

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 26 JANUARY 2010 AT 1.30PM

Items Attached

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**UPDATE REPORT &
ADDITIONAL INFORMATION**

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors to address the meeting and ask questions, if any, with Officers responding.
3. Chairman to invite Parish Council, Town Council or Neighbourhood representatives to present their case.
4. Members' questions to Parish Council, Town Council or Neighbourhood representatives.
5. Chairman to invite objector(s) to present their case.
6. Members' questions to objectors.
7. Chairman to invite applicants, agent or any supporters to present their case.
8. Members' questions to applicants, agent or any supporters.
9. Officers to comment, if necessary, on any matters raised during stages 2 to 8 above.
10. Members to debate application and seek advice from Officers where appropriate.
11. Members to reach decision.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Parish Council, Town Council or Neighbourhood representatives.
2. Objectors
3. Applicant or agent or supporters.

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 26 JANUARY 2010 AT 1.30PM
LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent /Supporters/Parish Council/Town Council/Neighbourhood Representatives
5.2	23	08/01471/FUL – WERRINGTON CENTRE, STANILAND WAY, WERRINGTON, PETERBOROUGH	Mr Alan Smith (Werrington Neighbourhood Council) Councillor Darren Fower Mr Mark Mann (Savills)	Neighbourhood Council Representative Objector Agent

BRIEFING UPDATE

P & EP Committee 26 January 2010

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	09/01186/R3FUL	Westwood Grange Mayors Walk West Town Peterborough, Floodlit all weather sports pitch, improved local play area and car parking

FURTHER CONSULTATION RESPONSES

Head of Transport and Engineering – No objection to amended plans. Recommends conditions relating to full details of access and construction vehicle cleaning equipment.

Drainage Engineer – No objection. No reported land drainage concerns within the area and do not foresee any major flood risks as a result of implementation of the all weather sports pitch and associated works.

Environment Agency – No objection.

FURTHER INFORMATION AND AMENDMENTS TO REASONING

Impact on the amenity of neighbouring properties

Noise impact

The report to Members states that it is considered appropriate that in order to mitigate against any significant detrimental impact, the hours of use be restricted to 8.00pm at weekends and Bank Holidays. This restriction relates to the time until which sporting activities may take place on the AWP.

Light spillage and intrusion

The report to Members states that the floodlights are to be conditioned in order to prevent their usage beyond 8.30pm at weekends and Bank Holidays. Whilst the use of the pitch for sporting activities is to be restricted to 8.10pm for security reasons it is necessary to ensure that the floodlights are permitted to stay on up to 20 minutes after activities cease. (Please see amended condition C2)

Flood risk

Following comments received from the City Council's Drainage Engineer and the Environment Agency, no objections have been raised with regards to the proposal. The application site does not fall within a functional floodplain and there have been no reported land drainage concerns within the area. Following tests recently carried out through the use of bore holes in respect of the recently approved housing application (07/01946/OUT), the soil sub strata is composed of well drained limestone to a depth of approximately 2 metres and as such, any surface water run off should drain away adequately. It is acknowledged that after heavy persistent rainfall, the water table may rise giving less storage capacity and local isolated ground saturation may occur. However, this situation is common in many areas of open space and tends to disperse quickly. As such, it is not anticipated that any major flood risks will occur as a result of the implementation of the AWP and associated car parking.

CONDITIONS

The conditions have been reviewed and simplified to make them clearer. A condition regarding the provision of a barrier to the northern pedestrian access has been deleted as there is already one in place and an new condition is added to deal with the issue of community use of the sports pitch.

