

10/01518/FUL: NEW VEHICULAR ACCESS TO SERVE A FUTURE PROPOSAL FOR THE 32 DWELLINGS, ON ADJOINING LAND, ON LAND TO THE REAR OF NOS. 68 TO 72 (EVEN) THORPE LEA ROAD, PETERBOROUGH

VALID: 23 DECEMBER 2010

APPLICANT: RAILWORLD

AGENT: BIDWELLS

REFERRED BY: HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES

REASON: IN THE WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle
- The impact of the use of the road and additional traffic generation upon the amenities of the residents of Thorpe Lea Road
- Impact of the use of the road on highway safety
- The impact of the road and its use upon fauna and flora
- The impact of the road upon public open space provision
- Flood Risk implications

The Head of Planning, Transportation and Engineering Services recommends that the application is **APPROVED**.

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

Relevant policies are listed below with the key policies highlighted.

a) The Peterborough Local Plan (First Replacement)

DA2 The development must be able to be satisfactorily accommodated on the site, must not adversely affect the character of the area and must not adversely impact upon the amenities of occupiers of nearby properties.

LNE5 New development in areas of best landscape should conserve and where possible enhance the Areas distinctive landscape character. Amongst other specific requirements of this policy, trees that form an important element of the landscape should be retained, development is to respect the relationship between the settlement and its landscape setting, safeguard important views and be sympathetic to local topography.

LNE8 The landscape, nature conservation and amenity value of the Nene Valley is to be safeguarded and enhanced.

- LNE11** Planning permission should not be granted for development affecting an area of ancient, semi-natural woodland or veteran tree
- LNE19** Development is not to cause demonstrable harm to legally protected species.
- LT3** Planning permission should not be granted for any development which would result in the loss of existing open space if that loss would give rise to a deficiency, or would be in an area where there is already a deficiency in open space unless (b) alternative provision is made, whether in open space or recreational facilities or both, that is at least as accessible to users and at least equivalent in terms of size, usefulness, attractiveness and quality as the open space that would be replaced.
- LT11** Within the Nene Valley provision will be made for a range of recreation uses
- T1** Seeks to ensure that new development would not unacceptably impact on the transportation network.
- T8** Development must safely connect to the existing highway network.
- U5** Within areas identified as flood land and wash land planning permission will not be granted for development that would have an unacceptable risk of being flooded, be likely to interrupt the return of floodwater to a watercourse, deprive the river system of floodwater capacity unless an alternative area is provided or increase the number of people using premises that are currently at an unacceptable risk from being flooded.
- U9** Pollution of Watercourses and Groundwater
- b) Core Strategy Submission version (which has been found sound by a planning Inspector subject to changes being incorporated) (2011)**
- CS9** Requires development to meet the aspirations of the Peterborough Sustainable Community Strategy for Peterborough to become the Environmental Capital of the UK.
- CS11** Planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development and mitigate the impact of that development on existing community interests within environmental limits.
- CS13** Requires transport options to be considered through a number of key themes including non car based proposals and initiatives to minimise the need to travel.
- CS15** Promotes development within the city centre including new residential provision.
- CS16** High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough.
- CS19** To protect existing open space, planning permission will not be granted for development which would result in the loss of existing open space if that loss would give rise to a deficiency in open space, or would be in an area where there is already a deficiency, unless the proposed development would be ancillary to the use of the site as open space, and the benefits to recreation would outweigh any loss of open area; or alternative provision is made, whether in open space or recreation facilities or both, that is at least as accessible to users, by walking, cycling and public transport, and at least equivalent in terms of size, usefulness, attractiveness and quality as the open space that would be replaced. The River Nene is to be promoted as a corridor for biodiversity and landscape retention.
- CS20** New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape character area and sub area in which it would be situated.

CS21 Seeks to avoid demonstrable harm to habitats or species which are of importance.

CS22 Development in Flood Zones 2 and 3 will only be permitted following the successful completion of a sequential test, exception test if necessary, suitable demonstration of meeting an identified need, and through the submission of a site specific flood risk assessment demonstrating appropriate flood risk management measures and a positive approach to reducing flood risk overall.

Material Planning Considerations

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

PPS1 – Delivering Sustainable Development

PPG13 - Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

PPS25 - Development and Flood Risk seeks to avoid inappropriate development in areas at risk of flooding.

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

The proposal involves the construction of a two-way carriageway from Thorpe Lea Road to the western extremity of a public footpath that flanks onto the western boundary of the Railworld site. The road is to extend from between residential properties at nos.66 to 68 Thorpe Lea Road in a southerly direction for the depth of these two properties (i.e. 28m) and thereafter in a south easterly direction towards the Railworld site. The road width is to be 5m initially from Thorpe Lea Road and thereafter 6m as the road has been designed with a curved middle stretch. Both sides of the road are to have 2m wide pavements. The road has been designed with a turning head, to its north side, close to the eastern extent of the road. The overall length of the road is to be approximately 116m. A parking area is to be provided for grounds maintenance vehicles off the southern side of the road just past the mid way point. Knee high rail fencing alongside both sides of the carriageway is to be provided other than where existing vegetation is to be retained. From its junction with Thorpe Lea Road the proposed carriageway would have a width of 5m (for the first 21m) and it would be 5.5m away from boundary of no.66 Thorpe Lea Road and 5.2m from the boundary of no.68 Thorpe Lea Road. Thereafter the road would widen slightly

such that at the very rear of the curtilages of these two properties the carriageway would be within 5m of their flank boundaries.

