

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 14 JUNE 2016**

**1.30 PM**

**Sponsors' Lounge, Abax Stadium**

**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 Monitoring Officer.

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

**4. Minutes of the Meeting Held on 12 April 2016** **3 - 6**

**5. Development Control and Enforcement Matters**

5.1 **16/00835/R3FUL - The John Mansfield Centre, Western Avenue, Dogsthorpe, Peterborough** **7 - 26**

5.2 **16/00160/OUT - Land West of Sandpit Road, Sandpit Road, Thorney, Peterborough** **27 - 44**

5.3 **16/00421/HHFUL - 276 Eastfield Road, Eastfield, Peterborough, PE1 4BE** **45 - 54**

5.4 **16/00482/FUL - 1 Church Street, Peterborough, PE1 1XB** **55 - 68**

**6. Planning Compliance Quarterly Report on Activity and Performance January to March 2016** **69 - 72**



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### Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), J Bull, G Casey, P Hiller, J Stokes, S Martin, A Sylvester, M Hussain, A Bond and C Ash

Substitutes: Councillors: R Bisby, Amjad Iqbal, N Sandford and B Saltmarsh

Further information about this meeting can be obtained from Pippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto: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.



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 12 APRIL 2016**

**Members Present:** Councillors Serluca (Chairman), Hiller, Martin, North, Okonkowski, Sylvester, Ash, Casey and Rush

**Officers Present:** Nick Harding, Head of Development and Construction  
Jim Daley, Principal Built Environment Officer (Archaeology and Building Conservation)  
Simon Ireland, Principal Engineer (Highways)  
Hannah Edwards, Planning and Highways Lawyer  
Amanda Nauth, Planning and Highways Lawyer (observing)  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Harper, Stokes, Harrington, and Lane. Councillors Casey, North, and Ash were in attendance as substitutes.

**2. Declarations of Interest**

Councillor Serluca, in relation to agenda item 5.1 'Land to the Rear of Thorpe Wood House, Thorpe Wood, Peterborough', declared that she was acquainted with the applicant. She was not, however, predetermined.

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

No Member declarations of intention to make representations as Ward Councillor were received.

**4. Minutes of the Meeting Held on 8 March 2016**

The minutes of the meeting held on 8 March 2016 were approved as a correct record.

**5. Development Control and Enforcement Matters**

**5.1 15/01912/FUL – Land to the Rear of Thorpe Wood House, Thorpe Wood, Peterborough**

The planning application was for the erection of a two storey, 50 bed care home on land to the rear of Thorpe Wood House, Thorpe Wood, to include landscaped gardens, parking and an electricity substation.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Head of Development and Construction provided an overview of the application and highlighted a number of key issues within the report.

Paul Ingle, agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The applicants supported the officers report and recommendations included within;
- When the initial vole survey had been undertaken, no water was present in the ditch. It was believed that now was a more appropriate time to take a vole survey, which would be carried out shortly should permission be granted;
- Triple glazing and acoustic vents would be utilised in the rooms closest to the roads; and
- Deference had been paid to the arboricultural advice received, and a natural bund was to be left around the trees subject to Tree Preservation Orders.

The Committee discussed the application and noted that no objections had been raised from local residents or Ward Councillors. The land had been unused for 20 years, and the Committee considered that the proposal would provide benefit in the form of employment and a much needed facility.

In response to questions, the Principal Engineer (Highways) advised that concerns raised regarding vehicle overrun were in relation to private roads and private waste collection, therefore were a private matter for the applicant. Head of Development and Construction advised that if third parties were to park on the site without permission, the applicants could take action against them.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the conditions set out in the report. The motion was carried unanimously.

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

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

- The applicant had demonstrated that despite various planning approvals and extensive marketing of the development the land has remained vacant, development was therefore considered acceptable in accordance with Section 22 of the National Planning Policy Framework which stipulates that planning policies should avoid the long term protection of employment use where there was no reasonable prospect of a site being used for that purpose.
- The loss of employment land was not considered detrimental to the likely long term supply of available employment land. Employment land was currently under review and new sites would be put forward as part of the development plan making process.
- The design and layout of the building was considered acceptable and would not result in a detrimental impact on the character of the area or neighbour amenity.
- The car parking provision was considered acceptable and a detailed travel plan and cycle parking would be secured by condition. The development would not therefore result in any adverse impact on highway safety.
- An updated Tree Report would be provided by condition. It was therefore considered that suitable tree protection measures and working practices will be followed throughout the construction phase hence the development will not result in an unacceptable impact on the landscape features of the site.
- Suitable ecological enhancements and protection measures would be secured by condition hence the development would not result in an unacceptable impact on the biodiversity of the site.

The development was therefore in accordance with Sections 1 (paragraph 22), Section

7, Section 10 and Section 11 of the National Planning Policy Framework, Policies CS14, CS16, CS21, CS22 of the Peterborough Core Strategy and Policies PP01, PP02, PP03, PP04, PP12, PP13, PP16 of the Peterborough Planning Policies DPD.

## **5.2 Review of Article 4 Directions in Peterborough**

Councillor Okonkowski left the meeting at this point.

The report outlined the review of the use of Article 4 Directions in Peterborough and explained what management was required. It was officer's recommendation that the review of Article 4 Directions in Peterborough be noted and that the deletion of the Article 4 Direction covering nos. 513-521 (odd) Lincoln Road be approved. The Principal Built Environment Officer provided an overview of the report and highlighted a number of key issues.

In response to questions from the Committee, Principal Built Environment Officer advised that some authorities had blanket Article 4 Directions. Peterborough City Council, however, focused mainly on specific dwellings within conservation areas. This allowed for local Parish Councils to assist in monitoring.

A motion was proposed and seconded to note the review of Article 4 Directions in Peterborough, and to approve the deletion of the Article 4 Direction covering nos. 513-521 (odd) Lincoln Road. The motion was carried unanimously.

### **RESOLVED** (unanimous):

- 1) To note the review of Article 4 Directions in Peterborough; and
- 2) To approve the deletion of the Article 4 Direction covering nos. 513-521 (odd) Lincoln Road.

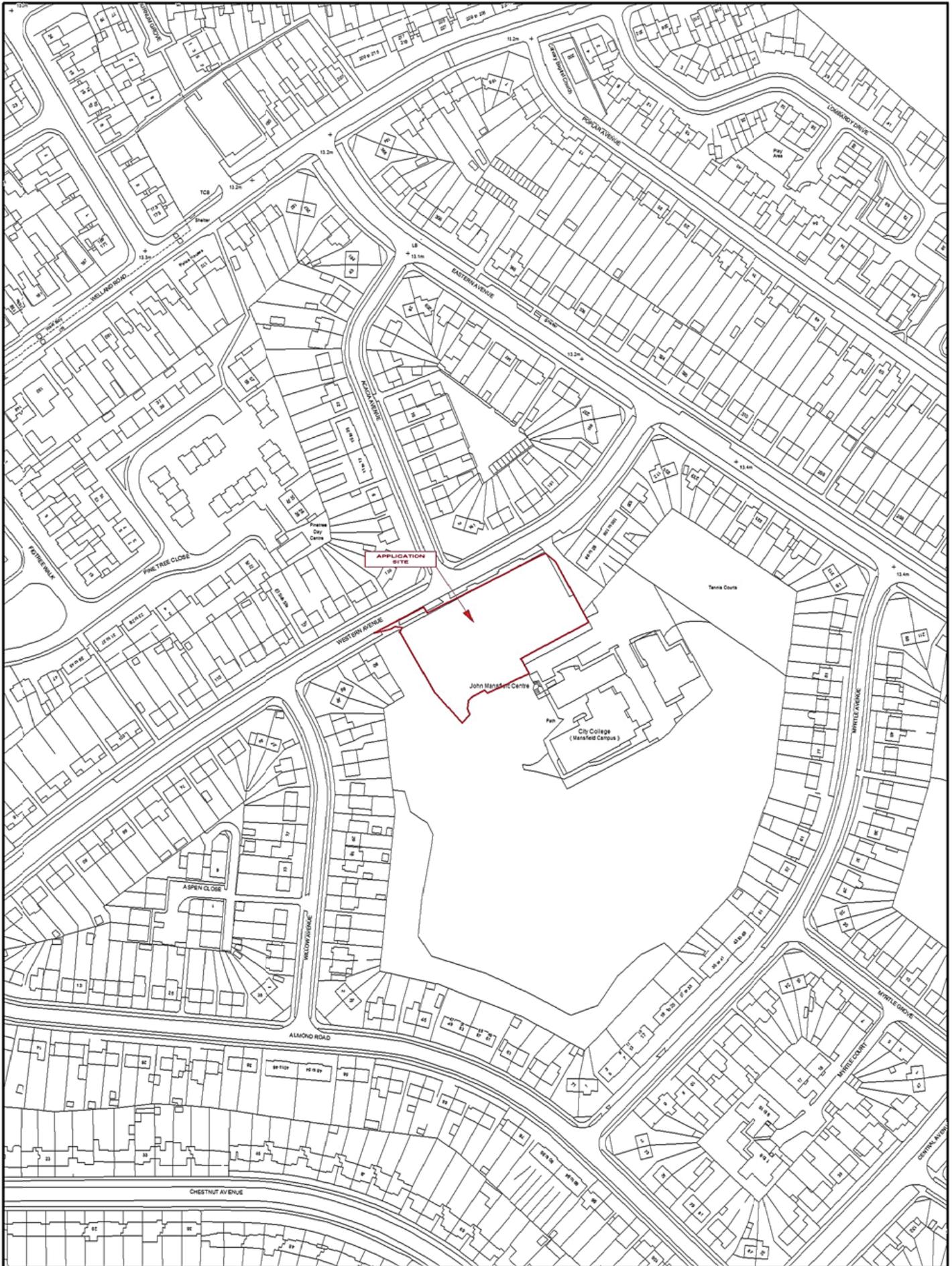
### **Reasons for the decision**

The use of Article 4 Directions had been a successful heritage strategy. Peterborough had many Article 4 Direction Orders across urban and rural properties, predominantly in and for the benefit of conservation areas. The purpose of an Article 4 Direction was not to protect all old buildings in an area irrespective of their character or quality but to protect properties with unaltered characteristic elevations from unsympathetic change and retain an attractive street scene and preserve the character and appearance of our conservation areas. Most properties continue to retain the character and appearance for which they were considered worthy of protection.

Article 4 Directions was currently the most effective measure available to help the City Council fulfil its duty of care role in conservation areas. It had been demonstrated that they could have a positive effect when applied carefully and properly managed. Their use was promoted by English Heritage and in Government guidance.

Chairman  
1.30pm – 2:07pm

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**LOCATION PLAN 16/00835/R3FUL**

The John Mansfield Centre, Western Avenue, Dogsthorpe, Peterborough

**Scale** NTS      **Date** 1/6/2016      **Name** AA Department Planning Services



**PETERBOROUGH**



CITY COUNCIL

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**PCC GIS**

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**Application Ref:** 16/00835/R3FUL

**Proposal:** Proposed new medical centre

**Site:** The John Mansfield Centre, Western Avenue, Dogsthorpe, Peterborough

**Applicant:** Mr Graham Gardener, PrimeCare Properties Ltd  
**Agent:** Mr Brian Poole, AP4 LLP

**Referred by:** Head of Development and Construction  
**Reason:** Departure from the Local Plan  
**Site visit:** 29.04.2016

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

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

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

### Site and Surroundings

The application site is currently a vacant plot of formerly developed land situated on the southern side of Western Avenue. The site forms part of the larger, now demolished, John Mansfield School site which occupies the entire parcel of land enclosed by residential dwellings along Western Avenue (to the north), Eastern Avenue (to the east), Myrtle Avenue (to the east and south-east), Almond Road (to the south) and Willow Avenue (to the west).

The parcel of land subject to this application is situated to the front of the former school site, immediately adjacent to Western Avenue. It infills the parcel of vacant land between the public highway and the City College John Mansfield Campus (JMC) buildings to the south and east. There is a vehicular access serving the JMC bounding the application site to the east, and a former vehicular access serving the school site opposite No.137 Western Avenue. The entire frontage along Western Avenue has been secured through 2.4 metre high green weldmesh fencing.

There are semi-mature trees and shrubs along the frontage of the site with Western Avenue, two of which (in the north-western corner) are formally protected by means of a Tree Preservation Order.

It should be noted that the application site, and wider land, are allocated for residential development under Policy SA3.24 of the Peterborough Site Allocations DPD (2012).

### Proposal

The application seeks planning permission for the construction of a two storey medical centre (Class D1) comprising:

- 6no. consulting rooms;
- 3no. minor operation/treatment rooms;
- 1no. health care assistant/treatment room;
- Pharmacy (100 square metres of floor area);
- Ancillary offices, waiting area and storage; and
- Vacant floorspace at first floor to enable future expansion.

The total gross internal floor area of the proposed medical centre (including Pharmacy) extends to 1,021.4 square metres. In addition, the proposal includes the provision of a new access road to

serve both the proposal and wider housing development site which would be accessed from Western Avenue and a new car park with 63 parking spaces (31no. for visitors, 3no. for Doctors and 29no. for staff). Associated landscaping, refuse storage and cycle parking are also proposed.

The proposed new accommodation would provide replacement facilities for three GP practices which currently operate from premises at Eye Road, Church Walk, Poplar Avenue, Burghley Road and Parnwell Medical Centre.

It should be noted that the proposal has been amended from that which was originally submitted to take into account the comments of the Local Highway Authority (detailed below). Consultation on the associated amendments (which only relates to the widening of the access road, provision of further traffic information and a slight increase to the red line boundary of the application site) is currently ongoing and will not expire until 23<sup>rd</sup> June 2016.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
07/01738/R4OUT	Residential development comprising up to 150 units, new priority junction on Western Avenue adj Acacia Avenue, access road, car parking, amenity space and landscaping	Permitted	28/01/2011
08/00914/NDEM	Demolition of single and multiple storey buildings to the front of the site	Permitted	26/08/2008

## **3 Planning Policy**

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

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

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

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

#### **Section 7 - Good Design**

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

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

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

#### **Section 11 - Re-use of Previously Developed Land**

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

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

### **CS02 - Spatial Strategy for the Location of Residential Development**

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

### **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.

### **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)**

### **SA03 - Urban Area**

Identifies sites within the Urban Area that are allocated primarily for residential use

## **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

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

### **PP03 - Impacts of New Development**

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

### **PP12 - The Transport Implications of Development**

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

### **PP13 - Parking Standards**

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

### **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.

## **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the

calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

#### **4 Consultations/Representations**

##### **PCC Tree Officer (23.05.16)**

No objections - There are 3no. trees within the site which are subject to a Tree Preservation Order (TPO) and are proposed to be removed in order to facilitate the development. In addition, all of the frontage trees except one flowering cherry are also to be removed. Whilst the TPO trees are in a good condition (except 1 to the rear), there is precedent for their removal by virtue of an earlier permission on the site. Mitigation planting is required to address the loss of amenity, particularly on the roadside frontage, and as a legal duty in respect of felling of TPO trees. Protective tree measures are also required to ensure no harm results to the retained tree within the site and adjacent trees to the south (outside the application site).

##### **PCC Transport & Engineering Services (27.05.16)**

No objections in principle – Additional details are required to: demonstrate that the data used for predicted traffic generation is the most up-to-date; that the future expansion of the surgery (vacant shell space proposed) is taken into account with regards to parking and traffic impacts; and demonstrate tracking for the new access junction with Western Avenue to ensure the design is of a sufficient standard. In addition, the existing bus stops on Western Avenue would conflict with the new access and will require relocation. This could be secured by condition. The existing vehicular access into the site will require closure and associated remedial works will be needed. These could be secured by condition. The surface and drainage of the access road will be needed however these could also be conditioned.

##### **PCC Pollution Team (26.05.16)**

No objections – The current application does not include details for mechanical plant. Therefore, prior to their installation, a scheme to specify the provisions to be made for the control of noise emanating from the site should be submitted. The preference for this would be to ensure that the rating level of noise is no more than 10dB below existing background levels. In addition, it is envisaged that the premises will be fitted with some external lighting. Owing to the proximity to neighbours, the developer will need to demonstrate compliance with guidance issued by the Institute of Lighting Professionals. Finally, measures to control the emission of noise and dust from the site during the period of construction will be required.

