

08/01632/OUT: ERECTION OF TWO 5 BED DWELLINGS AT LAND ADJACENT TO 19 OLD LEICESTER ROAD, WANSFORD, PETERBOROUGH  
VALID: 5 MAY 2009  
APPLICANT: FLOGAS  
AGENT: KING STURGE  
REFERRED BY: WANSFORD PARISH COUNCIL  
REASON: THE RECOMMENDATION DOES NOT DELIVER AN OFF SITE TRAFFIC CALMING SCHEME THE PARISH COUNCIL HAS REQUESTED  
DEPARTURE: NO  
  
CASE OFFICER: THERESA NICHOLL  
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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the development
- Any potential impact upon neighbour amenity
- Any potential impact upon the character and appearance of the street scene and the adjacent Conservation Area
- Any potential impact upon the Wansford Pasture Site of Special Scientific Interest (SSSI)
- Flood Risk
- Access
- Contamination
- Infrastructure Requirements

The Head of Planning Services recommends that the application is **APPROVED** subject to conditions and the entering into of a Section 106 Agreement.

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

H8 Village Envelopes

H11 Group Settlements

H15 Residential Density

H16 Residential Design and Amenity

T1 Transport Implications of New Development

DA1 Design – effect on surroundings

DA2 The effect of Development on the Amenities and Character of an Area

DA9 Protected Spaces and Frontages in Villages

CBE3 Development Affecting Conservation Areas

LNE9 Landscaping Implications of Development Proposals  
LNE10 Detailed Elements of Landscaping Schemes  
LNE15 Sites of National Nature Conservation Importance  
IMP 1 Securing Satisfactory Development

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS 9 Biodiversity and Geological Conservation  
PPG 13 Transport  
PPG 15 Planning and the Historic Environment  
PPS 23 Planning and Pollution Control  
PPS 25 Development and Flood Risk

Planning Obligations Implementation Strategy SPD

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

### **3 DESCRIPTION OF PROPOSAL**

This is an application for outline planning permission for two dwellings with all detailed matters reserved for subsequent approval.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site measures 0.188 of a hectare. It lies on the western edge of Wansford and is within the village boundary as identified on the proposals map (inset 26) of the Peterborough Local Plan (First Replacement). The site is located adjacent to 19 Old Leicester Road and part is currently in use as a storage depot for LPG.

The site slopes gently to the south and is covered with grass and small native shrubs. The northern boundary has extensive hedge growth with several mature trees which are identified in the Local Plan as a protected treed or hedge frontage (although none are protected by Tree Preservation Orders). The east and west boundaries contain mature hedges and the southern boundary has several mature trees and hedge growth.

The existing property to the east is a large detached L shaped property with a detached garage. The next house along, No. 19A, appears to have been built in the former total site area of No. 19. There is 2.5 metres separating these two properties. To the north and across the Old Leicester Road are large detached properties, part of Robin's Field. The western edge of the site is in line with the western edge of the residential property in Robin's Field which forms the western most extent of the village envelope.

The site lies within Wansford SSSI and although it is accepted by the relevant bodies that the site was most likely included in the designation in error, the effects of the development upon the SSSI must still be taken into account – all the adjacent land to the west is protected under this designation,

The site lies just outside the Conservation Area to the East.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
06/00569/OUT	Erection of two dwellings and alterations to existing access	June 2006	WDN
08/01633/FUL	Re-siting of gas compound	Dec 2009	PER

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport & Engineering:** No objection. Requests conditions.

**Senior Engineer (Drainage):** No objection. The applicant proposes soakaways for surface water discharge therefore please ensure that Building Control give approval for soakaways in this location [Planning Officer Comment – the use of soakaways is not recommended for approval at this stage as it is not yet known if this method is suitable given the potential for impact on the water table in relation to the SSSI].

**Archaeological Office:** No objection. The proposal is unlikely to have any significant archaeological remains.

### **EXTERNAL**

**Natural England:** No objection. Is satisfied that detailed information on foundations and risks to watering of the SSSI will be submitted at the detailed planning stage and that details of the proposed mitigation measures to offset the potential effects upon the SSSI i.e. maintenance contributions, are acceptable.

