

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

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

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

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

**Agent:** Ms L Cooper  
LMC Architect

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

**Reason:** In the wider public interest

**Site visit:** 01.08.2013

**Case officer:** Miss A McSherry

**Telephone No.** 01733 454416

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

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

## 1 Update

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

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

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

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

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

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

### Site and Surroundings

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

## **Proposal**

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

Vehicle access to the site is from Manor Drive.

## **3 Planning History**

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

## **4 Planning Policy**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **CS14 - Transport**

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

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

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

**CS17 - The Historic Environment**

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

**CS19 - Open Space and Green Infrastructure**

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

**CS21 - Biodiversity and Geological Conservation**

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

**CS22 - Flood Risk**

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

**Peterborough Site Allocations DPD (2012)**

**SA01 - Urban Extensions**

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

**Peterborough Planning Policies DPD (2012)**

**PP01 - Presumption in Favour of Sustainable Development**

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

**PP02 - Design Quality**

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

**PP03 - Impacts of New Development**

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

**PP04 - Amenity Provision in New Residential Development**

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

**PP12 - The Transport Implications of Development**

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

### **PP13 - Parking Standards**

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

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

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

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

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

### **PP17 - Heritage Assets**

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

### **Community Infrastructure Levy (CIL) Regulations 2010**

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

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

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

In addition obligations should be:

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

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

## **5 Consultations/Representations**

### **English Heritage**

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

### **Environment Agency**

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

### **Anglian Water Services Ltd**

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

**Natural England - Consultation Service**

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

**Fire Community Risk Management Group**

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

**Police Architectural Liaison Officer**

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

**PCC Transport & Engineering Services**

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

**PCC Archaeological Officer**

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

**PCC Landscape Architect**

No objections.

**PCC Drainage Team**

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

**PCC Wildlife Officer**

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

**PCC Landscape Officer**

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

**PCC Pollution Team**

No comments received.

**PCC National Grid**

No objections.

Initial consultations: 35

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

Total number of objections: 31

Total number in support: 0

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

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

## housing

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

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

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

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

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

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

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

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

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

The main considerations are:

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

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

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

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

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

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

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

## **b) Affordable Housing**

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

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

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

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

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

## **c) Design and layout**

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

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



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

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

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

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

**d) The impact on neighbouring sites**

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

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

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

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

**e) Ecology**

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

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

**f) Drainage**

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

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

**g) Highway Implications**

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

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

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

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

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

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

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

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

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

**i) Community Facilities**

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

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

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

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

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

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

**j) S106 Obligation**

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

**k) Other matters**

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

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

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

## **7 Conclusions**

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

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

## **8 Recommendation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**minimum area needed for the works.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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