##### **Education & Childrens Dept - Planning & Development**

No comments received.

##### **Archaeological Officer (13.05.16)**

No objections - The majority of the application site was formerly occupied by the buildings associated with The John Mansfield Secondary School. The foundations for the former buildings are likely to have caused widespread truncation of potential buried remains. In addition, an archaeological evaluation conducted on the playing fields in 2007 revealed no archaeological features. As such, a programme of archaeological work would not be justified.

##### **Lead Local Drainage Authority (29.04.16)**

No objections - The sustainable drainage principles set out in the application are acceptable. Request a condition to secure full design details of the final drainage system for the development including overland flow routes, discharge rates and attenuation volumes, and a detailed ground investigation to demonstrate that infiltration can be utilised.

##### **Sport England (03.05.16)**

No comments - The proposed development is not considered to fall within either the statutory or non-statutory remit of Sport England.

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

No comments received.

## **Environment Agency (27.04.16)**

No objections - The proposal has been assessed as having a relatively low environmental risk.

## **Local Residents/Interested Parties**

Initial consultations: 25

Total number of responses: 5 (including 2no. lead petitioners and 2no. Councillors)

Total number of objections: 4

Total number in support: 0

A petition of 44 signatories from residents along Acacia Avenue has been received raising the following:

- The development of a medical centre itself is not opposed, as this would be of benefit to the area. Rather, the proposed road layout and foreseen increased volume of traffic during operating hours is opposed.
- At present, we already have an increase in traffic cutting through Acacia Avenue, which is only 5 metres wide, to avoid traffic calming measures on Welland Road.
- Residents' parking on Acacia Avenue has significantly increased - even since the first application.
- If there are not enough parking spaces allocated in the development, the effects of extra traffic visiting the medical centre and pharmacy will result in overspill parking onto Western Avenue and Acacia Avenue. This was raised on previous applications, from which a petition was formed and this resulted in the agreement for the Western Avenue end of Acacia Avenue to be blocked off to road traffic.
- Another concern has been raised regarding the amount of driving schools using Western Avenue and the reversing around the junction with Acacia Avenue in the past 2 years. This already makes the junction dangerous throughout the day as it is constantly in use. The introduction of a staggered junction opposite Acacia Avenue, along with the current bus stops, will make this area potentially even more dangerous to road users and pedestrians.
- We wish for the agreement, as before, to transform Acacia Avenue into a cul-de-sac to help alleviate foreseen problems, and lower the risks of road traffic incidents.

One letter of representation (neither objecting nor supporting) has been received from a neighbouring resident to the site raising the following:

- The main concern is the increase in traffic along Western Avenue and parking on the road directly in front of the medical centre. My mother is disabled and would need to have access to her property at all times. Possibly she could have a disabled parking space?
- Is there going to be residents' parking only on the road side?

**Councillors Ash and Sharp** along with **former Councillor Miners**, have expressed concern regarding Acacia Avenue and additional traffic. Upon receipt of confirmation that the site owner (City Council Property Services) agrees to secure this closure, the objections from Councillors Ash and Sharp have been withdrawn.

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

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking, access and highway implications
- Neighbour amenity
- Trees
- Surface water drainage

**a) Principle of development**

As detailed in Section 1 above, the application site forms part of a wider parcel of land which is allocated for residential development under Policy SA3.24 of the Peterborough Site Allocations DPD (2012). Policy CS2 of the Peterborough Core Strategy DPD (2011) sets out the housing requirements for the City over the plan period to 2026. 25,500 additional dwellings are required over this time.

The proposal would result in the loss of 0.4 hectares of allocated housing land. This is not considered significant in the context of the wider allocation or Local Plan requirement. This area would not make a significant contribution towards the overall level of housing provided on the wider allocated site. Neither given the self-contained nature of the site (bound to the north by Western Avenue, to the east by residential dwellings, and the south by the JMC), would it prejudice the development of the remainder of the allocation in terms of creating an unacceptable relationship.

The City Council is currently undertaking a review of the Local Plan, with a view to producing an updated document by Summer 2018. As part of this process, the first draft of the new Local Plan has already undergone public consultation and an updated Strategic Housing and Economic Land Availability Assessment (SHELAA) published. The loss of the application site area for residential purposes is not considered to materially alter the contents of this assessment and any loss can be mitigated through the new Local Plan process given the opportunity to allocated new sites for development.

Notwithstanding the above, the loss of the housing land has to be balanced with any benefits arising from the development proposed. In this case, the application would have a community benefit through the provision of a new medical facility serving the wider area. As detailed in Section 1 above, the proposal would consolidate the services currently provided by 3no. GP practices operating out of 5no. separate sites. The proposal would result in the closure of these 5 sites and provision of all existing services within a new, purpose-built facility. Paragraph 70 of the National Planning Policy Framework (2012) highlights the need for planning decision to '...plan positively for the provision and use of shared space, community facilities... and other local services to enhance the sustainability of communities and residential environments'. It is considered that the proposal would fully accord with this by providing necessary health facilities serving the residents of Dogsthorpe, Central and East wards of the City.

It should be noted that the proposed medical centre falls within Class D1 (non-residential institutions) and therefore could, at any point in the future, be changed to another use within this class without the need for planning permission. Such uses include schools, day nurseries, places of worship etc. The identified benefit has only been considered on the basis of a medical centre use and as such, it is considered appropriate to secure a condition which retains the use of the site solely for the current proposed use and no other within Class D1.

Further to the above, it is noted that the proposal includes 100sqm of pharmacy floorspace which falls within Class A1 (retail). Under adopted national and local policies, all new retail floorspace should first be directed to identified District and Local Centres which the current application site is not situated within. However, the proposal represents an ancillary use to the proposed medical centre and would serve the needs of visitors and patients. It is therefore considered that there is no requirement for the Applicant to demonstrate that the site can be accommodated within nearby Local Centres.

Taking into account the above, it is considered that the community benefit arising from improved health facilities would outweigh the relatively small level of harm that would result from the loss of a parcel of land allocated for residential development. The principle of development is therefore considered to be acceptable.

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

The proposed medical centre building would be sited centrally within the frontage of the undeveloped land, immediately opposite the junction of Western Avenue with Acacia Avenue. It would be marginally setback from the back edge of the Western Avenue footway, with intervening landscaping (the details of which can be secured by condition). It is acknowledged that the proposed building, whilst only two storeys in height, would have a larger mass and scale than the residential dwellings which surround it. Furthermore, it would be sited forward of the established building line. However, it is considered that it would be set a sufficient distance away from the dwellings to the east and west (36 metres and 28.8 metres respectively) to ensure that it does not appear unduly prominent or dominant within the streetscene. It should also be noted that historically this has been a school site, therefore it has always been of a very different form to the surrounding residential properties, with a different building line.

With regards to the proposed car parking, it is accepted that the proposal would introduce a significant area of open hardstanding, occupying approximately two thirds of the application site. However, this has been sited to the rear and eastern side of the building so that its impact is reduced within the overall context of the streetscene. Furthermore, as detailed above, the historic development of the school site included hardstanding and was therefore of a differing form. Subject to securing appropriate screening planting along the boundary with Western Avenue, it is not considered that this level of hardstanding would harm the overall visual amenity of the locality.

In terms of the design of the medical centre building, it is proposed to be of mono-pitched design with the highest part (standing at 8.9 metres) fronting on to Western Avenue. The building is of greater width than depth however it is considered that the staggering of front building lines ensures that the overall horizontal mass is reduced. This is further achieved through the differing external materials, comprising cladding at first floor with brick at ground floor. These details are not yet finalised however can be secured by condition. The proposed fenestration is of regular form and further assists in reducing the bulk of the building so that it would not appear an unduly dominant feature within the streetscene. It is noted that the design of the building differs from the established built form of the surrounding area, however it would appear as a standalone focal point within the streetscene and it is considered that the design and appearance of the proposal achieves this.

On the basis of the above, the proposal would not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

**c) Parking, access and highway implications**

Parking provision

It is noted that some concern has been expressed with regards to the level of parking provision proposed, particularly in relation to the potential for overspill parking in the surrounding residential streets. These concerns are noted however it is considered that the proposal provides adequate parking facilities for the level of proposed accommodation / facilities. Under Policy PP13 of the Peterborough Planning Policies DPD (2012), new medical centres and A1 retail floor space (pharmacy) is subject to a maximum parking standard. With regards to the proposed medical centre, it must provide no more than 2 visitors parking spaces per consulting room, pick-up/drop-off facilities and 1 parking space per full-time equivalent staff member. The proposal would provide 10no. consulting rooms and is anticipated to have up to 23 full-time members of staff. This therefore equates to a maximum parking provision of 43 parking spaces. In addition, the 100sqm Pharmacy is required to provide no more than 7 parking spaces which totals 50 parking spaces overall. In addition, it must be noted that the proposal includes future expansion space at first floor which is not currently laid out as its usage would be dependent upon future expansion of the medical centre and what facilities/services that requires. Based upon a worst-case scenario, this area could

accommodate additional consulting rooms (as this is the most intensive parking standard).

The proposal would provide a total of 63no. parking spaces allocated at: 31 visitor spaces and 32 staff spaces (including 3no. specific doctor's parking spaces). This therefore exceeds the maximum parking standards by 13no. spaces. The Applicant proposes that this overprovision of parking would cater for the future expansion of the medical centre and this is accepted by the Local Highway Authority (LHA). Whilst adopted policies set out a maximum parking level, the National Planning Policy Framework (NPPF) requires that all parking must be considered on a case-by-case basis and, from knowledge of other centres across the City, it is acknowledged that additional parking is required.

Further to the above, it should also be noted that the siting and layout of the proposal is such that it would encourage staff and visitors to park within the car park. The only patient entrance into the medical centre and pharmacy is located on the southern elevation of the building, fronting on to the car park. This is also the position of the drop-off/pick-up area and as such, it is considered that this would encourage all visitors to enter the site rather than stop/park along Western Avenue and the surrounding streets.

With regards to cycle parking provision, the proposal would make provision for 8no. cycle parking spaces for staff within a covered and secure shelter situated adjacent to the staff entrance to the building. In addition, 7no. visitors cycle parking spaces which are covered and situated adjacent to the visitor entrance would be provided for visitors. It is considered that this level of cycle parking is sufficient to meet the needs of the development and encourage more sustainable methods of travel to/from the site.

In light of the above, it is considered that the proposal would provide adequate on-site parking facilities to serve the needs of the proposed development which would not place undue pressure for parking within the surrounding public highway.

#### Access

The proposal seeks to create a new access road taken from Western Avenue. To ensure that the development of the medical centre does not prejudice the wider housing allocation to the south and west, it is necessary to ensure that this access road is of a standard which could accommodate not only the current proposal, but also up to 120no. dwellings (which is considered to be the maximum level which could be accommodated on the remaining allocation). The LHA has not raised any objections to the proposed access road provided that tracking diagrams are submitted to demonstrate that a refuse/service vehicle can manoeuvre from Western Avenue into the new access. These diagrams are awaited and an update will be provided to Members.

The proposed access road is to be 5.5 metres in width (for the carriageway) with 2 metre footway provided to the eastern side (adjacent to the medical centre). This will ensure that it can cater for both the medical centre and housing development beyond. It will be required that the road and footway is provided prior to first use of the medical centre, however this will only be required to base course level with a temporary top finish as it is anticipated that an application will be received in due course for the residential development. In such an event, it would not be prudent to require the road to be top-dressed as it would be likely damaged during the period of construction. The footway however should be fully completed to ensure that patients/visitors can access the site safely on foot. The junction design (in terms of radius size) has been amended and is currently subject to further consultation with the LHA. Their revised response will be provided to Members in the Update Report.

With regards to the existing vehicular/pedestrian access to the JMC, this would be retained in its current form and is not affected by the proposal.

The LHA has advised that the swale design of the road, which runs along the western side of the carriageway is not required. This is noted and an amendment can be secured by

condition. However, the LHA has requested that a 2 metre wide footway be provided in its place. Whilst again this is noted, it is not considered the proposed medical centre generates the need for this footway as visitors may safely cross the access road and use the footway to the eastern side. The provision of the opposite footway can be secured separately as part of the forthcoming residential application.

In terms of refuse and servicing, the internal layout of the site is such that refuse/service vehicles could not enter to collect the waste or drop of supplies. To address this, the proposal includes a servicing bay to the eastern side of the new access road, immediately adjacent to the building. This would enable service vehicles to pull clear of the road, thereby not impeding the free flow of traffic. Any such vehicles would then turn within the new junction to the south (shared with the JMC and medical centre) before exiting out into the wider highway network. The LHA has raised no objections to this.

Finally, the proposed layout of the site would require a one-way arrangement, with visitors/patients/staff entering along the western boundary of the site and existing along the southern boundary onto a shared access with the JMC. This access is only to be used by the JMC for servicing and therefore, there will not be significant conflict between users. Moreover, once the residential allocation is built-out, future residents would have right of way with the medical centre users having to give-way. Again, the LHA has not raised objections to this arrangement.

#### Highway implications

A significant number of residents on Acacia Avenue along with past/present Ward Councillors have expressed concern with regards to the impact of the proposal upon usage of Acacia Avenue. They have advised that, at present, this route is used as a 'rat-run' to avoid traffic calming measures along Welland Road, and there is a concern that the proposed medical centre would exacerbate this. The residents have therefore strongly requested that the junction of Acacia Avenue and Western Avenue be closed. Based upon the predicted traffic generation from the proposal, the LHA has advised that the proposal does not generate the need for this closure. However, in light of the strong level of public feeling and the securing of this closure as part of an earlier permission on the site for housing (which has now expired), the landowner (the City Council's Property Services Team) has confirmed that they are prepared to undertake the works to close the junction. Accordingly, it is proposed that this be secured by condition within a timetable to be agreed between the landowner, Officers and the LHA. On this basis, the Ward Councillors have removed their objections.

In addition to the above, the LHA requires a number of relatively minor off-site highway works to be undertaken in order to accommodate the proposal and new access road. These include removal of the school 'keep clear' yellow lining along Western Avenue, closure of the existing school access which will become redundant and any associated works to make the footpath good, and relocation of the bus stops which would impede visibility and conflict with the new access road. All of these can be secured by condition.

Notwithstanding the above, the LHA has requested that clarification be provided to demonstrate that the data used to predict traffic movements is the most up-to-date and is relevant to the proposal. This clarification has been provided however updated comments are awaited from the LHA. These will be provided to Members in the Update Report. Notwithstanding this, it is not anticipated that this additional information would alter the assessment detailed above.

On the basis of the above, it is considered that the proposal would provide adequate parking provision to meet the needs of the development, would ensure safe access for all users, and would not pose a danger to the safety of the public highway network. 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).

**d) Neighbour amenity**

It is not considered that the physical size and scale of the proposal would result in any detriment to the amenities of neighbouring occupants. To the east and west, whilst these dwellings are of smaller height and scale to the proposal, there is adequate separation (36 metres and 28.8 metres respectively) to ensure no unacceptable levels of overbearing, overlooking or overshadowing result. To the north, the proposal would be sited 28.5 metres from the nearest residential property along Western Avenue. This is again considered sufficient to ensure no unacceptable harm results to neighbour amenity.

With regards to noise and general disturbance generated by the use of the site itself, it is considered that the layout of the site respects the context of the area and the relationship to neighbouring dwellings. It is acknowledged that the car park extends to be within close proximity of the boundary with Nos.92 to 98 Welland Road, with only the access to the JMC intervening. However, this is designed to serve staff only which will result in considerably less vehicular movements than the visitor/patient car park. Compliance with this layout can be secured by condition. Furthermore, it is not considered that the proposal would generate a significant additional impact through vehicle noise/disturbance above and beyond the former use of the site as a school (albeit it is acknowledged that the site has been vacant for a number of years).