**The Wildlife Trust:** No objection. Support the comments made by Natural England and agree that the contribution proposed towards the maintenance of the SSSI is acceptable.

**Wansford Parish Council:** Do not object in principle subject to;

- The position of the houses being well set back from the road in keeping with neighbouring properties
- The height of the dwellings should be restricted to be in keeping with neighbouring/nearby property
- Traffic calming is needed on the approach to the village

The Parish Council has suggested conditions to cover these issues.

### **NEIGHBOURS**

A letter of objection has been received from 1 local resident raising the following issues:

- The development will adversely affect the Conservation Area
- The proposal will affect our amenity and privacy
- The houses are considerably higher than the majority of houses in the village

- The proposal will affect our daylight and sunlight particularly in our west facing windows
- The buildings are too close to our boundary and there is no need to remove the existing hedgerows
- The proposal will have an affect upon the SSSI

## 7 REASONING

Each key issue, set out above is discussed below with reference to the relevant development plan policy and any other material considerations.

### a) Principle of Development

The principle of the development is acceptable. The site lies within the village boundary and is brownfield land having a long established use as an LPG storage site (part). The site is defined as a Group Settlement under Local Plan policy H11 and the proposal would comprise a “housing group” of two dwellings utilising and existing street frontage, thus complying with part (a) of H11.

### b) Neighbour Amenity

There is only one neighbouring property potentially directly affected by the proposal and that is 19 Old Leicester Road, the L shaped detached house to the east of the site. The occupier of No. 19 is concerned about loss of light and privacy amongst other issues. It must be noted that the submitted layout showing the position of two dwellings is indicative only. Nevertheless, it is considered that two detached dwellings can be accommodated on the site in broadly the positions indicated without having a significant adverse impact upon the neighbours’ amenity. There is a small length of side elevation to No. 19 which is within 3 metres of the site boundary. This elevation contains some small but secondary windows. It will be possible for the existing hedgerow to the common boundary to be retained and if any sections are removed there will be scope to replace with new planting. It is considered that it will be possible to site and design two dwellings that can be accommodated on the site which meet the policy requirements of DA 2 of the Peterborough Local Plan and have no adverse impact on the amenities of neighbouring occupiers.

With regard to amenity of the new occupiers, the re-siting of the gas tanks involves the partial burial of the new tanks. Whilst this compound area, to the south west of this site, will be visible it will not be intrusive. A lorry will need to use the proposed shared access to visit the compound from time to time but this is not so regular as to cause disturbance to the new residents.

### c) Character and Appearance in Street scene and impact on adjacent Conservation Area

The character of the immediate area is one of quite large bespoke mainly detached dwellings set in fairly spacious plots. The street is quite open, green and feels semi-rural as it is apparent that this is the edge of the village. The property at this western edge of the village is not “historic” and buildings would not be worthy of retention for their own sake, but low density, low rise (mainly two storey) bespoke development does have a particular character. The trees to the front of the site, whilst not worthy of TPO do provide an important visual edge to the street. Their retention will be an important part of any landscaping scheme to be submitted should this application be approved. The trees together with those to the rear of the site and the hedgerows should be retained for their own sake and to help soften the appearance of the new development. The eastern boundary of the site is the edge of the Conservation Area, the site lying just outside it. The details of the landscaping scheme are reserved for subsequent approval.

It is considered that two dwellings can be accommodated on this site. The plot sizes will be very similar to that of neighbouring property. If permission is granted, conditions will be imposed restricting the height of new dwellings and the positioning in relation to the site frontage. The location of the site demands a high quality design and this could potentially take a number of forms but as long as the parameters of number of units, height and proximity to the road are set at this stage, the design details can be submitted later as reserved matters. The site should not be developed for any greater number of units as such a density would be out of keeping with the location. The site can be developed so as to preserve or enhance the character or appearance of the street scene and the Conservation Area thus complying with DA 1, DA 2 and CBE 3 of the Peterborough Local Plan (First Replacement) as well as the guidance in PPS 1 and PPS 15.