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

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

- C2** The approved floodlights shall not be used between the following curfew times: 22.00 and 08.00 Monday to Friday or between 20.30 and 08.00 on Saturdays, Sundays or Bank Holidays and use of the pitch shall stop 20mins before the curfew time commencing.
Reason: In the interests of amenity in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3** Development shall not commence until a scheme for the improvement of the vehicular, pedestrian and cycle access from Mayor's Walk to the car park has been constructed in accordance with details submitted to and approved in writing by the Local Planning Authority and shall be retained until such time as:
a) it is replaced by an alternative access through the land edged in blue on drawing 132-B 101 Rev 07.
b) the vehicular access is stopped up in accordance with a scheme to be submitted to and approved by the local planning authority
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C4** The approved sports pitch shall not come into use until the approved car park (as may be amended by condition) is completed (including in terms of drainage and materials as specified in the Design and Access Statement) and the car park shall be retained for the purpose of car parking thereafter.
Reason: In the interest of Highway safety, in accordance with Policies T7, T9 and T10 of the Peterborough Local Plan (First Replacement).
- C5** The use of the sports pitch shall not be commenced until space has been laid out within the site for 20 number bicycles to be parked, in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of cycles.
Reason: In order to promote sustainable modes of transport, in accordance with Policies T7 and T9 of the Peterborough Local Plan (First Replacement).
- C6** Prior to the commencement of development or other such time as may be agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following elements:-
i) a landscape maintenance schedule;
ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;
iii) all means of enclosure (that to the approved sports pitch shall accord with the specification given in the Design and Access Statement);
The soft landscaping shall be undertaken in accordance with the approved details no later than the end of the first planting season following first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area, in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C7** 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 in accordance with the provisions of the approved landscape management plan, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the satisfactory implementation of the landscaping scheme, in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C8 Details of the lighting to the car parking area and footpath shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and provided prior to the car park being brought into use.**
Reason: In the interests of community safety and in order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement) 2005.
- C9 The sports pitch flood lighting shall accord with the specification given in the Design and Access Statement and the approved light spill plan.**
Reason: In order to protect the amenity of surrounding residents in accordance with Policies DA2 and DA12 of the Peterborough Local Plan (First Replacement).
- C10 Before development commences, a Construction Management Statement shall be prepared which will set out the timescale for development, measures to secure the minimum of disturbance to the existing open space and surrounding residential properties whilst construction is underway, and temporary facilities clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. The statement will include the provision for site cleaning and measures to ensure that no mud or other detritus is deposited on the footpath or the adjoining public carriageway, including a specification and position for operational vehicle cleaning equipment. Development shall not take place other than in complete accordance with the approved statement.**
Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).
- C11 The use of the sports pitch shall not be commenced until a Community Use Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.**
Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with Policy LT10.

A further representation letter from Mr G Barker was received on 22 January 2010 which is attached at Appendix A of this update report.

2.	08/01471/FUL	Werrington Centre Staniland Way Werrington Peterborough, Deed of variation to the first and second schedule of the S106 Agreement for Phase 1 regeneration.
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For the avoidance of doubt the proposed location for the development of the Werrington Community Car Park is on land adjacent to the Werrington Bowls Club (Option 2) as indicated in the S106 agreement.

A further representation was received on 22 January 2010 from Werrington Neighbourhood Council which is attached at Appendix B of this report.

Ms G George
Chief Executive's Department
Democratic Services
Town Hall
Peterborough
PE1 1HG

Wilton Drive
Netherton
Peterborough
PE3 9RL

20 January 2010

Dear Ms George

Reg. 3 Council Application (Full) Floodlit All Weather Pitch, improved local play area and car parking at Westwood Grange, Mayor's Walk, West Town Peterborough. Your Ref. 9/1186/R3FUL

Thank you for your letter of the 18 January 2010.

Since I first wrote concerning the above application, and in which letter I raised no objection to an All Weather Pitch, I do have other concerns which I now wish to bring to your attention.

1) Rubbish

On five days of the week, we suffer from the students of the Jack Hunt School treating the Playing Field and surrounding area as a dumping ground for their discarded cans and fast food wrappers purchased from the local shops. On Saturdays and Sundays we now have a surfeit of energy drink cans being abandoned for someone else to deal with. Perhaps the Netherton Football Club could ensure that at least the mess left from the matches is cleared, in the interest of the Club.

2) Surface Water

The culverts in the playing field area have long since been filled in and built over.

In a letter from the Peterborough City Council (P.C.C) dated 8 December 2009, it is stated '....in order to move forward we are required by our own planners to ensure that all surface water drainage will be dealt with in a sustainable manner. The existing surface water system within Thorpe Park Road has only very limited capacity, which means that we have to look for other more innovative solutions...'.