In terms of noise from fixed plant, the application has not been accompanied by any information regarding plant/ventilation equipment to be installed however it is noted that this will likely form part of the development. Accordingly, it is considered necessary to impose a condition which limits the level of noise emission from such plant to no more than 10dB above existing background levels when measured from the nearest residential properties. This is the level recommended by the City Council's Pollution Control Officer. The Applicant would be required to demonstrate compliance with this limit in the event of receipt of any reasonable complaint on the grounds of noise. This would ensure that local residents do not suffer from unacceptable noise disturbance which would harm their amenity.

With regards to noise/disturbance from construction, it is considered necessary to impose a condition relating to the submission and accordance with a Construction Management Plan. This will include the requirement to adopt measures to control the emission of noise and dust from the site during the construction period.

On this basis, it is considered that the proposal would not result in an unacceptable level of impact to the amenities of neighbouring occupants and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**e) Trees**

Within the application site there are 2no. individual trees and part of 1no. group of trees which are subject to formal protection by virtue of a Tree Preservation Order (TPO). In addition, there are a number of trees along the frontage of Western Avenue which are not subject to formal protection. The application has been accompanied by a detailed Arboricultural Assessment, the contents and method of which have been accepted by the City Council's Tree Officer. The most prominent of these trees are the 2no. TPO Silver Birches which are located centrally within the wider site frontage. In order to facilitate the development, these trees are proposed for removal. Whilst the removal of TPO trees is generally resisted, the Tree Officer has raised no objections owing to the historic agreement for these trees to be felled. The TPO was only imposed following the granting of planning permission on the wider site for residential development which permitted the felling of the trees. Whilst some time has passed, it is not considered that the loss of the trees could now be resisted owing to this.

To the rear of the site is the TPO group of mixed trees. It is proposed for one of these to be felled which the Tree Officer raises no objection to, as it is of poor quality and condition. The remaining trees, which are situated on a bank, fall outside of the application site and are

therefore to be retained. To address the difference in site levels, a retaining structure is to be installed. The Tree Officer considers that this is likely to be outside of the root protection area of the retained trees and therefore raises no objections. With regards to other trees/landscape features within the site, all are proposed for removal except 1no. flowering cherry. None are considered by the Tree Officer to be worthy of formal protection and as such, their loss is not resisted.

In light of the level of tree removal proposed, it is considered necessary to require a scheme of replacement planting and landscaping to the site, particularly along the Western Avenue frontage. This could be secured by condition and will include the need to provide new native tree species to ensure that the treed character of the streetscene is maintained.

On the basis of the above, it is not considered that the proposal would result in harm to the landscape amenity of the surrounding area, and is therefore in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

**f) Surface water drainage**

Under the provisions of the NPPF, all new major development (which the proposal falls under as it exceeds a proposed floor area of 1,000sqm) is required to make provision for Sustainable Drainage Systems (SuDS). Detailed ground investigation work has not yet been completed on the site and as such, its permeability is unknown. However, the application has been accompanied by an indicative drainage strategy which sets out differing options for dealing with surface water drainage through SuDS. The majority of the hardstanding proposed is to be constructed of permeable paving (e.g. the parking areas and internal access). Any areas of non-porous hardstanding will be channelled to direct surface water runoff to this porous material. It is then proposed for the water to infiltrate either to lined substrate which will hold back the water to ensure it can be discharged into the public sewer at a controlled rate or, the water will be held in drainage crates below the surface before it is discharged at a controlled rate. The City Council's Drainage Engineer has not raised any objections to this subject to securing a final design for the surface water drainage scheme by condition.

On this basis, the proposal would adequately deal with surface water run-off to ensure no increased flood risk results within or beyond the application site. The proposal is therefore in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

**g) Other matters**

In response to representations received from residents which have not been addressed above:

- **Lining along Western Avenue** - The LHA has advised that the proposed development does not generate the need for additional lining along Western Avenue. The specific concerns/needs of the objector are noted, however the proposal cannot be required to undertake works which are not necessary to make it acceptable. In this instance, the provision of either a disabled parking bay or imposition of traffic restrictions are not needed and cannot be required.

## **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 0.4 hectares of land allocated for residential development, it is not considered that this would materially affect the ability to deliver the housing provision set out over the Local Plan period;
- the proposed development would not prejudice the ability to deliver housing on the remaining residential land allocation, in accordance with Policy SA3.24 of the Peterborough Site Allocations DPD (2012);
- the proposed medical centre and pharmacy would not result in any unacceptable impact upon

the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);

- adequate parking and access would be provided to meet the needs of the proposal and no undue impact would result to the safety of the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in unacceptable harm to the landscape amenity of the surrounding area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012); and
- the proposed development would adequately deal with surface water run-off to ensure no increased flood risk results within or beyond the application site, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

## **7 Recommendation**

The Head of Development and Construction recommends that Planning Permission (Regulation 3) is **GRANTED** subject to the following conditions and the end of the revised public consultation period (to 23 June 2016) with no new substantive objections relating to the changes to the access road/red line boundary being received:

- 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 drawings:

- Site Location Plan (drawing number 49\_14\_P\_01 Revision A)
- Site Survey As Existing (drawing number 49\_14\_P\_02)
- Proposed Site Layout Indicating Surfaces, Landscaping and Parking (drawing number 49\_14\_P\_05 Revision B)
- Site Layout Showing Demolitions and Infrastructure (drawing number 49\_14\_P\_06 Revision B)
- Ground Floor Plan (drawing number 49\_14\_P\_10 Revision A)
- First Floor Plan (drawing number 49\_14\_P\_11)
- Roof Plan (drawing number 49\_14\_P\_12)
- Proposed South-West and South-East Elevations (drawing number 49\_14\_P\_13 Revision A)
- Proposed North-East and North-West Elevations (drawing number 49\_14\_P\_14 Revision A)
- Proposed Sections AA and BB (drawing number 49\_14\_P\_15 Revision A)
- Proposed Site Section and Context Elevation To Western Ave. (drawing number 49\_14\_P\_16 Revision A)

Reason: For the avoidance of doubt.

C 3 No development, other than groundworks and foundations, shall take place until samples/details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

- Walling (samples) including brickwork, cladding panels and timber boarding
- Roofing (details)
- Windows (details) including roller shutters
- Pharmacy shop front (details)
- Doors (details)
- Rainwater goods (details)

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

C 4 No development, other than groundworks and foundations, shall take place until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- Planting plans including retained trees, species, numbers, size and density of planting
- Hard surfacing materials of all non-adoptable footways, parking, access and circulation areas
- Boundary treatments
- External lighting (including light spillage diagrams)
- The form, appearance and construction of the retaining wall to the southern boundary

In the event of any reasonable light pollution complaint being received by the Local Planning Authority, the Developer (or their successors in Title) shall be required to demonstrate compliance with the Institute of Lighting Professional's 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. Where compliance is not demonstrated, a scheme to bring the lighting into compliance shall be submitted to, approved in writing and implemented within a timetable to be agreed with the Local Planning Authority.

The hard landscaping scheme shall be carried out in accordance with the approved details prior to first occupation of medical centre/pharmacy and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner).

Any trees, shrubs or hedges forming part of the approved landscaping scheme 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 visual amenity and to mitigate the loss of existing landscape features, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

C 5 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 'Trees in relation to design demolition and construction - Recommendations methodology' has been submitted to and approved in writing by the Local Planning Authority that identifies (not exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application site;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc; and
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees.

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan prior to any work commencing on the application site. Signs must be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012). The condition is required prior to commencement to ensure that no site preparation works harm trees which are to be retained and are of amenity value to the locality.

C 6 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include (not exclusively) the following:

- Hours of working
- Haul routes to/from the site
- Material storage locations
- Parking, turning, loading and unloading areas for all construction vehicles
- Contractor parking
- Site welfare cabin and office positions
- Measures to control the emission of dust from the site
- Measures for the control of noise emanating from the site
- Wheel washing facilities, which every vehicle exiting the site must pass through before entering the public highway
- Temporary construction fencing

Development shall be carried out in accordance with the approved CMP.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012). The condition is required prior to commencement to ensure that no works take place in preparing the site which would harm highway safety or neighbour amenity.

- C 7 Notwithstanding the drawings hereby approved and prior to the commencement of development, revised details of the approved access road to remove the swale element shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include the surfacing and drainage of the approved access road and pedestrian footway.

The carriageway to the road shall be provided in accordance with the approved details to base-course level with a temporary top-dressing prior to first occupation of the development hereby permitted. The footway shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.

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). The condition is required prior to commencement to ensure that the design of the access road is acceptable prior to its construction.

- C 8 Prior to first occupation of the development hereby permitted, details of the surfacing, demarcation and 'one-way' signing/lining to the approved car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall be provided in accordance with the approved details prior to first occupation of the development. Thereafter, it shall be retained solely for the purposes of parking in connection with the use of the medical centre/pharmacy in perpetuity.

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).

- C 9 Prior to first occupation of the development hereby permitted, a scheme of work to facilitate the closure of the junction of Acacia Avenue with Western Avenue shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the approved scheme. The closure shall be completed in accordance with the agreed details and timetable.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012).

- C10 No development, other than groundworks and foundations, shall commence until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:

- i) Relocation of bus stops along Western Avenue which conflict with the approved access road;
- ii) Removal of the yellow school linings along Western Avenue; and
- iii) Permanent closure of the existing site access, including any remedial work to the public footway.

The off-site highway works shall be carried out in accordance with the approved details and prior to first occupation of the development.

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

C11 Prior to first occupation of the development hereby permitted, details for the provision of staff and patient/visitor cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision for staff cycle parking to be secured and covered, and all cycle parking shall accord with the locations and number of spaces shown on drawing number 49\_14\_P\_05 Revision B 'Proposed Site Layout Indicating Surfaces, Landscaping and Parking'. The cycle parking shall be provided in accordance with the approved details and prior to first occupation of the development. Thereafter, it shall be retained solely for the parking of cycles in connection with the use of the medical centre/pharmacy in perpetuity.

Reason: To encourage more sustainable methods of travel to/from the site, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

C12 Prior to first occupation of the development hereby permitted, details of the signing and lining to the service bay shown on drawing number 49\_14\_P\_05 Revision B 'Proposed Site Layout Indicating Surfaces, Landscaping and Parking' to ensure that this area is kept clear for use by service/refuse vehicles only shall be submitted to and approved in writing by the Local Planning Authority. The signing and lining shall be carried out in accordance with the approved details prior to first occupation of the development.

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

C13 Prior to the installation of any external plant/extraction/ventilation equipment, details including the location, size, design and rating level of noise to be emitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the building.

The rating level of noise emitted from any external plant/extraction/ventilation equipment shall not exceed 10dB LAeq above existing background levels. The noise levels should be determined at the nearest noise sensitive premises and in accordance with BS 4142:2014.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.

Reason: In the interests of preserving the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C14 Prior to the commencement of development, details of the final proposed drainage system to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details should include (not exclusively) the following:

- Overland flood flow routes to demonstrate that the flow is routed away from the building;
- Confirmation of surface water discharge rates and attenuation volumes, with appropriate calculations;
- Confirmation from the surface water sewer maintainer of the proposed discharge rate;
- Confirmation of ground investigations and whether infiltration can be utilised.

The approved system shall be implemented in full prior to first occupation of the development.

Reason: To ensure no risk is posed within or beyond the site from surface water, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011). The proposal is required prior to commencement to ensure that no enabling works are undertaken which would conflict with an acceptable drainage scheme.

- C15 The site/building shall be used as a medical centre with ancillary pharmacy only and for no other purpose (including any other purpose within Classes A1 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification), notwithstanding the provisions of the Town & Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re-enacting that Order).

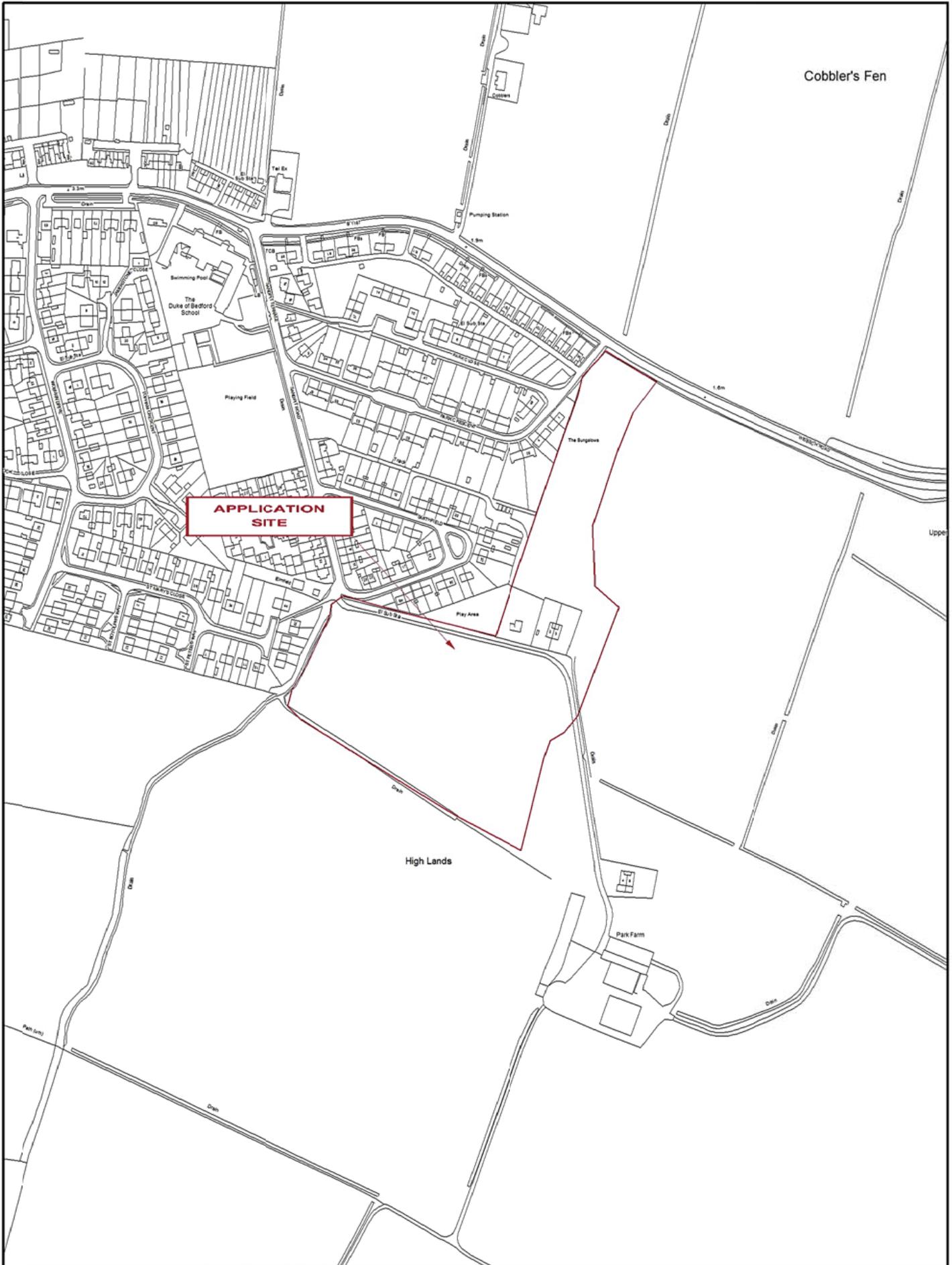
Reason: In order to prevent unacceptable levels of traffic and parking, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C16 Notwithstanding the provisions of Part 2 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or means of enclosure shall be erected within the curtilage of the site unless expressly authorised by any future planning permission.

