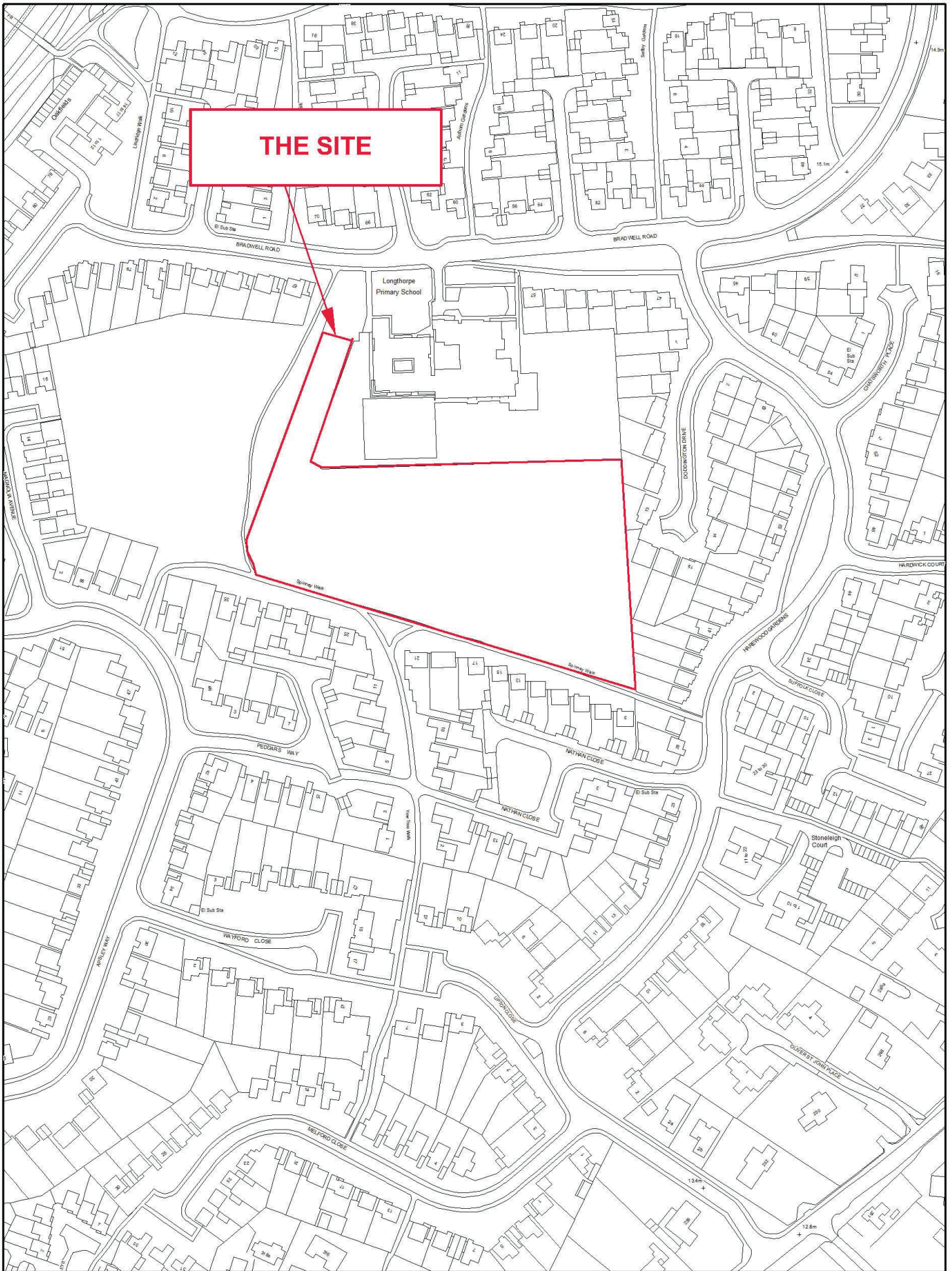
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C19 Notwithstanding the provisions of Part 1 Class A.1(f) of Schedule 2 the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no two storey rear extension to Plots 57, 58, 59, 60, 67, 68, 71, 72, 73, 74, 75 and 77 shall be constructed other than as those expressly authorised by any future planning permission.