On the morning of 6 January 2010 a member of the P.C.C said that the surface water drains on the Netherton Estate have only limited capacity, and that the surface water from the Grange Playing Field will need to be piped into Soakaways placed on that part of the Westwood Grange Allotments site still in use as allotments. This will be exacerbated further by the building development proposed for the remainder of the allotments site which is adjacent to the playing field. Therefore, one cannot deal with one site without an impact on the other. If one looks at the environmental study and converts Cubic Metres into Imperial Gallons, it suggests that between ½ million and ¾ million gallons of water will need to be disposed of in this proposed way each year.

I think it is time that the P.C.C start to spend money on the infrastructure of this City as the situation it finds itself in can only get worse with these muddle headed plans. Since the area which surrounds this pitch is lower than the Field, there is no doubt that residents' concern for the future will be more than justified.

Positive answers to these pressing questions are needed before any more building work is allowed to take place. It is appreciated that this does not directly affect the application in question, but so far, no official figures have been issued giving the amount of surface water which will be expected to drain from the playing field.

Since this application was announced on the 3 November 2009, two separate companies have been employed to carry out drainage tests - work that should have been completed and discussed before the application was put in the public domain. This would have allowed residents knowledge of what the implication of unsatisfactory drainage now will mean to them in the long term. There is no doubt that if no action is taken, the area will suffer when it is too late to remedy the problem. Such inaction, therefore, is totally unacceptable.

I strongly request that this whole matter is reviewed before it is too late.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Gordon A Barker', written in a cursive style.

Gordon A Barker

**Late Representation to P & EP Committee 26 January 2010
From Werrington Neighbourhood Council**

Ref 08/01471/FUL

Deed of Variation to the First and Second Schedule of the S106 Agreement for Phase 1 Regeneration of Werrington Centre - planning application ref 08/01471/FUL

Werrington Neighbourhood Council objects to this proposal to vary the S106 Agreement.

The proposal would remove any obligation on the developers of this major store to maintain provision for car parking by non store users until alternative provision is in place. The developers signed the original agreement requiring, in line with the specific decision of the Committee, that spaces be reserved until there was an alternative site provided either by themselves or the Council. This remains a valid planning requirement and should be enforced.

As the money that the developers have agreed to pay is now known to be insufficient to fund the construction and additional money will be required, there is no certainty that the current proposal will go ahead. There is no certainty that this additional money will be found, that the currently proposed site will get planning permission or that it will be viable because of the Community Related Asset payment that may be required to gain access.

In these circumstances the Planning Authority should not agree to this request for a variation to the S106 from the developer. It should insist that further progress is made on option 2 in line with the terms of the Agreement. Under the Agreement the developer is required to hold the spaces available until this is implemented.

In the original minute of the Planning Committee of 17 February 2009 the resolution is specifically recorded as **c) *Car Park to remain available beyond five years if the 100 new spaces have not been provided.***

The Case

Werrington Neighbourhood Council maintains that as this is a new development proposal of such a scale as to significantly alter the demand for parking at the centre, it is a valid planning requirement to exercise controls on the parking arrangements while securing alternative community car parking. This view was endorsed by the Planning Committee when it granted consent.

The current parking is used by a secondary school, a library, a bowls club and other district centre users other than the store itself. It is the only car park for these uses and it has been used by them as intended since it was built more than 20 years ago.

This arrangement worked more or less satisfactorily with the current size of the store. WNC do not believe it will work satisfactorily with the approved store that will be more than twice the size and with a very much bigger turnover.

The concerns of the current landowners and the apparent refusal of Tesco to accept any responsibility for the car parking for the community uses lends weight to WNC position that alternative provision must be made. This arises directly from the planning decision agreeing to the construction of a much larger store.

In the view of the WNC, the Planning Authority had a duty to ensure adequate parking for the community was provided if they were to grant consent for this superstore. This was based on concern about the validity of the parking study done by the developers and concern about the controls to parking that might be introduced by Tesco when the new store was opened.

WNC supports the revised location of the car park in principle but has not seen any details. It is possible that the planning application may raise issues not previously considered by us or indeed the Planning Committee. Removing any constraint on the developer, which he has willingly accepted in order to secure the planning consent, would, at this stage, appear reckless. The correct action is to implement Option 2 and make sure the car park in this location is viable and funded while still requiring the developer and any new owner to hold spaces available for community use until there is alternative provision, as was intended when the consent was given.