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

Copies to Cllrs Chris Ash, Bella Saltmarsh and Keith Sharp

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**LOCATION PLAN 16/00160/OUT**

Land to the West of Sandpit Road, Sandpit Road, Thorney, Peterborough

**Scale** NTS      **Date** 1/6/2016      **Name** AA Department Planning Services

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**Application Ref:** 16/00160/OUT

**Proposal:** Residential development to provide up to 91no dwellings with associated access from Wisbech Road and Public Open Space

**Site:** Land West Of Sandpit Road, Sandpit Road, Thorney, Peterborough

**Applicant:** Mr Michael Sly  
Sly Developments Ltd

**Agent:** Mr Peter Moore  
Bletsoes

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

**Reason:** The proposal is a departure from planning policy as part of the site (access and parkland) lies outside the village envelope

**Site visit:** 11.02.2016

**Case officer:** Mrs J MacLennan

**Telephone No.** 01733 454438

**E-Mail:** janet.maclennan@peterborough.gov.uk

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

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

### Site and surroundings

This site lies to the south of Sandpit Road, Thorney and at the eastern edge of the village. The site is primarily arable land, however also includes a detached farm cottage and two semi detached properties. The site is currently accessed from the existing farm access from Sandpit Road. The site includes an allocated housing site as defined within the Adopted Peterborough Site Allocations DPD ref. SA5.9; and land to the east of the village which lies outside of the village settlement boundary.

The site is approximately 4.8 hectares. To the northern boundary lies Smithfield with bungalows backing onto a small triangle of Public Open Space that immediately abuts the site; to the eastern and southern boundaries there is open countryside and arable fields. To the western boundary lies existing housing in St Mary's Close backing onto the site behind a mature hedge.

### Proposal

The application seeks outline planning consent for the construction of up to 91 dwellings and the demolition of 3 dwellings (farm buildings) with access from Wisbech Road and associated open space. The proposal would provide 30% (27 no.) affordable homes. The application seeks approval of the access at this stage with matters relating to the appearance and design of the buildings, scale, layout and landscaping reserved to a later stage, if outline planning permission is granted.

A new access is proposed off Wisbech Road to the east of the village settlement boundary. The proposal is therefore a departure from planning policy and has been referred to Planning and Environmental Protection Committee to be determined by Members.

## **2 Planning History**

No relevant planning history

### **3 Planning Policy**

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

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

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

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

##### **Section 8 - Open Space**

Existing open space, sports and recreational buildings/land (including playing fields) should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements; the open space would be replaced by an equivalent or better provision; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

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

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

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

##### **CS02 - Spatial Strategy for the Location of Residential Development**

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

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

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

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

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

##### **CS13 - Development Contributions to Infrastructure Provision**

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

##### **CS14 - Transport**

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

##### **CS16 - Urban Design and the Public Realm**

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

##### **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.

**CS20 - Landscape Character**

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

**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.

**CS21 - Biodiversity and Geological Conservation**

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

**CS22 - Flood Risk**

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

**Peterborough Site Allocations DPD (2012)****SA04 - Village Envelopes**

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

**SA05 - Key Service Centres**

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

**Peterborough Planning Policies DPD (2012)****PP03 - Impacts of New Development**

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

**PP12 - The Transport Implications of Development**

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

**PP13 - Parking Standards**

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

**PP14 – Open Space Standards**

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

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

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

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

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have

an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

#### **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

#### **4 Consultations/Representations**

**Archaeological Officer** – No objections - A programme of archaeological work including a DBA, geophysical survey and evaluation by trial trenching was undertaken in 2015 in advance of potential residential development. A long curving ditch was identified which appeared to follow the original edge of the surrounding fenland. Limited finds and associated land drains within this feature suggest a probable 19th century origin. A U-shaped feature in the north-east corner of the site appears to be of similar or later date. An undated single small gully located in the north-west corner was found to be on a similar alignment to late 19th or early 20th century land drains and ploughing scars. The archaeological work was reported. On the basis of the results from the programme of archaeological investigations, no further work is deemed necessary.

**Building Control Manager** - Too little detail to confirm Part M compliance. Site plan does not indicate any 'lifetime homes'.

**PCC Pollution Team** - No comments received

**PCC Transport & Engineering Services** - Further clarification was sought on the Transport Assessment which is now acceptable. No information relating to the proposed site accesses have been provided. As the accesses are to be fixed as part of this application, a separate drawing showing the access points was requested. The drawing is acceptable to the Local Highways Authority. There are no highway objections subject to conditions.

**PCC Travel Choice** – The officer has no comments to add regarding the Framework Travel Plan.

**PCC Strategic Housing** – No objections – 27 affordable homes would be provided. It is expected that the tenure mix would be 19 affordable rented homes and 8 intermediate. The proposed size of units: 3 x one bedroom flats, 3 x two bedroom flats, 16 x two bedroom houses, 5 x three bedroom Houses is acceptable. 20% of units should meet Building Regulations Part M (Volume 1), Category 2 (the lifetime homes standard), this equates to 18 dwellings and additionally 2% of units on schemes with 50 dwellings and over should meet Building Regulations Part M (Volume 1), Category 3 (wheelchair housing) which equates to 2 dwellings. It is noted that all the affordable housing units are proposed as meeting the lifetime homes standard. There is no mention of any wheelchair standard units to be provided.

**PCC Senior Recreation Officer** – No objections - . The Sandpit Road POS is fairly straight forward apart from the swales. It is not known if the POS would be adopted, however the POS would need to be maintained to PCC standards, play equipment needs to be of a quality similar to other play areas in the city and trees need to be planted at the current minimum distance away from houses.

**Lead Local Drainage Authority** – No objections – Sufficient information has been submitted for the outline scheme. Further information is required at reserved matters stage or secured by condition.

**Waste Management** – Confirmation is sought as to whether the access would be adopted and whether there would be provision for a refuse vehicle to access the driveways.

**PCC Tree Officer** – No objection - It is noted that there is now a planting buffer on the western boundary as well as the southern and eastern boundaries. These buffers are welcomed. The positioning and orientation of the dwellings to the planting buffers appears acceptable as does the layout of the POS. Recommends the details of landscaping and tree protection need to be secured by condition.

**PCC Wildlife Officer** – No objection – An Ecological appraisal supports the application. There is no evidence of roosting bats. Bat activity surveys revealed that activity was low. External lighting should be carefully designed to avoid affecting the boundary hedgerows and associated foraging and commuting bats. A range of bat roosting features be incorporated into the new dwellings. A precautionary water vole survey should be carried out and details submitted to the LPA. Suitable areas of habitat should be provided i.e. rough grassland buffers alongside existing and proposed hedgerows and other boundary features, along with a range of bird nesting features.

**PCC Planning Policy & Research** – The area of land was rejected as a site allocation (Site ref H079) for housing because more than 75% of the site is located within Flood Zone 2. However, we have no objection to this site to provide access and to help the delivery of allocated site SA5.9.

**Police Architectural Liaison Officer (PALO)** – No objections – The Officer has had pre application consultation in respect to this development and the observations have been reflected in the proposed Master Plan. Would seek further consultation at reserved matters stage.

**Anglian Water Services Ltd** – No objections to the proposal.

**Highways England** – No objections – given this is an application for 91 houses no surveys are required on the roundabout at the west end of the bypass (B1167/A47).

**Cambridgeshire Fire & Rescue Service** - Adequate fire hydrants should be provided and secured by condition or S106.

**Environment Agency** – No objection - The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

**North Level District Internal Drainage Board** - No objection in principle. Confirmation is required on points of discharge and surface water run off rates is awaited. I will then be able to advise the applicant of downstream drainage works. A development levy may be applied.

**MP Stewart Jackson** – Supports - I trust that the LPA will be amenable to varying the 30% affordable housing requirement to include a majority of shared equity and Starter Homes to allow local people in housing need in the Thorney village area to purchase new homes in the area adding to the economic and social viability of this Key Service Centre. I hope that you will be able to share my comments with the Planning Committee should it come forward to them for determination.

**Peterborough Civic Society** - The Civic Society does not object to this proposal but request that a condition or legal agreement be in place to ensure that the Public Open Space adjoining the main access road be provided in perpetuity with adequate financial provision for its maintenance. With regard to 'affordable housing'; the number shown on the indicative plan should form the basis of the approval although it is accepted that this may be subject to negotiation around the viability of the development.

**Thorney Parish Council** - We have kindly been kept up to date with the proposals for this site by Peter Moore of Bletsoes and by the public exhibition held in the village in August 2015. Thorney Parish Council has a few observations on the submitted scheme as follows; Some Councillors felt the site density was too great and that a reduction in the number of dwellings may be of benefit. There is concern among some local residents that the existing drainage system does not have sufficient capacity to cope with the foul drainage from the new development. We would be grateful if we and local residents can be reassured about this. There does not appear to be any reference to the 3 dwellings that will be displaced by the development.

It is appreciated that the maximum height of the new dwellings is to be no higher than two storeys. The inclusion of the new road is very welcome with the use of Sandpit Road limited to emergency access only. It is still felt that ideally this new road should link through to the adjacent Woburn development in order that Woburn Drive can also be reduced to emergency access only. We would be grateful if the City Council can give this their consideration.

The proposed Public Open Space beside the new road is welcomed. With its tree planting and landscaping it will provide a good public amenity and an enhanced rural setting for the village. However, we query who will look after and fund the maintenance of this area. There are the usual concerns as to whether the Duke of Bedford School and Thorney Medical Practice can accommodate the increase in population generated by this (and the Woburn) developments.

### **Local Residents/Interested Parties**

Initial consultations: 161  
Total number of responses: 3  
Total number of objections: 1  
Total number in support: 1

3 letters have been received from neighbouring occupiers. Their comments are summarised below:

- Please could there be a road linking this development to the development on Land to the South of Woburn Drive Thorney so as to have more than one access road to each of these new estates?
- It was stated in the plans for this previous development that the reason for not allowing for a link road between the two areas was because no one had applied to develop the Sandpit Road site. Now they have, and no work has yet started on either area so it's not too late.
- I'd like to request a map showing exactly where the applicant is wanting to place these properties and where the suggested access route to these properties are and or will be placed.
- My house directly faces the field that this development will be built on. I bought this house 18 months ago with my partner. It is a quiet street not on a busy main road which helps us with our sleeping patterns around shift work.
- My partner and I are emergency service workers who work on a shift basis and therefore spend a lot of time sleeping during the day.
- My neighbour at no 25 lives here and has the same issue around sleeping /shifts.
- When the development goes ahead, my home will be overlooking people's homes and back gardens.
- Hunting barn owls and short eared owls amongst other birds of prey and wildlife are often seen in the field and the loss of the immediate view of the rolling countryside will have a massive impact on local residents.
- The development along with other developments will have an impact on the local community as a whole and on services such as the school and doctors surgery.
- Our quality of life, and that of residents in the immediate vicinity will be affected.

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

### Background

The applicant has formerly submitted a pre-application enquiry for the development of the site. The initial plan proposed an indicative number of 73 plots, with access taken from Sandpit Road. At the centre of the scheme was an area of Public Open Space that was sited adjacent to the existing play area to the rear of Smithfield. A subsequent plan was then submitted seeking advice on a revised layout with a new access from Wisbech Road with an area of open space adjacent to the new access road. The relocation of the open space has enabled the indicative number of plots to be increased to 91.

#### The principle of development

This site includes an allocated housing site as designated within the Adopted Peterborough Site Allocations DPD ref. SA5.9. The site allocation area is 2.79 hectares with an indicative number of 60 dwellings to be provided. The indicative layout shows that the dwellings would all be sited within the settlement boundary and therefore the principle of the residential development is in accordance with policies CS1 and CS2 of the Adopted Peterborough Core Strategy DPD.

The proposed access off Wisbech Road would be on land outside the village settlement boundary of Thorney and on land designated as open countryside within the Local Development Framework. Therefore the proposal would be a departure from planning policy specifically, policy SA4 of the Site Allocations DPD and policy CS1 of the Core Strategy.

It is considered that a new access off Wisbech Road may be beneficial to the community, particularly the occupiers of properties along Sandpit Road as there would be no increase in vehicles accessing the development site.

In addition, there may be the potential in the future for a site to come forward (SA5.6) which was deleted from the Site Allocations DPD due to its access off Whittlesey Road and across a paddock which would have detracted from the character and appearance of the Thorney Conservation Area and from the setting of the listed buildings to the north. This site could potentially be accessed by the proposed access off Wisbech Road.

The extent of the housing development would be situated on land within the village settlement boundary; only the access road and POS would be outside the village development limits. Therefore it is not considered that the proposal would adversely impact on the character and appearance of the open countryside which planning policy CS1 seeks to protect.

The Parish Council support the inclusion of the access off Wisbech Road.

The indicative scheme proposes up to 91 new homes on the residential area of 3.62ha. This equates to a density of around 25 dwellings per hectare which would be in keeping with the village character and immediate context. The indicative layout has demonstrated that up to 91 dwellings could be accommodated on this site, subject to minor alterations.

It is also proposed that the dwellings would be 2 storey and would respect the development on the edge of the settlement and that of the surrounding countryside.

The principle of the development is considered acceptable and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP2 of the Adopted Peterborough Planning Policies DPD; subject to the proposal meeting other relevant planning policy requirements and material considerations.

#### Access

The application proposes a new 6m wide access off Wisbech Road which would also serve as the farm access up to the point where the residential development commences. The location of the new farm access is welcomed and would prevent farm vehicles from entering the residential areas. The LHA considers that an appropriate access is achievable from Wisbech Road.

A 3.7m wide emergency link would be provided from Sandpit Road.

A Transport Assessment has been submitted in support of the application and the LHA raises no objections to the application in terms of traffic generation. There are no objections from Highways England.

At the request of the LHA separate drawings have been submitted showing the accesses to the site which are committed at this stage. Due to the late submission of the drawings final written comments from the LHA have not been received. However, in principle the development is acceptable to the LHA and would not result in any significant highway safety issues. Additional highway conditions would be provided in the update report to Members.

A Framework Residential Travel Plan has been submitted with the application and this would be secured through a S106 agreement.

It is not considered that the development would result in any adverse highway implications and accords with policy PP12 of the Adopted Peterborough Core Strategy DPD and policy CS14 of the Adopted Peterborough Core Strategy DPD.

The indicative plan shows that car parking would be available within the site to meet the requirements of the Parking Standards under policy PP13 of the Adopted Peterborough Planning Policies DPD.

Comments have been made by neighbouring occupiers and the Parish Council regarding the potential for the new access road to link through to the adjacent Woburn Drive development and that the access to Woburn Drive also be restricted to emergency access. The Local Planning Authority cannot insist on this as access to the Woburn Drive development has already been approved. Should the landowners/applicants for both sites seek to amend the access Officers would consider the planning issues/merits of the proposal should a formal application be submitted. The proposal is not for consideration as part of the current application.

#### Public Open Space

Policy CS19 of the Adopted Peterborough Core Strategy outlines the importance of open space and advises that "Peterborough and its villages will be provided with a range of all types of publicly accessible open space and green infrastructure that deliver places for recreation, sport and play as well as delivering benefits for biodiversity". The policy goes on to say that all new residential developments will "make appropriate provision for, or improvements to, public green space, indoor and outdoor sports facilities and play facilities". The primacy given to the provision of POS is also advised within the NPPF which states that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other (para. 69); promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets" (para. 117); promote opportunities to incorporate biodiversity in and around developments should be encouraged" (para. 118) and so on.

The proposed development would include the provision of 1.18 hectares of Public Open Space which would be located adjacent to the access road. This would comprise a play area including a Local Equipped Area of Play (LEAP) providing a recreation area for children and an informal amenity space with parkland planting.

It is considered that the POS would provide a much needed recreational resource for the local area and would be an enhancement to the visual amenity at the gateway to the village. In addition the POS would provide greater opportunities for wildlife and a long-term net gain in biodiversity. The proposal therefore accords with policy CS19 of the Adopted Peterborough Core Strategy DPD and the NPPF.

#### Flood Risk

In accordance with the Environment Agency's Flood Map the siting of the residential dwellings and

emergency access are located within Flood Zone 1 (Low Probability), whilst the main access road is located within Flood Zone 3 (High Probability). It is proposed that levels of the site will be designed to direct surface water flows away from the proposed dwellings. Access and egress to and from this site in the event of an extreme flooding event will be via the proposed development's emergency access which is within flood zone 1 which will allow residents of the development to access the site during periods of extreme flooding. A Flood Risk Assessment has been submitted with the application, the details of which shall be secured by condition. The Environment Agency has no objections.

#### Drainage

The site is currently a greenfield site with no existing drainage. It is proposed that surface water will discharge unrestricted into the Internal Drainage Board's (IDB) watercourse located to the east of the development site. A development levy will be paid to the Internal Drainage Board who will manage the surface water on behalf of the proposed development.