d) **Impact on the SSSI**

Natural England (NE) is the statutory consultee in relation to development which potentially impacts a Site of Special Scientific Interest. After some discussion, NE raises no objections subject to conditions and a contribution towards the maintenance of the SSSI. The justification for this contribution is that the SSSI is publicly accessible. Two large dwellings will create some additional pressure on the use of the site. After negotiation, the applicant has agreed to contribute £1000 towards the maintenance and this will be paid via PCC to the Wildlife Trust who manage the SSSI. The Wildlife Trust is similarly happy with this contribution. This is a fairly modest sum, given the cost involved in say, carrying out works to trees, but reflects the fact that only two dwellings are proposed. A condition requiring the submission of further detail of ground works, including foundations and utility routes and any mitigation on affect on watering of the adjacent land in the SSSI will ensure that there is minimal impact on water flow from the site. The proposal therefore is acceptable in respect of PPS 9 and policy LNE 15 of the Local Plan.

e) **Flood Risk**

The site lies outside flood zones 1 and 2 and therefore there is no risk of fluvial flooding of the site. The site drainage in terms of surface and groundwater flows is partially covered by the condition relating to the SSSI. Otherwise, drainage will be dealt with under building regulations and legislation under the Water Act.

f) **Contamination**

The submission does not deal with the potential of contamination of the site. Taking a precautionary approach as advocated in PPS 23, a condition will be attached to any permission granted which requires a staged approach to dealing with potential contamination e.g. desktop study, if necessary on site sampling and if necessary on site remediation.

g) **Access**

The indicative plans submitted show that the proposed point of vehicular access to the dwellings will be the same as currently serves the gas storage use. This access was also shown on the recently approved application to re-locate the gas tanks out of the area now proposed for the residential development. The Highway Authority raises no objections to the proposal subject to conditions.

The Parish Council requested that traffic calming be provided by the developer at the entrance to the village on Old Leicester Road. After consulting with the Highway Authority and taking the site location and number of dwellings into account, it is considered that this development does not warrant a traffic calming scheme and if additional contributions (above the POIS) were to be requested this would not comply with the tests set out in Circular 05/05. The Parish Council has been advised to discuss the issue of traffic calming with the appropriate officer in the Highways team regarding the potential of achieving this through the general programme of works. Of course part of the POIS contribution of £6000 per dwelling will be put towards transportation. If a demand were made for such a contribution, in your officer's opinion, this would not stand up to scrutiny on any subsequent appeal. The detailed design of the access will be submitted at reserved matters stage and subject to conditions the proposal accords with policy T1 of the Local Plan.

h) **Infrastructure Requirements**

In accordance with the POIS, contributions will be required per dwelling. The indicative plans show two five bedroom houses, which would attract a standard contribution of £6000 each plus the monitoring fee. The legal agreement can contain a clause whereby this figure can be varied according to the number of bedrooms contained in any application for approval of reserved matters. The requirement for the SSSI maintenance contribution has been set out above. The proposal therefore meets the tests set out in Circular 05/05 and policy IMP 1 of the Local Plan.

## **8 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 as set out in detail above.

The proposal accords with the development plan policies and national policy guidance.

There are no material considerations which count against the development, subject to the imposition of conditions and the entering into of a legal agreement. It is anticipated that a high quality development of individual design will need to be submitted at reserved matters stage to take advantage of the prestigious position of the site and to maintain or enhance the street scene, Conservation Areas and natural features associated with this site. The dwellings can be designed and scaled so as to minimise impact on the neighbouring residents.