Reason: In order to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C20 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 Peterborough Core Strategy DPD (2011).



Location Plan
 Longthorpe Playing Field

Scale: NTS **Date:** 23rd Oct 2014 **Created by:** LMG Planning Services

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
TUESDAY 4th NOVEMBER 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Hiller – Cabinet Member for Planning and Housing Services	
Contact Officer(s):	Nick Harding – Head of Development and Construction Hannah Vincent – Planning and Highways Lawyer	01733 454441 01733 452623

APPLICATION TO REGISTER LAND AT LONGTHORPE PLAYING FIELD AS A TOWN AND VILLAGE GREEN UNDER THE COMMONS ACT 2006

R E C O M M E N D A T I O N S	
FROM : Hannah Vincent – Legal Services	Deadline date : N/A
<p>1. That the Committee approve the appointment of an Independent Inspector to advise the Council in respect of the application to register Longthorpe field as a town and village green, to hold a public inquiry into the application and to make recommendations to the Council as to its determination.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee as a result of an application submitted under the Commons Registration Act 2006 to register land known as Longthorpe field as a town or village green.

2. PURPOSE AND REASON FOR REPORT

- 2.1 To inform the committee of an application received to register land as a town or village green.
- 2.2 To obtain the Committees approval for the appointment of an Independent Inspector to advise the Council in respect of the application to register Longthorpe playing field as a town or village green, to hold a public inquiry into the application and to make recommendations to the Council as to its determination.
- 2.3 This report is for the Committee to consider under its Terms of Reference No. 2.5.1.1 and Schedule 2.5.3.4 of the Part 3, Section 2 of the Constitution to exercise the functions of the Council under the Town and Country Planning act 1990 (as amended), specifically “Registering common land or town and village greens.”

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. BACKGROUND

- 4.1 The Council is the Registration Authority responsible for maintaining the register of town or village greens under the Commons Act 2006 (“the Act”).
- 4.2 An application dated 7 June 2011 (“the Application”) was submitted to the Council by Mr David Worth (“the Applicant”) to register an area of land known as Longthorpe Field (“the Land”) as a town or village green. The application was allocated reference RSN5812.
- 4.3 The application is based upon evidence of recreational use of the Land for over 20 years by members of the locality or neighbourhood ‘as of right’.
- 4.4 A copy of the Application (without the supporting ‘use’ evidence) is at Appendix 1.
- 4.5 The extent of the Land subject of the Application is shown edged red on the two plans at Appendix 2. Longthorpe Primary School is situated to the north of the Land with the south and east bounded by residential dwellings. There is a Council maintained public open space to the west of the Land.
- 4.6 The Land (approx. 1.6 hectares) is owned by the Council and is held as education land as part of Longthorpe Primary School. It is currently used as a playing field in connection with Longthorpe Primary School. The field is unfenced and therefore may be accessed by members of the public.
- 4.7 Following receipt of the application a public meeting was held on 18 January 2012 to discuss the application and seek a compromise solution that would satisfy the Applicant, the School and local residents without the need to hold an Inquiry.
- 4.8 At least two further meetings were held in March 2012 however a compromise was not reached.
- 4.9 Following the inability of the Applicant and objectors to reach a compromise a public notice was placed in the Peterborough Evening Telegraph on 21 May 2012 with an objection period running for 8 weeks until 16 July 2012. In addition site notices were posted in the locality of the Land and a copy of the application placed on public deposit at the Town Hall, Bridge Street, Peterborough
- 4.10 Following publication of the notice, 4 letters of support and 163 letters of objection were received, as detailed in paragraph 5 below.

Relevant Legislation

- 4.11 The Commons Act 2006 is the statutory regime governing town and village greens, replacing the registration system enacted by the Commons Registration Act 1965. In addition, the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 sets out the process to be followed by any applicant seeking to register a new town or village green and the process to be followed by the Commons Registration Authority
- 4.12 Section 15 of the Act sets out the requirements that must be satisfied if land is to be registered as a new green.
- 4.13 In order for an application to succeed, the Applicant must establish that the Land has been used:
- “as of right”, that is without force, without permission and not in secret
 - by a significant number of local inhabitants
 - for lawful sports and pastimes
 - for twenty years, prior to the date of the application.