It is proposed that a sustainable urban drainage system (SUDS) will be utilised across the site to include a swale and permeable paving to drives through which roof drainage will pass. Ground infiltration would be used to dispose of surface water throughout the site, however, if this is not viable, permeable paving will be tanked and will discharge unrestricted to the IDB's watercourse.

The surface water from the development over and above the existing greenfield run off would be disposed of within the site boundary in accordance with advice contained within the National Planning Policy Framework. Thus the proposal would not result in further flood risk beyond the site in accordance with policy CS22 of the Adopted Peterborough Planning Policies DPD. The drainage team raises no objections to the proposal subject to further details being secured by condition.

An 'Anglian Water Pre-application Assessment Report' has been submitted at Appendix E of the Flood Risk Assessment which has confirmed that there are no concerns with the proposed development. The foul drainage from this development is in the catchment of Thorney Water Recycling Centre that will have available Capacity for these flows. The foul sewerage system at present has available capacity. The proposed method of surface water management does not relate to Anglian Water operated assets.

#### Affordable Homes

The proposal would include the provision of 27 no affordable units on the site. It is expected that the tenure mix would be 19 affordable rented homes and 8 intermediate. The proposed size of units: 3 x one bedroom flats, 3 x two bedroom flats, 16 x two bedroom houses, 5 x three bedroom Houses is acceptable. 20% of units should meet Building Regulations Part M (Volume 1), Category 2 (the lifetime homes standard), this equates to 18 dwellings. 2% of the dwellings would need to provide wheel chair housing. The proposal therefore accords with policy CS8 of the adopted Core Strategy. The details would be secured by a S106 Obligation.

#### Landscaping

The site is clear of any trees but there are hedgerows to the site's boundaries. These will be retained and enhanced where appropriate. It is proposed that due to the flatness of the landscape and the site's edge of village location that generous landscape buffers will be planted around the eastern and southern boundaries to assimilate the development with the open countryside and to filter views of the site when viewed from afar. The planting buffer to the western boundary is also welcomed.

The positioning and orientation of the dwellings to the planting buffers appears acceptable as does the layout of the POS.

A condition would be appended to the decision requiring the details of landscaping and tree protection need to be secured.

The proposal would make provision for the protection and enhancement of the existing hedgerows to the site boundaries and provide new trees and shrubs within the site to the benefit of the visual amenity of the area and to the biodiversity value of the site. Hence the proposal would accord with policy PP16 of the Adopted Peterborough Planning Policies DPD.

### Ecology

The application is accompanied by an Ecological Appraisal (July 2015). The buildings within the application site have been surveyed for the presence of bats, including a dusk emergence survey, which found no evidence of roosting bats. In addition, bat activity surveys have been carried out across the application site. Whilst activity was generally low, the habitat features of most value to bats are the mature hedgerow along the western boundary of the application site and the hedgerow along the western side of the entrance drive-way, both of which are proposed for retention as part of the site landscaping.

The Wildlife Officer advises that external lighting is carefully designed to avoid affecting the boundary hedgerows and associated foraging and commuting bats. The details of lighting would be secured by condition.

The Officer requests that a range of bat roosting features be incorporated into the new dwellings.

A water vole survey has not been carried out, however, the Officer accepts the Report's conclusion that the ditches are unlikely to support them. However as recommended in section 4.31 of the report, it is requested that prior to the commencement of construction works, a precautionary water vole survey is carried out and details submitted to the LPA.

As the proposal would involve the removal of habitats (including skylark plots and rough grassland) and the Wildlife Officer recommends that suitable areas of habitat are provided which help to continue to support such species. These habitats could be provided as part of the landscaping scheme.

A condition would also be appended to ensure the proposal would provide a range of nesting features to cater for different species of birds including House Sparrow, Starling and Swift.

It is also recommended that opportunities are sought to enhance the areas of proposed green open space, for example by the inclusion of wildlife pond(s) and wild-flower planting as well as a diverse mix of tree and shrub species planting. The SuDS features should be planted with a range of native marginal aquatic plants.

It is considered that the proposal would result in a net gain in biodiversity and therefore accords with policy PP16 of the Adopted Peterborough Planning Policies DPD.

### Design

The details of the design and appearance of the dwellings would be reserved to a later stage. The applicant has made reference to the Thorney vernacular and the immediate context and proposes that reference would be taken from vernacular buildings and from this a flavour of the local vernacular will be distilled into house type details. These will pay regard to the Thorney locality lending the site's 'local distinctiveness'.

The development would provide a range of dwelling sizes from 1 bedroom to 5 bedrooms. It is also proposed that the scale of development would be in keeping with the immediate context and sensitive to the village edge.

### Neighbouring Amenity

The indicative plan has demonstrated that the proposal would not unduly impact upon the amenity of neighbouring occupiers. It is considered that the layout would require some amendments to ensure that maximum available separation distances are provided between the existing

neighbouring properties in Smithfield and the site are provided, however, the application is 'up to 91 dwellings' and the density is relatively low and so this would be achievable.

Comments have been received from a neighbouring occupier who is concerned regarding the noise implications of the proposal both during construction and when the dwellings are occupied due to working shifts and sleeping hours. A construction management plan would be secured by condition and restrictions would be made on working hours, however it is considered to be unreasonable to prevent works taking place during normal working hours.

There is also concern regarding the loss of views of wildlife and the countryside once the development is implemented. However, this is an allocated site within the Adopted Peterborough Site Allocations DPD 2012 and therefore the principle of residential development on this site has been agreed.

Concerns are raised regarding the impact on the service of the village i.e. Doctors and School. However Thorney is a Key Service Centre where, and under policy CS2 of the Adopted Peterborough Core Strategy, an indicative 137 no of dwellings have been planned and therefore in order to accord with the Government's Housing Development Target, provision of services will have to be provided. The impact on local services by the development would be covered by the CIL payment made.

It is considered that the development could be accommodated without impacting on the amenity of neighbouring occupiers and therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

#### Archaeology

A programme of archaeological work including a DBA, geophysical survey and evaluation by trial trenching was undertaken in 2015 in advance of potential residential development. The archaeological work was reported. No further work is deemed necessary.

#### Secured by Design

Consultation was undertaken with the Police Architectural Liaison Officer at pre-application stage and advice was provided. The Officer is content that the observations have been reflected in the proposed Master Plan. There are no objections to the outline scheme however, the officer would welcome further consultation as the scheme progresses.

#### Public Consultation

A public exhibition was held in July 2015 and was well attended. This provides the community with information about the proposal and allowed for the community to engage with the developer. The attendees were given feedback forms. The exhibition did not expose any major issues which would affect the proposed design.

A Parish Council meeting was also attended in June 2015 to discuss the scheme in general and there is no objection to the scheme as proposed. The MP is also in support of the scheme.

## **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 majority of the site is allocated for housing and will provide housing to support the City Council's growth agenda
- the proposal would provide affordable homes as well as lifetime and wheelchair housing
- the development would not have any significant adverse impact upon highway safety and safe access from the adopted Highway can be provided
- the development can be accommodated within the site without any significant adverse impact upon the amenities of the neighbouring properties
- the development can be accommodated without any significant adverse impact upon existing landscaping or character and appearance of the open countryside
- the impact of the proposed development upon ecology of the site is considered to be acceptable
- the development will allow for the provision of Public Open Space; and
- the site can be adequately drained

The proposal is therefore in accordance with Policy CS1, CS2, CS8, CS10, CS11, CS13, CS14, CS16, CS17, CS19, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies SA4 and SA5 of Peterborough Site Allocations DPD (2012), policies PP01, PP02, PP03, PP12, PP13, PP14, PP16, PP17 and PP19 of the Peterborough Planning Policies DPD (2012) and Sections 4 and 8 of the National Planning Policy Framework (2012)

## **7 Recommendation**

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

- C1 Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of the building(s) and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C5 The details submitted under Condition 1 above shall include the following:
- a scheme for the provision of 30% affordable housing of which 70% is social rented

- tenure and 30% intermediate tenure
- 20% of the units shall meet Building Regulations Part M (Volume 1) Category 2 (the lifetime homes standard) and Part M (Volume 1) Category 3 (Wheelchair housing)

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

- C6 The details submitted under Condition 1 above shall demonstrate how the development will contribute towards the City Council's Environment Capital aspirations. If no such information is submitted, or if the information is not acceptable, then the development shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

- C7 The development hereby permitted shall not be begun until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site;
- A timetable for its implementation, and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- Demonstration that it meets the governments national standards

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with policy CS22 of the Adopted Peterborough Core Strategy. This is a pre-commencement condition as the details will need to be agreed before works commence on site.

- C8 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by JPP Consulting (ref: R-FRA-R6656PP-03-A, dated January 2016, Rev A) and the mitigation measures detailed within this document. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD

C9 No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with policy PP4 of the Adopted Peterborough Planning Policies DPD.

C10 Prior to commencement of construction of the dwellings, detailed contoured plans with existing and proposed spot heights and cross sections shall be submitted to and approved in writing by the Local Planning Authority. These shall indicate the slab level of the ground floor of all of the dwellings and show the finished levels of streets and dwellings. The development shall not be carried out other than in strict accordance with the levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers and to ensure access for all, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C11 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: In order to protect and safeguard the amenity of the area in accordance with the provisions of the National Planning Policy Framework, in particular paragraphs 121 and 123.

C12 Prior to the first occupation of any dwelling a scheme of bird and bat boxes including details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first occupation of the dwellings.

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

C13 Prior to the commencement of construction works, a precautionary water vole survey shall be carried out in accordance with section 4.3 of the Ecology report and the details submitted to the LPA.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF. This is a pre-commencement condition as the mitigation will need to be agreed prior to works commencing.

C14 Within 3 months of the first occupation a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011)

and Chapter 4 "promoting sustainable transport" of the National Planning Policy Framework.

- C14 No development shall commencement other than ground works until the following has been submitted to and approved in writing by the Authority:
- a) a programme for the implementation of a scheme of hard and soft landscaping within the site
  - b) a (five year) maintenance schedules for all landscape areas;
  - c) details of the planting plans (noting species, plant sizes, proposed numbers/densities and an implementation programme);
  - d) a written specification(including cultivation and other operations associated with tree, shrub, hedge of grass establishment);
  - e) all hard surfacing material and signage;
  - f) details of fencing, gates and other means of enclosure and boundary treatment;
  - g) enhancement to the areas of proposed green open space, for example by the inclusion of wildlife pond(s) and wild-flower planting as well as a diverse mix of tree and shrub species planting
  - h) the swale/ SuDS features should include a range of native marginal aquatic plants.
  - i) compensatory wild-flower/ rough grassland habitat as part of the POS

The development shall be carried out in accordance with the approved proposals and implementation plan unless otherwise agreed in writing with the Local Planning Authority.

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

- C15 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

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

- C16 The trees shown to be retained shall be adequately fenced, as per British Standard 5837:2005 Trees in Relation to Construction - Recommendations. The fencing shall be inspected by the Local Planning Authority prior to the commencement of development, and development shall not commence until the Authority is satisfied that the trees are adequately protected. No work shall take place, and the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority. No materials shall be stored within the fenced areas at any time.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

- C17 Within three months of the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design of the lighting columns, their locations and LUX levels. The lighting scheme shall thereafter be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, in accordance with Policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD and Policy PP12 of the Adopted Peterborough Planning Policies DPD.

C19 Notwithstanding the submitted information and prior to the commencement of any development, other than groundworks, a timetable for the laying out of the Public Open Space and associated play equipment shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space and play equipment shall thereafter be laid out in accordance with the approved timetable and at no time thereafter shall this area be used for any other use.

Reason: In the interest of ensuring future residents have adequate access to Public Open Space and in the interest of the visual amenity of the area, in accordance with Policy CS16 of the adopted Core Strategy DPD.

C20 No development shall take place other than ground works until details of the following materials have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details:

- walling and roofing materials
- doors, windows and rainwater goods including garage doors
- boundary treatments and road/path surfaces
- details of any renewable energy or similar features to be included.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C21 Notwithstanding the details hereby approved the "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (not exceeding a gradient of 1 in 15) unless otherwise agreed in writing by the Local Planning Authority.

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

C22 The development hereby approved shall be carried out in accordance with the following approved plans/details:-

- Location plan
- Masterplan drg. no. LLC945\_90 Rev D (indicative)
- Emergency Access drg. no. E11 B
- Wisbech Road Access drg. no. E10 E
- Vehicle tracking drg. no. TA30

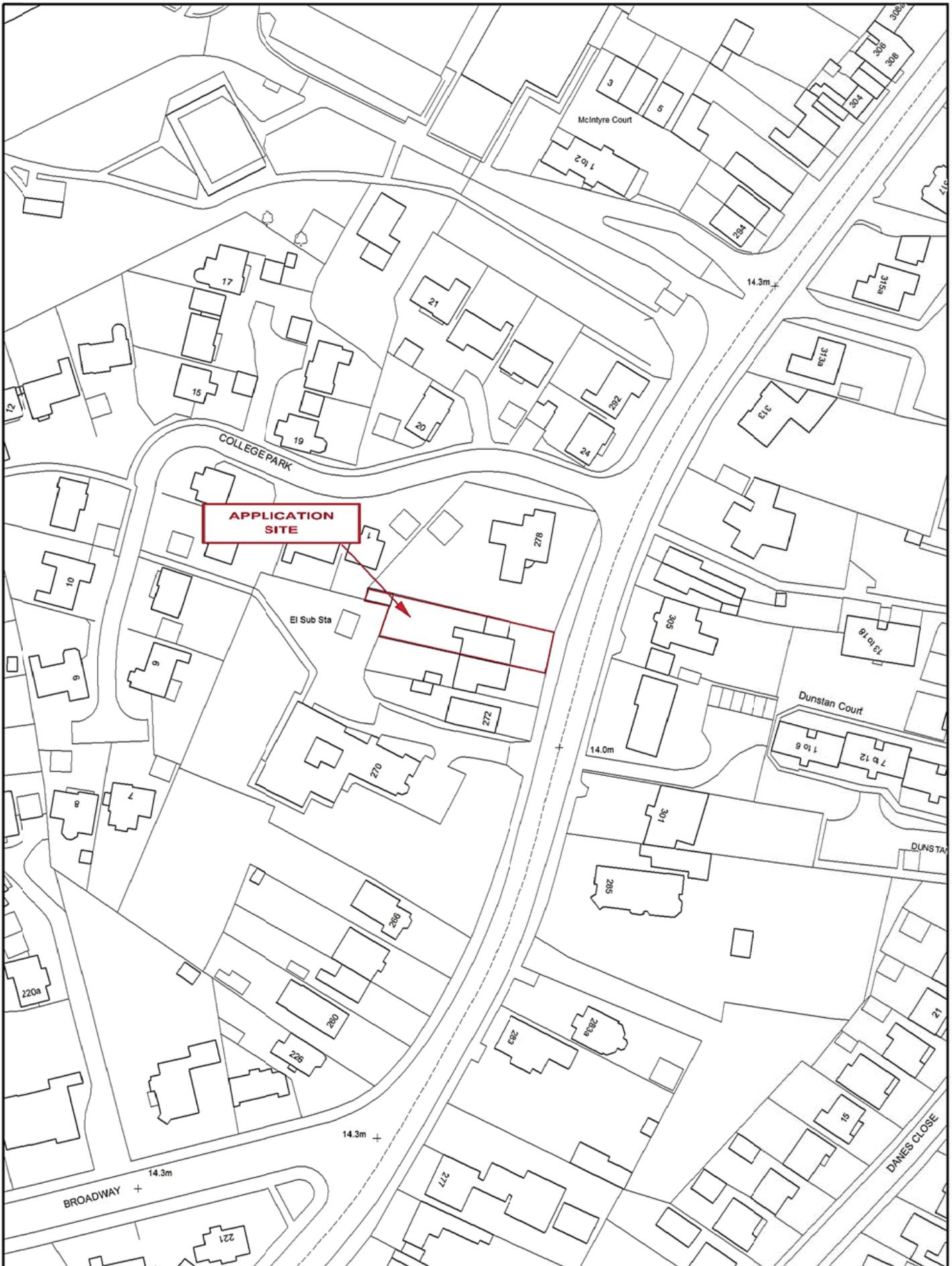
Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting planning permission as set out above

Additional highway conditions will be provided in the update report to members.