## **9 RECOMMENDATION**

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the infrastructure needs of the area as generated by the development and a contribution towards maintenance of the Wansford Pasture SSSI, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C1 Approval of the details of the siting, layout, scale and appearance of the buildings; the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced. 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: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C2 The development hereby permitted shall be begun either before the expiration of three 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).
- C3 The ridge height of the new dwellings shall not exceed 9.5 metres above the existing concrete slab level within the site (which houses the gas tanks prior to them being re-sited). This shall be demonstrated on the drawings to be submitted as part of any reserved matters submission.**  
Reason: In order that the height of the dwellings is in keeping with the scale of neighbouring dwellings and preserves the character and appearance of the adjacent Conservation Area, in accordance with policies DA1, DA2 and CBE3 of the Peterborough Local Plan (First Replacement).
- C4 No part of any two storey building shall be sited closer to the front boundary of the site than 20 metres.**  
Reason: In order that the siting of the development is in keeping with the neighbouring property in the interests of preserving the character of the area and in the interests of retention of the mature trees to the front of the site in accordance with policies DA1, CBE3 and LNE9 of the Peterborough Local Plan (First Amendment).
- C5 Prior to the commencement of any excavation or earth moving within the site, plans and details shall be submitted to and approved in writing by the Local Planning Authority showing/including the following:-**
- (1) Details of all excavation and foundations within the site, including any new hard surfacing and trenching for services. The plans shall show the extent and depth of any foundations.**
  - (2) Details of the method of dispersal of surface water within the site**
  - (3) A report from a suitably qualified person which confirms that the operations submitted and detailed in respect of (1) and (2) above will either:-**
    - (a) Not have an adverse impact upon the SSSI through impediment to surface water drainage, groundwater or affect on the spring line within the site and watering of the SSSI**
    - (b) Demonstrates adequate methods of mitigation which will ensure that the watering of the SSSI is maintained or enhanced from commencement of the development and thereafter.**

**The development shall not take place other than in complete accordance with the approved details.**

Reason: In the interests of preserving the special interest of the SSSI in accordance with PPS 9 and policy LNE15 of the Peterborough Local Plan (First Replacement).

**C6 No development shall take place until details of all materials to be used in the external surfaces of the dwellings (walls, roofs, windows and rainwater goods), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C7 Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C8 Notwithstanding the submitted details, the development shall not commence until details of all boundary fencing/screening has been submitted to and approved in writing by the Local Planning Authority. The proposed fencing shall take account of the need to preserve and maintain the existing boundary hedgerows. The approved fencing/screening shall be erected prior to the first occupation of the dwellings and retained as such thereafter.**

Reason: In order to protect and safeguard the amenity of the adjoining occupiers and the occupiers of the new dwellings in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

**C9 a) The development hereby permitted shall not be commenced until details of a contaminated land investigation have been submitted to and approved by the Local Planning Authority. This submission shall be made to the Local Planning Authority in the following sequence:-**

**(i) A desk top study, and, if required by the Local Planning Authority following this submission**

**(ii) A site investigation, and, if required by the Local Planning Authority following (i) and/or (ii)**

**(iii) A remediation strategy setting out the measures to be carried out on site to mitigate against any unacceptable risk or risks to all potential receptors**

**b) If required, the remediation of the site shall be carried out fully in accordance with the approved details and timetable contained therein. Within one month of completion of the remediation works, two copies of a closure report shall be submitted to the Local Planning Authority**

**b) If during the development of the site, contamination not previously considered is identified, no further work shall be carried out until the Local Planning Authority has been notified in writing of the discovery and a method statement detailing a scheme for dealing with the contamination has been submitted to and approved by the Local Planning Authority. The remediation shall be carried out in accordance with the approved detail.**

Reason: To reduce the risk to all receptors to acceptable levels and ensure that the site is suitable for its proposed use and to safeguard the environment of the area, in accordance with PPS 23.

**C10 Temporary facilities shall be provided clear of the public highway for the 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 interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

**C11 An adequate space shall be provided within the site to enable vehicles to enter and leave in forward gear. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

**C12 An adequate space shall be provided within the site to enable 2 vehicles per dwelling to park clear of the public highway. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policies T10 & T11 of the Adopted Peterborough Local Plan (First Replacement).

**C13 The access road/driveway shall be of a minimum width of 5.5m from the edge of the existing carriageway for as far as it is shared with the Flogas Depot, it shall be a minimum width of 4.5m thereafter for the remaining shared distance.**

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

### **Informatives:**

**1. Public Health Act 1925 S17-18**

The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Kim Everett on (01733) 453476 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings.

Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.

**2. Highways Act 1980 - Section 184, Sub-Sections (3)(4)(9)**

This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works **MUST** be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Contact is to be made with the Transport & Engineering – Highway Control Team on 01733 453421 who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

**3. NR&SWA 1991**

The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licensed under the New Roads and Street Works Act 1991.



It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Peter Brigham – Street Works Coordinator on 01733 453578.

**4. Highways Act 1980 - Section 148, Sub-Section C**

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

**5. Highways Act 1980 - Section 149**

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

Copy to Councillors Holdich, Lamb

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