- 4.14 The Council as the Commons Registration Authority must determine whether a village green has come into existence as matter of law.
- 4.15 In the case of any rejection of an application by the Registration Authority, a written notice of the reasons for the rejection must be given in the decision notification.

Burden and Standard of Proof

- 4.16 For an application to be successful all of the elements of Section 15 of the Act have to be strictly proven and the burden of proof in this regard is firmly upon the Applicant
- 4.17 The Applicant must demonstrate that all of the elements contained within section 15 have been satisfied on 'the balance of probabilities'.
- 4.18 The Council as registration authority has no investigative duty in relation to town or village green application which requires it to find evidence or to reformulate the applicant's case.

5. CONSULTATION

- 5.1 Following consultation, which commenced on 21 May four letters in support of the application were received, in addition to the evidence supplied by the Applicant.
- 5.2 In addition 163 letters of objection were received including letters from the Headmaster of Longthorpe Primary School and the Council as landowner.

Objections

- 5.3 The majority of the letters objecting to the application were in the form of a proforma template setting out the following concerns:
- there are many other green spaces in the local area that can be used for public recreation including the public open space to the west of the playing field
 - the primary use of the field has always been that of a school playing field
 - the town green status will limit the Council's ability to restrict access to this area in the future if persons use the area for anti-social behaviour.
- 5.4 In addition the following independent objections were received:
- if the application is successful the school's ability to use the field fully for the benefit of its pupils will be restricted
 - dispute that the evidence provided by the applicant and witnesses' demonstrates that the field has been used by a 'significant' number of inhabitants of the locality as required by the legislation
 - the town green status is unnecessary
 - the field has predominantly been used by the school rather than local residents
- 5.5 The School and the Council as landowner have raised the following objections:
- the field has been in regular and frequent use by pupils of Longthorpe School since 1976
 - members of the public are excluded from any school activities taking place on the field
 - the field is maintained by the school
 - registration as a town or village green would prevent the school from erecting fencing around the perimeter
 - the school site was designated to be used as a site for a primary school in the initial development of the area. From 1976 to present the school have had exclusive use of the property to carry out activities on the field during school hours, for extended school use and for occasional events at weekends. On such occasions members of the public have been excluded from using the field.

- There is designated public space, maintained by the Council on the field adjoining the school field.
- The conveyance of the land to the council contains the right for the council to fence the land
- The field is not used by a significant number of residents within the locality.

Support

- 5.6 The four letters of support and Application set out the following points in support of the application:
- registration as a town or village green will protect the community use of the field
 - fencing the field will deprive the community of a well-used play area

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that the Committee will approve the appointment of an Independent Inspector and hold a public Inquiry.
- 6.2 Following the Public Inquiry the Inspector will write a report with his recommendation. Thereafter the application (along with the Inspectors recommendation) will be brought back to Committee for determination.

7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a statutory requirement that the Commons Registration Authority must determine whether a village green has come into existence as matter of law.
- 7.2 The Committee is entitled under its Terms of Reference No: 2.5.3.4 to determine the application without recourse to a Public Inquiry, however where there are disputes of fact or the Commons Registration Authority is landowner it is usually recommended that an Inquiry is held to test the evidence and ensure impartiality.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The Council is required by law to determine the application.
- 8.2 The Council, in an attempt to limit the cost to the public purse of holding an Inquiry has attempted to negotiate with the applicant to reach a compromise which both the School and local residents are satisfied with however this has not been successful.
- 8.3 Determine the application without a public inquiry. The Council as Commons Registration Authority may determine the application without recourse to an inquiry but it is likely that any decision made by the authority in these circumstances would be subject to challenge and therefore this is not recommended.

9. IMPLICATIONS

- 9.1 The Council has a duty to act fairly and impartially in relation to the application in its capacity as Registration Authority.
- 9.2 If the land is registered as a village green it will be subject to the same statutory protection as other village greens and local people will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Registration is irrevocable and so the land must be kept free from development or other encroachments.
- 9.3 The cost of determining this application will be met from the existing budget.

10. BACKGROUND DOCUMENTS

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

- Application dated 7 June 2011 for registration of land as town or village green

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