If the S106 has not been completed within three months of the date of this resolution without good cause, the Director of Growth and Regeneration be authorised to refuse planning permission for the reason stated below:

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

Copies to Cllrs Allen, Brown and Sanders



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**Application Ref:** 16/00421/HHFUL

**Proposal:** Proposed one and two storey side extension

**Site:** 276 Eastfield Road, Eastfield, Peterborough, PE1 4BE

**Applicant:** Mr G Singh

**Agent:** Mr N P Branston

**Referred by:** **Councillor Shearman**

**Reason:** Harm to the setting of the adjacent Listed Building

**Site visit:** 14.04.2016

**Case officer:** Miss Louise Lovegrove

**Telephone No.** 01733 454439

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

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

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

### Site and Surrounding Area

The application site comprises a two storey semi-detached residential dwelling of the inter-war period located on the western side of Eastfield Road. The existing property is characterised by period architectural features such as a double bay frontage under projecting pitched gable, mock timber framing and render to the first floor above red brick with matching surrounds and quoins. The pair of semi-detached properties remain untouched in terms of their detailing.

The front boundary of the site is formed by a low close boarded timber fence with mature hedgerow above whilst the northern boundary is formed by a mature row of trees which are prominent within the streetscene. These trees act as a break in the streetscene, beyond which is the Grade II Listed Building of No.278 Eastfield Road. The surrounding area is characterised by predominantly large detached residential dwellings set within spacious plots. There is considerable variation to the form and style of the surrounding locality.

### The Proposal

The application seeks planning permission for the construction of a two storey and single storey side extension. The extensions would be sited beyond the northern elevation of the original dwellinghouse, adjacent to the shared boundary with No.278 Eastfield Road.

## 2 Planning History

Reference	Proposal	Decision	Date
15/01127/HHFUL	Single storey side extension	Permitted	29/09/2015

## 3 Planning Policy

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

### Planning (Listed Building and Conservation Areas) Act 1990

#### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

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

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

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

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

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

#### **CS14 - Transport**

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

#### **CS16 - Urban Design and the Public Realm**

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

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

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

### **Peterborough Planning Policies DPD (2012)**

#### **PP02 - Design Quality**

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

#### **PP03 - Impacts of New Development**

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

#### **PP12 - The Transport Implications of Development**

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

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

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

#### **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.

### **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

## **4 Consultations/Representations**

### **PCC Conservation Officer (26.03.16)**

No objections - It is considered that the proposed extension would not have an adverse impact on the setting of the adjacent Grade II building given its form and detail. It is important that the new work picks up on the detail and finish of the existing and this should be subject to a condition.

### **PCC Tree Officer (18.05.16)**

No objections - The proposal will be more affected by the existing trees than the previously permitted two storey extension, requiring facilitating pruning. However, the Sycamore tree affected is not of sufficient quality to be formally protected and pruning would be in line with the Applicant's common law rights. As such, the proposal is unlikely to be detrimental to the amenity of the area.

### **Victoria Park Residents Association**

No comments received.

### **Local Residents/Interested Parties**

Initial consultations: 9

Total number of responses: 3

Total number of objections: 2

Total number in support: 0

One objection has been received from a local resident on the following grounds:

- The close proximity and height of the extension will cause a loss of sunlight and daylight to the southern boundary of No.278 Eastfield Road.
- The windows in the extension would overlook No.278 Eastfield Road, causing a loss of privacy and a feeling of being enclosed/hemmed in.
- The extension is too close to a line of mature trees and the new foundations will damage the tree roots.
- The extension is too close to a Listed Building and will detrimentally affect its appearance, which is already on a small plot given the size of the building.

In addition, one further representation has been received. This does not raise objections but does ask for the following to be considered:

- Appropriate attention should be paid to the detailed design and finishes of the extension. The proposed frontage is to the same line as the existing building which is going to make matching the materials difficult and would leave the pair of semi-detached houses unbalanced.
- It is therefore suggested that the new frontage is marginally set back.
- Not convinced that the new gable enhances the scheme.
- Sure that the Council's Conservation Officers can make appropriate conditions with respect to architectural design details and facing materials.

**Councillor Shearman** has requested referral to Committee on the grounds that the proposal is not in accordance with policies that affect the setting of a listed building, namely policies CS17 of the Peterborough Core Strategy DPD (2011), PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 129 of the National Planning Policy Framework (2012).

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

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Impact upon heritage assets
- Neighbour amenity
- Parking and highway implications
- Trees

### **a) Design and impact upon the character and appearance of the surrounding area**

It is considered that the proposed extensions would both respect and reflect the character, appearance and form of the host dwellinghouse. In terms of the two storey element of the proposal, this would follow the line of the front elevation of the host dwellinghouse and match the design in terms of architectural features - additional gable to the eaves line, fenestration arrangement and brick detailing. It is acknowledged that generally, extensions of this type should be marginally set back from the principal elevation to give an appearance of subservience and this is a comment raised by both local residents and the City Council's Conservation Officer. However, in this instance it is not considered necessary. Subject to securing appropriate materials and detailing (which could be dealt with by way of a condition), the proposal would appear a natural extension. Whilst the immediately adjacent property has not benefited from any extensions, it is not considered that the proposal would appear unduly unbalanced or incongruous within the streetscene. The proposal is of modest width, and would not create such dominant development that unacceptable harm would result to the streetscene.

It should be noted that the scheme has been slightly amended from that which was originally submitted (and was subject to public consultation). The amendment was not requested by Officers but has instead been submitted by the Applicant. The change relates to the window design of the front elevation of the proposal. The revision seeks to introduce a double storey curved bay window, similar in design and form to that which already exists. It is considered that this would more appropriately respect the appearance of the host dwellinghouse and would not alter the impact of the development from that which was consulted on.

Turning to the proposed single storey element of the proposal, this would immediately abut the existing rear projecting two storey form of the host dwellinghouse. This would result in a natural infilling of the built form of the site, without resulting in overdevelopment of the plot. Whilst the resultant form would be substantially larger than the original, it is not considered that it would appear incongruous or at odds with the built form within the locality.

On this basis, it is considered that the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

### **b) Impact upon heritage assets**

As detailed in Section 1 above, the application site lies immediately to the south of the Grade II Listed Building of No.278 Eastfield Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, along with both national and local planning policy, requires that special regard is paid to the need for new development to preserve or enhance designated heritage assets. In this instance, it is the impact upon the setting of the Listed Building which must be considered.

At present, there is separation between the application property and No.278 of approximately 13.8 metres, with a mature line of trees and shrubbery. This acts as a natural break within the streetscene, ensuring that the setting of the Listed Building is largely contained to its own plot. The proposal would introduce new development within the intervening gap, eroding the separation to approximately 10.2 metres. However, the proposal seeks to retain the existing tree line and shrubbery along the shared boundary. The City Council's Conservation Officer has not raised any objections to the proposal. Whilst the Conservation Officer has indicated that it is preferable for the extension to be slightly set back from the host dwellinghouse, the proposal in its current form would not have an adverse impact on the setting of the Listed Building. There is a request that the detail and finish of the proposal be secured by condition and this is considered reasonable and necessary to ensure the proposal harmonises with the host dwellinghouse.

Accordingly, it is considered that the proposal would not have an adverse impact on the setting of the identified heritage asset and would therefore preserve its historic significance. The proposal is therefore in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 131 of the National Planning Policy Framework (2012).

**c) Neighbour amenity**

As detailed above, the proposal would introduce new development adjacent to the shared boundary with No.278 Eastfield Road, partially eroding the existing separation to the host dwellinghouse. At present there is mature intervening screening by virtue of trees/shrubbery which ensures that no detrimental impact results to the amenities of neighbouring occupants either through overshadowing or overbearing impact. However, these trees are not formally protected and therefore could be felled at any time. Accordingly, it is necessary to ensure that the development results in an acceptable relationship to No.278 Eastfield Road irrespective of whether the intervening landscaping is in place or not.

By virtue of the width of the proposed extension, the side-to-side separation distance to No.278 would be reduced to approximately 10.2 metres. It is considered that this is an adequate level of separation to ensure that no unacceptably overbearing or overshadowing impact results to the windows contained within the facing elevation of the neighbouring dwelling. In addition, the amenity area associated with No.278 extends to the rear of the property, away from the siting of the proposed extension. Whilst it is accepted that the proposal would introduce two storey development in close proximity to the shared boundary, which may have some degree of overbearing and overshadowing impact, this would only occur to the side area of the garden to No.278 which appears largely unused. Furthermore, it should be noted that the existing mature tree belt already generates a significant level of overshadowing and overbearing impact owing to the height and density of the canopies. It is therefore not considered that the proposal, in the event that these trees were to be lost (which is not proposed) would generate any additional impact above and beyond the existing situation.

With regards to potential overlooking impact, which has been raised by the objector, the proposal would introduce no side facing windows at first floor level. The only facing windows proposed are at ground floor level which is the same relationship as previously approved under application reference 15/01127/HHFUL (for a single storey extension in the same position as the current proposal).

On this basis, it is not considered that the proposal would result in an unacceptable level of impact to the amenities of neighbouring occupants and accordingly, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**d) Parking and highway implications**

At present, parking is provided to the front and side of the application site on an area of hardsurfaced driveway. By virtue of the siting of the proposed extensions, some of this existing parking provision would be lost. However, there is adequate space retained to the front of the dwelling to allow for two vehicles to park clear of the public highway. This level of parking provision accords with adopted parking standards set out in Policy PP13 of the Peterborough Planning Policies DPD (2012) and as such, it is not considered that any increased pressure would result on the adjacent public highway.

With regards to turning provision, it is noted that Eastfield Road is classified and as such, the Local Highway Authority requires the provision of turning within the curtilage of the site to ensure that vehicles can enter and exit in a forward gear. However, at present there is no turning provision within the site and the proposal would not alter this situation. Therefore, the proposal would not represent any additional impact to highway safety.

On this basis, the proposal would provide adequate parking provision within the curtilage of the site and would not pose a danger to 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).

**e) Trees**

The City Council's Tree Officer has not raised any objections to the proposal in terms of impact upon the tree line to the northern boundary of the site. The tree line is formed by a number of Cypress trees (taking the form of a hedge), an early mature Sycamore and, to the front of the site, a mature Lime tree. With regards to the mature Lime, this would not be impacted at all by the proposal as it is set a sufficient distance from the canopy and root protection area. However, there may be some impact to the remaining trees.

The Cypress hedge has already been pruned, in line with the Applicant's common law rights. The proposal, by virtue of its height and proximity to these and the Sycamore, would require further facilitating pruning owing to conflict with the tree canopies. Furthermore, future pruning would be a likelihood owing to future growth of the trees and encroachment. However, the Tree Officer has advised that none of these trees are of sufficient quality to be formally protected by virtue of a Tree Preservation Order and any pruning required is unlikely to be of such significant scale to warrant the requirement of prescriptive control.

In addition to this, at present, the area below these trees is hard surfaced through impermeable concrete. This hardstanding has already significantly disturbed the trees and the likelihood of significant roots being beneath is low. Accordingly, despite the proposal being sited in relatively close proximity to the tree line, it is unlikely to result in any unacceptable harm to the root systems.

On the basis of the above, the proposal would not result in any undue harm to landscape features of key amenity within the locality and is therefore in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

## **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 proposed two storey and single storey extensions would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal would preserve and not give rise to undue harm to the setting of the adjacent Grade II Listed Building, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS17 of the Peterborough Core Strategy DPD

(2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 131 of the National Planning Policy Framework (2012);

- the proposed extensions would not result in an unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- adequate on-site parking provision would be retained and no undue harm would result to the safety of the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not result in an unacceptable impact to landscape features of key amenity within the locality, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

## **7 Recommendation**

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

- OS (Location) Plan
- Existing Floor Plans, Elevations and Block Plan (drawing number 15.030/1 Drawing 1 of 3)
- Proposed Floor Plans, Elevations and Block Plan (drawing number 15.101/2 Revision A Drawing 2 of 3)

Reason: For the avoidance of doubt.

- C 3 No development other than groundworks and foundations shall take place until samples/details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

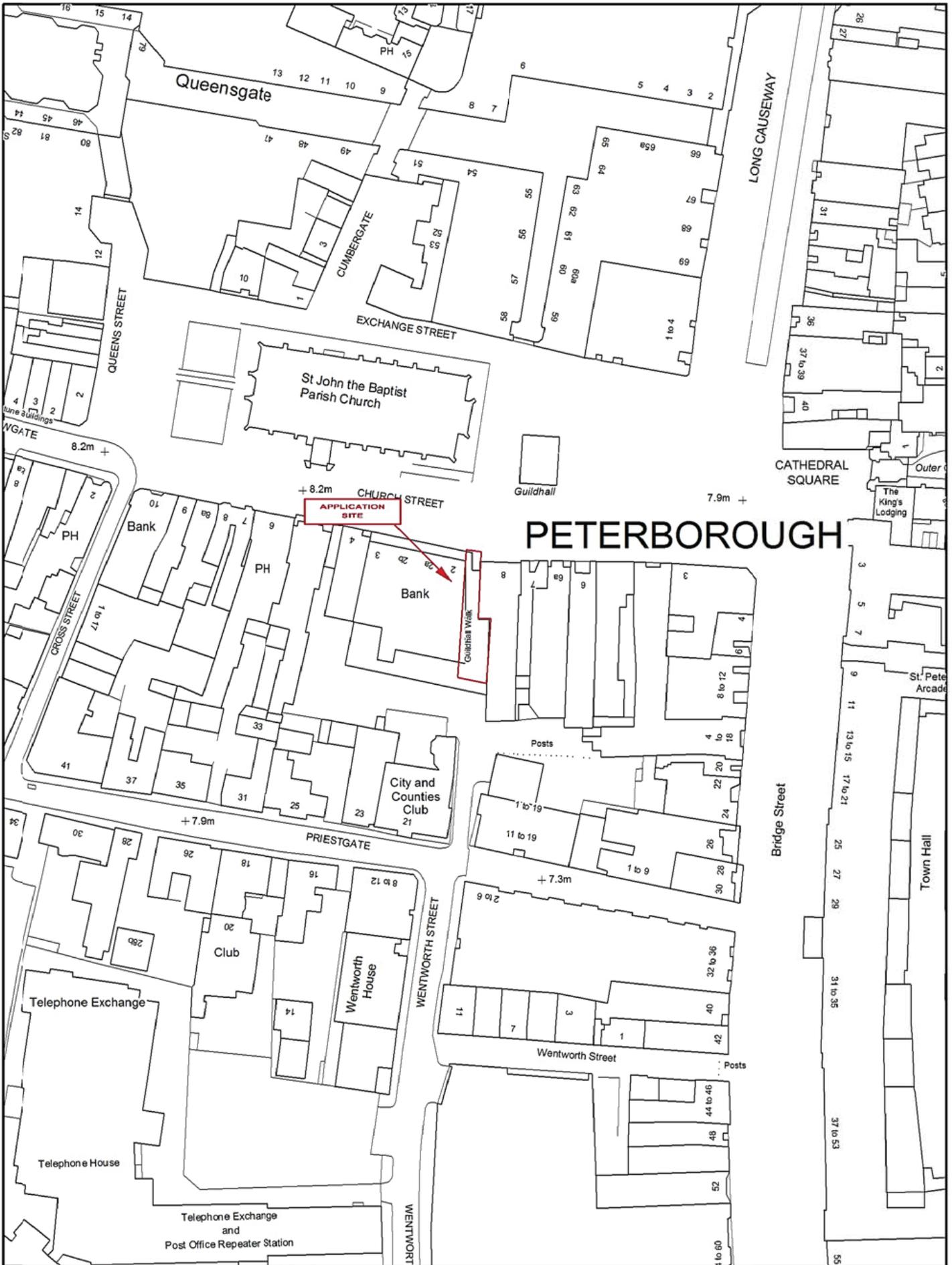
- Walling (samples) including detailing of the brick, render, gable and decorative window surrounds and quoins;
- Roofing (samples);
- Windows (details);
- Doors (details); and
- Rainwater goods (details).

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

Copies to Cllrs Richard Ferris, John Peach and John Shearman

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**LOCATION PLAN 16/00482/FUL**

1 Church Street, Peterborough, PE1 1XB

**Scale** NTS      **Date** 1/6/2016      **Name** AA Department Planning Services



**PETERBOROUGH**



CITY COUNCIL

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**PCC GIS**

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**Application Ref:** 16/00482/FUL

**Proposal:** Erection of gate/fence at rear (southern) elevation and erection of a solid panelled gate/fence at the front (northern) elevation of the branch (Part Retrospective)

**Site:** 1 Church Street, Peterborough, PE1 1XB,  
**Applicant:** Barclays Bank PLC  
**Agent:** Mr Tom Mills  
 Stride Treglown  
**Site visit:** 21.03.2016  
**Referred by:** Director of Growth and Regeneration  
**Reason:** The application is of wider public interest  
**Case officer:** Mrs J MacLennan  
**Telephone No.** 01733 454438  
**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** Refuse

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

### Site and surrounding area

The application site is a passageway formed by an undercroft to the Barclays Bank building which is located on the south side of Church Street and runs between nos. 1-3 (Barclays Bank) to the west and no. 8 (Pizza Express (Grade II listed building)) to the east. The site lies within the City Centre Conservation Area boundary. The passageway leads through to the junction with Priestgate and Wentworth Street.

The area is predominantly commercial in character with some residential apartments in Priestgate.

### Proposal

The application seeks planning approval for the erection of a 3.5m high solid panelled gate/fence to the north elevation of the passageway (Church Street) and a 3.5m high weldmesh gate/fence at the south elevation to the passageway to the rear (Priestgate/Wentworth Street). The application is part retrospective as the gate at the rear of the branch has already been installed and a weldmesh gate installed at the front of the branch. The latter is proposed to be replaced by a solid panelled fence/gate.

There would be access through the alleyway during Barclays office hours; Monday to Friday 9.00 am to 5.00 pm and Saturday 9.30 am to 3.00 pm. Access would be restricted, through the closing of the gate during non-opening hours.

The application includes a supporting letter from a neighbouring occupier confirming that the alleyway has been chained off at least once per year since she became a resident of the property in 2003.

A concurrent planning application has been submitted and approved for additional fencing within the bank's rear service yard and to enclose an area of undercroft car parking (ref. 16/00480/FUL).

## 2 Planning History

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/00625/FUL	Install new fully glazed shop front with auto sliding doors and one additional ATM, remove existing external ramp and regrade pavement to meet threshold within Barclays demise, install new stainless steel handrail to left of entrance, remove existing fascia panel and make good to finishes, install new CCTV camera and install new letterbox through glazing	Permitted	29/06/2011
11/01331/DISCHG	Discharge of conditions C2 (materials) and C3 (entrance ramp) of planning permission ref. 11/00625/FUL dated 29/06/11 (Install new fully glazed shop front with auto sliding doors and one additional ATM, remove existing external ramp and regrade pavement to meet threshold within Barclays demise, install new stainless steel handrail to left of entrance, remove existing fascia panel and make good to finishes, install new CCTV camera and install new letterbox through glazing)	Determined	10/10/2011
16/00480/FUL	Erection of Weldmesh fencing and gates in rear car park and undercroft area – (Part Retrospective)	Permitted	09/05/2016

## 3 Planning Policy

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

### **Planning (Listed Building and Conservation Areas) Act 1990**

#### **Section 72 – General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

#### **Section 66 – General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

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

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

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

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

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

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

### **Section 12 – Development Affecting Non-Designated Heritage Assets**

A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Where the assets is demonstrably of equivalent significance to a Scheduled Monuments it should be subject to the policies for designated heritage assets.

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

### **CS04 – The City Centre**

Promotes the enhancement of the city centre through additional comparison retail floor space especially in North Westgate, new residential development, major new cultural and leisure developments and public realm improvements, as well as protecting its historic environment.

### **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.

## **Peterborough Planning Policies DPD (2012)**

### **PP02 – Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is

sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

### **PP03 – Impacts of New Development**

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

### **PP12 – The Transport Implications of Development**

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

### **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.

## **Peterborough City Centre DPD (2014)**

### **CC3 – City Core Policy Area (a) General principles**

The Council will seek development of the highest quality which strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region. New development must: improve the quality of the public realm; protect important views of the Cathedral; preserve or enhance the heritage assets of the area; and protect and enhance existing retail areas. The Council will also support development which results in a net increase in dwellings, improved connectivity, employment, conservation of historic shop fronts and development which encourages trips into the City Centre.

## **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

## **4 Consultations/Representations**

**PCC Transport & Engineering Services** – No objection in principle however the gate is currently positioned on highway land. Request reposition of gate.

**PCC Highway Service Delivery Team** – Objection – The route between Priestgate and Church Street known in part or in full as ‘Guildhall Walk’ has become established as a public right of way with presumed dedication valid under statute [or common] law. Legal advice was sought in December 2015 shortly after work commenced on site stating “Whilst the land may be in private ownership this does not mean that the public have not acquired highway rights through long use (at common law). By way of background, highway rights can be acquired at common law through the act of dedication by the landowner and acceptance by the public. Dedication can be express or implied, the latter from evidence of the public having used the way uninterrupted, usually for a period of 20 years – I suspect this may be the case here”.

“As a general rule, continued acquiescence in public use by the landowner is likely to be construed as evidence of dedication, unless the landowner has placed notices on the land advising users that use of the land/way is by permission only and as such permission may be revoked by the landowner”.

Comments from members of the Peterborough Civic Society support the view that a right of way has been in existence and in constant use for over 40 years and I am not satisfied that the applicant can provide evidence to the contrary.

**PCC Rights of Way Officer** – Objection – My comments are similar to those of the Highway Service Delivery Manager for Peterborough City Council and regard the proposals to restrict access to this footpath which has clearly been in existence for many years and its continued use may mean that a public right of way has become established. Evidence that the route was closed at least one day a year will be required in order to satisfy that any use by the public was of a permissive nature.

**PCC Sustainable Travel Team** – Objection – Regarding the prospect of closing Guildhall Walk, our team would be against closure of the route and would recommend use of an alternative means to tackle the antisocial behaviour at the site. Feedback from pedestrians and cyclists has shown that a considerable number of people find the route to be useful and important for access between Cathedral Square and Priestgate, particularly in light of the Bridge Street cyclist ban.

The proposed closure of the road outside of Barclays' office hours (below) would pose a significant restriction to cyclist and pedestrian access around this part of the City Centre. Furthermore we would query whether the temporary closure of the street at night could lead to permanent closure in the future. An alternative approach of transforming to make the area more attractive would be more agreeable from a sustainable travel perspective. This could deter anti-social usage, and ameliorate the experience of Barclays employees using the area.

**PCC City Centre Services** - No one has any objection to the proposal as such. However the fence makes it look rather like a prison gate and is rather ugly.

**PCC Conservation Officer** - The gate and fence that has been erected is harmful to the character and appearance of the city centre conservation area. It is proposed to clad the fence and railings to match the adjacent brickwork. This is taken to mean the light stone / cream coloured panels to the ground floor Church Street elevation of the building. No details are provided and the use of matching panels would be acceptable from a heritage consideration, rather than the Clapham stone used to the upper elevations. However, if the closure of the passageway is achieved it is important that the cladding provided a uniform appearance across the gate and railings. This could be achieved by the gate not having an opening mechanism on the north side and hinges not exposed. The mesh may not provide a firm or sound elevation on which to fix the panels and a secondary frame may be required to the fence / gate. The setback distance of the fence should allow a secondary framing system to be applied and still provide a necessary set back between both buildings. Alternatively, the current structure could be replaced with a purpose build frame for the panels. The precise detail of the method, type and finish of the cladding can be conditioned.

The proposed mesh gates to the southern end of the passageway would be viewed from Priestgate. They would be seen adjacent to a weld mesh fence and gates that are the subject of a separate planning application for the retention of the mesh fence and gates already installed to close off the undercroft of the building. Gates as proposed would not be out of character with the location.

One on the interests of a place is the permeability of its public realm and having a variety of footpath routes and passageways. The passageway has been refurbished in recent years which has improved its character and appearance, and more can be done to reduce anti-social activity, littering and graffiti. For example by providing a short fencing along the eastern section of wall to remove the building dog-leg.

**Police Architectural Liaison Officer (PALO)** – No objection – Consultations have taken place with the local police and local authority rough sleeper team and I am aware of the problems in this

area which has resulted in this requirement to fence off. I have provided advice previously and fully supportive of this application. My understanding is that the bank will leave access gate open during daytime for the public to have access and it will be closed after work. I have said previously this should be reviewed in six months' time to establish if this stops all the anti-social behaviour. If it has not the Police would support a full closure. At this time I have no further comments to make.

**Peterborough Civic Society** – Objects - Guildhall Walk is a long-established public thoroughfare for pedestrians and cyclists on foot. We strongly believe that it has acquired Public Right of Way status by reason of continuous usage over a substantial period of time. So we contest that the route has been periodically chained off. We see no means of fixing a chain to chain off the walkway and have not come across anyone who has seen it chained off. The proposal could conflict with section 31 of the Highways Act 1980.

The proposal to only open the route during bank opening hours to be unacceptable.

There is photographic and map evidence that this route dates from before the existing building was erected. And it is impossible to imagine that at the time of its construction the route was kept open voluntarily. It would have been incorporated into the redevelopment because it had become well established as a public thoroughfare.

The resulting appearance of adding cladding to an existing ungainly weldmesh fence would be visually unacceptable in the heart of the City Centre Conservation Area.

We consider that the combination of a gate and fixed fence would be a deterrent to the proper use of the Walk. It would look especially foreboding from within the Walkway. Had the part-time closure been acceptable in principle, then the gates would have needed to be full-width, fully retractable, substantial and attractively designed folding gates in order to be compatible with the quality of the Conservation Area.

**Sustrans** – Objects – In combination with the Queensgate Arcade for a very long time, and we understand probably for hundreds of years, it has been a valuable north-south route across the city centre for people on foot or bicycle. We understand that it has the name of Guildhall Walk, which suggests it has been in use as a walking route for a very long time. The city council will no doubt be able to find old street plans to confirm this.

Until some 4 or 5 years ago cycling was prohibited by a conventional highway-style sign at its Cathedral Square end, though this was removed when its walls and ceiling within the Barclays building was repainted. This also suggests that the city council regarded it then as a highway, and that the owners of the building accepted this.

In the experience of our local employees and walking and cycling contacts the route has always been open to public access between Cathedral Square and Wentworth Street. It has frequently been partially closed by a chain at its access from Wentworth Street, and this has seemingly been to prevent unauthorised motor vehicle access from Wentworth Street to the yard which for many years has been used for private car parking. The chain, which has in recent years been replaced by a pivoted pole barrier, has always allowed a width of some 1.5 metres, used on all days of the week by pedestrians and by some cyclists. This is consistent with an anonymous letter from a nearby resident which states that the route has been "chained off at least once per year since [2003]". In our experience the chain has always allowed sufficient width for walkers and cyclists.

It is the City Council's stated policy to encourage walking and cycling. Indeed, the council has a good reputation for its support of these travel modes. The proposal would be contrary to access and transport policies and would be likely to add to motor vehicle use, air pollution and congestion in the central area.

Bridge Street lies on a strong desire line for north-south cycling through the town centre, but at present cycling is prohibited between 09:00 and 18:00. Guildhall Walk provides cyclists with an

alternative north-south route close to this important desire line, and with appropriate layout changes could be made into a satisfactory cycle route to Bridge Street.

### **Local Residents/Interested Parties**

Initial consultations: 24

Total number of responses: 17

Total number of objections: 14

Total number in support: 3

17 representations have been received – the comments are summaries below:

#### Objections

- This is a completely unnecessary closure of a passage that should be open for pedestrians and cyclists alike, especially as no cycling down Bridge Street.
- When the gates were erected, I was told by Barclays that it was their land and that they could do what they wanted with it. Since I was sure it was a right of way I alerted Peterborough City Council officers. I am grateful for their prompt action.
- The walkway has not been closed to the public for 40 years.
- A simple chain has been used to partly close off the southern end of the Walk to motor vehicles but space has been left for pedestrians and cyclists
- The chain has since been replaced by a barrier which also only covers sufficient width to prevent entry by motor vehicles.
- The Walk is very well used by the public and is a very useful route to connect Cathedral Square to the rear of W H Smith, etc.
- It is an excellent alternative for cyclists who are banned from cycling along Bridge Street during the daytime
- There has been evidence of anti-social behaviour however, Barclays has carried out excellent improvements to the lighting and décor
- If further improvements were made i.e. upgrade the surfacing, anti-social behaviour would be eliminated
- These gates are an eyesore and close off a historic right of way
- The closure of this walk would make access to Priestgate more difficult
- Its use should be encouraged to prevent Priestgate being further cut off from the city centre.
- I am a church warden at the nearby St John the Baptist Church and this passageway is used by many parishioners
- The letter [confirming the passage way has been chained off once per year] is anonymous and provides no admissible evidence that the Walk has been closed to pedestrians and should therefore be ignored
- The fencing should be removed
- It is possible Peterborough City Council would like to see it closed in the interests of pursuing its objective of maintaining a clean city centre
- The need for a safe and convenient cycle route through the city centre should rank much higher on the city's environmental agenda
- The city council has recently made a substantial investment in new street cleaning machines and these should be very capable in dealing with the antisocial behaviour
- Closing Guildhall Walk would do nothing to resolve anti-social behaviour issues but would cause great inconvenience to many people and increased risk for cyclists for whom Bourges Boulevard and Bishop's Road are the only alternative routes for cycling between Lower Bridge Street and Broadway
- The party that has requested this permission is doing so retrospectively, and has therefore already shown contempt for the planning process and the users of this right of way.
- There doesn't seem to be a valid reason to close it, yet there seems to be great public interest in keeping it open
- This is an incredibly important route for pedestrians, used by hundreds of people each day.
- I have used this route for over 20 years and my family for over 30 years

- I believe that due to the route being unchallenged for this period of time it gives rise to a presumption of dedication under Section 31 of the Highways Act 1980?
- The route has not been closed by the landowner for one day per year.
- My understanding is that any such an interruption (e.g. putting a chain across) would have to be shown to have been both effective in preventing public use and clearly known to the public using the way
- I have used this route on Christmas days, Boxing Days and New Year's Days as well as normal weekdays and weekends.
- On a visual basis I don't believe the fences are sympathetic to the conservation status of the area.
- The rear fence is weldmesh and it will not resolve the litter issue.
- The proposal is contrary to the City Council's Local Transport Plan policy
- Instead of being closed off the route should be opened up as a through route leading to a new crossing off Bourges Boulevard by foot and bike as the nature of the Boulevard is changed.
- In terms of cycling Bridge Street is the obvious main desire line north-south through the City Centre, but Guildhall Walk does at least provide some relief and an alternative at busy times.
- I have no objection to Guildhall Walk being closed at times when cycling is permitted on Bridge Street but this would have to be properly guaranteed.
- This will also put pedestrians at risk late at night forcing them to take ever more circuitous routes.
- The application form claims that this is not a right of way but that assertion is false.
- The only supporting document for the applicants assertion is a dubious, anonymous and non-specific letter solicited from a resident of a nearby flat who could not possibly see the gating that was claimed to have taken place
- There is no evidence to suggest that Guildhall walk was ever gated or chained before the present building was constructed and the step in the facade of the modern building clearly reflects the width of the original course of Guildhall walk.
- The right of way is not on the Council's right of way maps however this does not mean that it is not a right of way
- Barclays has never implemented any of common strategies i.e. signage or closure to advise that it is not a right of way
- The anonymous letter from a nearby resident should be disregarded as the resident has no view of the junction of Guildhall Walk with Guildhall Square
- I have lived and worked in the City for 32 years and in all of that time, Guildhall Walk has never been chained or gated.
- The name and address of the resident of St. James' House has not been disclosed, it should not be admitted as a valid representation. What is the relationship between Barclays Bank and this individual?
- The photograph taken in 2005 demonstrates that there have been neither signs nor fixings for chains to provide any counter-indications as required by the Highways Act 1980
- No details of the alleged chaining are given – dates, times, photographs, notices, etc and there is ample room for doubt because the statement may refer to the vehicular access to the bank rather than the adjacent footpath.
- The proposals therefore constitute an actionable nuisance within a right of way as they prevent it from being used as before
- It is also a criminal offence for any person, without lawful authority, to wilfully obstruct a highway (section 137, Highways Act 1980).
- The applicant seeks to justify closing up the right of way on the basis of "vandalism, substance abuse and anti-social behaviour" but has failed to provide any documentary evidence of this – for example, court proceedings, arrests, complaints, etc.
- The closing of a historic right of way would require that all the other potential solutions should be investigated and exhausted
- The fact that Cambridgeshire Constabulary's Crime Prevention Officer has been consulted and may have ventured an opinion does not override the established rights of Citizens.
- Not only has the applicant obstructed the public right of way by the erection of gates and fences but has also obstructed it by parking cars along the footpath further aggravating the

nuisance.

### Support

- I have just seen the submission from the Peterborough Civic Society and I strongly object to the implication that I am a liar. I stand by my assertion that the alleyway was chained off at least once a year and have agreed to testify as such. I do not give such lightly and would not resort to perjuring myself under any circumstances.
- The Peterborough Civic Society states that there is no means of fixing a chain. They obviously have not looked. There are 2 metal "eyes" (as opposed to hooks) embedded in the wall at the southern end of the alley. I assume that the one on the other side was removed as part of the last refurbishment and not replaced.
- As I have already mentioned the area is used as a convenient place to avoid parking charges which causes inconvenience and annoyance to valid users.
- The area is a constant mess due to the people who use it as a thoroughfare dropping litter and it is frequently used as a toilet. In close proximity to eating establishments.
- For too long, the state of the passageway has been a filthy disgrace and not fit to use by employees of the Bank or other pedestrians.
- The alarmist views of The Civic Society and Sustrans are unfounded as the walkway would not be closed permanently only at a time when it would be used for the purpose for which it was not intended e.g. anti-social behaviour and as a night shelter.
- What an excuse from the cycling fraternity that because cycling is banned in Bridge Street then it is deemed to be acceptable to ride through the walkway. They can always push their bikes along Bridge Street.
- I have lived right next to this area for several years and it is always unkempt and dirty. We frequently have human faeces in the area and it is used as a urinal.
- It is private land but people who have no business there use it to avoid parking fees and park their vehicles, blocking access & egress for residents, workers and service vehicles.
- I have seen some discussion in the press etc regarding the rough sleepers who use the area and find it amazing that people think that it is acceptable to have people sleeping in an area where there are no public toilets or other hygiene facilities.
- The area is littered with cigarette ends and other rubbish which people using the area as a short cut have dropped there with no consideration for others.
- I am also aware that at least one of the businesses around Cathedral Square use the area to dump bin bags so they do not have to pay for rubbish removal.
- There are currently 21 residential flats which back onto the area, with a further 2 developments in progress and more planned. This will add 39 residential units to the area and the occupiers of these properties are entitled to have a reasonable level of cleanliness in their area and should not have to suffer antisocial behaviour, excrement and evidence of drug abuse etc.
- I do not believe that the proposed fencing detracts from the area and it can only help to resolve the problems that current beset it.
- Nor do I believe that the minor inconvenience of people not being able to walk through the area during out of office hours is a valid argument against the proposals.

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

### Background

The application arises from the unauthorised erection of a metal fence and gate to close off the northern entrance to Guildhall Walk.

### Public Right of Way

An objector has provided a photograph showing the junction between Guildhall Walk and Cathedral Square before the present building was constructed in the 1960s. The objector states that there is no evidence to suggest that Guildhall Walk was ever gated off before the present building was erected. It goes on to state that the former lane was widened to create a vehicular access to the bank where previously it was only wide enough to accommodate a footpath.

Comment has been made that a public passageway, albeit narrower, previously existed. However, there is photographic evidence that shows a single storey wall set back from the Church Street entrance and an extract from the 1900 and 1920 Ordnance service maps show there was no through way. The Conservation Officer has reviewed the planning history to the site and confirmed that the current building was constructed in late 1960s. The development created a 12ft wide passageway off Church Street though to Priestgate.

There is clear evidence submitted by objectors to this application that the passageway has been used by members of the public for a number of years and therefore a public right of way may have been established. The passageway does not appear on the Council's "Definitive Map and Statement" however it does not follow that a route that is not shown on them is not a public right of way.

Section 31 of the Highways Act 1980 establishes a statutory presumption of dedication where the common law test for a public right of way can be established for a period of 20 years without interruption. This can be rebutted by evidence that there was no intention during that period for it to become a public right of way for example by the erection of a notice stating that use of the route is permissive or by restricting access to the extent that any use by the public was of a permissive nature only.

In addition to the statutory presumption (s.31) a right of way may be established under common law where there is insufficient evidence to satisfy the full 20 year use however the use must be such to lead to the conclusion that the landowner intended to dedicate; a more subjective test.

An objector has provided examples of the use of gating to prevent a right of way coming into existence, such as the gating off at Westgate Arcade every Christmas and the closing of all but one gate off Minster precincts for the same reason. It is stated by the objector, who asserts familiarity with the passageway, that none of these methods have been used by the applicant in respect of Church Walk.

Other comments have been made regarding use of the passageway, for example, a former employee of Barclays states they remember an email being circulated each year regarding the closure of the passageway and a nearby resident has confirmed its closure.

The effect of development (in this case the erection of gates/fences) on a public right of way is a material planning consideration. The status of this passageway is in dispute as evidenced by the conflicting views of the applicant, objectors and supporters; however that question is not for determination as part of this application. Should planning permission be granted this would not override the rights of way issue which would remain as a separate legal matter to be resolved outside of the planning process.

#### Closure of Access

Notwithstanding the public right of way issues, it is clear that the passageway is a well-used route and has been so for many years. The passageway provides a clear, direct route from Cathedral Square to Priestgate and Wentworth Street for both pedestrians and cyclists. The passageway provides a link to the city centre when cycling is prohibited along Bridge Street.

There have been a number of objections to the restricted opening of the passageway from members of the public, Sustrans and the Highways Service Delivery Manager.

Planning policy CS14 of the Adopted Peterborough Core Strategy seeks to promote sustainable modes of travel in order to support aspirations for Peterborough's Environment Capital status. Improving connectivity and reducing the need to travel by car is considered to be a key element to the enhancement of the city centre. This is also encouraged by section 4 of the NPPF along with section 8 which seeks to promote healthy communities.

Policy CC3 of the Adopted Peterborough City Centre Plan seeks to improve connectivity for

pedestrians and cyclists. Guildhall Walk provides a link from Priestgate to the city centre and is well used by residents and visitors to the city.

Policy CS4 of the Adopted Peterborough Core Strategy focuses on the importance of the pedestrian environment and connections to Cathedral Square.

The closure of the passageway would reduce connectivity to the city centre and therefore the proposal is contrary to planning policy.

#### Vulnerability to crime/antisocial behaviour

It is acknowledged that the passageway is used by rough sleepers and is regularly subject to incidents of anti-social behaviour including drug use, graffiti and so on. The applicant states that this results in a challenging environment for bank staff who are repeatedly required to organise clearing and cleaning of such areas. This is not disputed. The passageway is secluded and lacking in natural surveillance. It is noted that the restricted access to Guildhall Walk is supported by the police.

It is, however, considered that the abuse of the passageway is in part due to its layout, in particular the 'dog-leg' which provides a secluded area. If a short length of fencing were to be erected along the eastern section of the wall to remove the 'dog-leg' this may go some way to removing the problems with anti-social behaviour.

In addition CCTV monitoring of the passageway would provide surveillance of the area and may act as a deterrent.

It is considered that the use of the passageway is a management problem which could be resolved by alternative measures rather than closing it.

The anti-social incidents currently experienced within the passageway do not, in the Council's view, outweigh the impact on the pedestrians and cyclists who regularly use the route as a connection to the city centre and beyond.

#### Impact on the character and appearance of the adjacent Listed Building and Conservation Area

The proposed works have been discussed with the Conservation Officer. It is agreed that the existing weldmesh fence currently in situ would detract from the character and appearance of the Conservation Area.

It is proposed that the fence would be panelled in a material and colour that would match the existing blockwork on the adjacent Barclays front façade.

The rear gates are screened by adjacent buildings and would only be visible from glimpsed views to the rear of Barclays from Priestgate. The rear gates would match the recently approved fencing to the car parking area.

The Conservation Officer considers that from a heritage consideration the proposed enclosure to the north and southern entrances to the passageway works can be supported with a condition requiring the submission of detailed drawings and detail of the method, type and finish of the cladding of the fence and gate.

Notwithstanding the above, the Conservation Officer considers that part what makes a place interesting is the permeability of its public realm and having a variety of footpath routes and passageways. The passageway has been refurbished in recent years which has improved its character and appearance, and more can be done to reduce anti-social activity, littering and graffiti.

Therefore, it is considered from a heritage point of view that the works will not have an adverse impact on the character and appearance of adjacent the listed building, or the appearance of the Conservation Area subject to a condition regarding appropriate use of materials.

## **6 Conclusions**

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

## **7 Recommendation**

The case officer recommends that Planning Permission is **REFUSED**

The proposal would result in the closure of a route which is well used by pedestrians and cyclists as an accessible link to the city centre. Sustainability and the encouragement of alternative modes of transport is one of the City Council objectives for achieving Environment Capital status and the health and wellbeing of residents is also a Council priority. The closure of the passageway would reduce connectivity to the city centre and would remove an important route for cyclists and pedestrians and would contradict the objectives for sustainability and the encouragement of healthy communities. Hence the proposal is contrary to policies CS4 and CS14 of the Adopted Peterborough Core Strategy DPD and policy CC3 of the Adopted Peterborough City Centre Plan and sections 4 and 8 of the National Planning Policy Framework.

Copies to Cllrs Hussain, Amjad Iqbal and Jamil

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 6</b>
<b>14 JUNE 2016</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer:	Nick Harding (Head of Development and Construction)	Tel. 454441
Reporting Officer:	Paul Smith (Compliance & S106 Manager)	Tel. 453468

**PLANNING COMPLIANCE QUARTERLY REPORT ON ACTIVITY AND PERFORMANCE JANUARY TO MARCH 2016**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Corporate Director of Growth and Regeneration	<b>Deadline date:</b> June 2016
That Committee notes past performance and outcomes.	

**1. PURPOSE AND REASON FOR REPORT**

It is useful for Committee to look at the Planning Service's planning compliance performance and activity and identify if there are any lessons to be learnt from the actions taken. This will help inform future decisions and potentially reduce costs. This report is presented under the terms of the Council's constitution Part 3, delegations section 2 para 2.5.1.4.

**2. TIMESCALE.**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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**3. SUMMARY**

- 3.1 In the last quarter of 2015/16 we received a total of 109 service requests (we usually average 150 cases per quarter). Taking into account the number of cases closed over the period (129 cases) as at 31 March 2016 we had 92 live cases being investigated / in the process of being resolved. The Technical Services Team acknowledged 98% of new service requests within 3 working days this quarter, well above the target of 80%. 99% of initial site visits were made within 7 days of the service request being received, again well above the 80% target. A total of 7 enforcement notices were issued in the quarter. 5 enforcement notices issued in the previous quarter have been complied with. There are 0 enforcement notices issued in the previous quarter that have not been complied with on time.
- 3.2 Court Action was agreed to be taken for the failure to comply with an enforcement notice at M A Food Store 41 - 43 Padholme Road Eastfield (15/00005/ENFOTH). The notice has subsequently been complied with.
- 3.3 There was one prosecution case at Land to the South East of Nine Bridges, Mile Drove, Glington (13/00387/ENFCOU). The owner was found guilty and fined.
- 3.4 Please see the attached Appendix for further details of the Planning Compliance Team Quarterly Report on Activity & Performance.

#### **4. IMPLICATIONS**

- 4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the enforcement process itself must have due regard to legal considerations and requirements.
- 4.2 **Financial Implications** – This report itself does not have any financial implications
- 4.3 **Human Rights Act** – This report itself has no human rights implications but the enforcement process has due regard to human rights issues.
- 4.4 **Human Resources** – This report itself has no human resources implications.
- 4.5 **ICT** – This report itself has no ICT implications.
- 4.6 **Property** – This report itself has no Property implications.
- 4.7 **Contract Services** – This report itself has no Contract Services implications.
- 4.8 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the enforcement process has due regard to such considerations.

#### **5. BACKGROUND DOCUMENTS**

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

- 5.1 None.

#### **6. APPENDICES**

- 6.1 Appendix A – Planning Compliance Team Quarterly Report on Activity and Performance – (January to March 2016)

**INFORMATION ITEM: PLANNING COMPLIANCE TEAM QUARTERLY REPORT ON ACTIVITY & PERFORMANCE – (January to March 2016)**

<b>Description</b>	<b>No.</b>	<b>Comments</b>
Complaints Received	<b>109</b>	The number has fallen by 62 from the last quarter
Complaints Resolved (cases closed as % of cases received)	<b>129</b>	The number has fallen by 56 from the last quarter
Complaints on Hand/Pending	<b>92/54</b>	Cases on hand has fallen by 53 since the last quarter and the number of cases pending has fallen by 72
<b>Enforcement Notices Served</b>		
Planning Contravention Notice	1	15/00503/ENFCOU 25A And 25B Lincoln Road
Enforcement Notice	1	15/00528/ENFOTH 80 Storrington Way Werrington
Operational Development Notice	5	15/00444/ENFEXT 349 Lincoln Road 15/00267/ENFOTH Riga Restaurant 31 Lincoln Road 15/00070/ENFOTH 583 Lincoln Road 15/00146/ENFEXT Land South of 19 Ivatt Way Westwood 14/00468/ENFEXT 3 - 7 Oxford Road Millfield
<b>Total Notices Served</b>	<b>7</b>	

<b>Enforcement Notices Due and Complied With in the Quarter</b>		
Planning Contravention Notice	1	15/00503/ENFCOU 25A And 25B Lincoln Road
Stop Notice	1	15/00420/ENFBCN 270 Eastfield Road Eastfield
Operational Development Notice	1	15/00005/ENFOTH M A Food Store 41 - 43 Padholme Road Eastfield
Change of Use Notice	1	30 Lynton Road New England
Temporary Stop Notice	1	15/00420/ENFBCN 270 Eastfield Road Eastfield
<b>Total Notices Complied with</b>	<b>5</b>	

<b>Enforcement Notices Due but Not Complied With in the Quarter</b>		
Site	Date Due	Comments
<b>Total</b>	<b>0</b>	

<b>Other Notable Outcomes</b>		
<b>Court Action Agreed</b>		
Failure to comply with enforcement notice. Summons Issued	1	15/00005/ENFOTH M A Food Store 41 - 43 Padholme Road Eastfield
Total	1	
<b>Prosecutions</b>		
Type of Offence	No.	Comments, including cost awards
Failure to comply with enforcement notice.	1	13/00387/ENFCOU Land To The South East Of Nine Bridges
Total	1	

<b>Performance Measures</b>			
	Description	% / Time	Comments
	% of cases closed within 8 weeks if No Breach found.	94%	Target of 80%
	Average time (weeks) to resolve all cases closed last quarter.	13 weeks	
LPI	% of complaints acknowledged within 3 working days.	98%	Target of 80%
LPI	% of site inspections carried out within 7 days of acknowledgement.	99 %	Target of 80%

<b>Cumulative Compliance Performance</b>			
Description	Target	This quarter	Yearly average
Enforcement cases closed within 8 weeks if no breach found.	80% within 8 weeks	94%	76.1%
Acknowledgement of enforcement complaints.	80% within 3 working days	98%	96.8%
Enforcement site visits carried out within 7 days of acknowledgement.	80% within 7 days	99%	97.75%