To construct the road it will be necessary to remove part of an established area of vegetation to the rear of the open space between nos.66 and 68 and a further area of vegetation with approximate dimensions 16m deep by 10m wide immediately to the south. A triangular area of vegetation immediately to the rear of no.68 is to be principally retained between the boundary fence of the property and the road i.e. a maximum depth of 14m. The alignment of the road is such that two poplar trees close to the footpath would have to be removed. The road is proposed to drain into a stretch of water to the south. The road is to be lit by 4 lamp columns along its length. An existing lamp column will have to be repositioned to the back of the footway to accommodate the junction of the road to Thorpe Lea Road.

As the road would pass through an area of public open space the proposal will provide for a compensatory provision. This is shown to be located to the south east of the site and contains a number of mature trees, vegetation and part of the southern extent of the existing Railworld site. It should be noted that the area of the land is to be at least equal to the space taken by the proposed road and footpaths.

The proposal does not seek planning permission for the residential development of the Railworld site that has been referred to in the description. This was included to set explain the reasoning behind the application for the road.

Whilst the proposal shows details of the road crossing over the footpath close to the western boundary of the Railworld site the footpath lies outside of the application site area and the acceptability, or otherwise is not for consideration.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site initially comprises an open grassed rectangular area, with an area of vegetation to the rear, located between nos.66 and 68 Thorpe Lea Road (both bungalows). This area measures a depth of 31m and a width of 16m. Both nos.66 and 68 have flank boundary fencing to a height of 1.8m. No 68 has a side extension to the bungalow the flank wall of which forms a part of its western flank boundary. The majority of the site is essentially flat other than for an initial shallow down slope of the land from Thorpe Lea Road. A dense wide area of vegetation comprising trees and bushes extends in a southerly direction along the western boundary of the site. The rear boundary fences of the residential properties at nos.68 – 72 (even) Thorpe Lea Road form the northern boundary of the site with a length of vegetation to the front of the fencing. Mature shrubs and bushes are present along the rear boundaries of nos.68-72. The eastern boundary of the site is delineated by an established footpath that flanks close to the western boundary of the principally 3m high walled western boundary of the Railworld site which comprises land that is significantly higher than the application site. Five mature, evenly spaced, poplar trees are sited in a line along the eastern boundary of the site close to the footpath with 3 other poplars scattered along the same alignment to the north. The southern boundary of the site is essentially open although further to the south are a row of trees that flank either side of an established footpath/cycleway that connects the city centre to Ferry Meadows via the rowing lake. Beyond the western boundary of the site is a large area of open space including playing fields. The immediate area of Thorpe Lea Road is dominated by bungalows.

5 PLANNING HISTORY

None

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – No objections. The junction arrangements of the proposed access road Thorpe Lea Road is acceptable. The principle of the crossing arrangement of the footpath over the proposed road would be acceptable subject to the submission of satisfactory details. The future proposal for the new access to serve 32 dwellings would result in a small overall increase in traffic using Thorpe Lea Road that would

not be detrimental to highway safety. The principle of the drainage scheme is acceptable. If the drainage pipes are to be constructed outside of the public highway then easements will be required. The technical details for the road construction will have to be fully assessed at the section 38 technical vetting stage.

Archaeology – No objections.

Landscape Officer – No objection. The submitted survey detail is a fair representation of the value and condition of the trees on the site. The road, close to the retained poplar trees shall be formed of a 'no-dig' construction.

Pollution Control – No objections. The luminance of the lamp units of the proposed street lights shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified within the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Light Pollution (Revised – 2005).

Highways – Street Lighting – No objection

EXTERNAL

Police Senior Architectural Liaison Officer – No observations regards to the construction of the road. Any future development of the Railworld site should address secure by design implications.

Environment Agency – No objections.

Natural England – No objection. The site is within 150m of the Nene Valley Railway County Wildlife Site and within 450m of the Boardwalks Local Nature Reserve. These designated areas are unlikely to be affected by the development. It is unlikely that the road would have any adverse impact upon great crested newts during its construction because of the small areas of habitat suitable. Further, the application site is some distance away from habitats that would be likely to contain the species. Good practice must be followed however during the construction of the road. However, Natural England have advised that the future proposals for the development of the Railworld site itself may lead to significant impacts to species such as great crested newts as they have been recorded within that site and larger areas of suitable habitat, possibly including ponds, would be affected. Should planning permission be granted for the proposed road a condition should be imposed for a Biodiversity Management Plan or similar to ensure that the wildlife management measures are implemented to ensure impact to great crested newts and other wildlife is minimised. This should include, for example, measures to minimise damage and disturbance to areas of habitat loss during construction and habitat creation proposals to compensate for any habitat loss and enhance the value of the site above its current ecological value. The decision as to whether the development would require a European Protected Species Licence lies with the applicant and any licence application would form a separate legal process taking place after planning permission has been granted.

Peterborough Civic Society – Objections. The application is premature. The Railworld site is not allocated for development in the Peterborough Local Plan (First Replacement) 2005 and there is no residential development approved on the site. The road would represent an inappropriate alien element in an otherwise existing attractive landscape setting by way of the urban nature of the tarmac top road materials, street lighting columns, and a turning head. The proposal should be resubmitted to include the proposals for the residential development of the Railworld site in order that the overall plans can be considered in full.

Friends of the Earth – Objections on the grounds that :-

- The proposal would be contrary to policies LNE8 and LNE11 of the Peterborough Local Plan (First Replacement) 2005.
- The road would result in a significant loss of public open space.
- The replacement area of open space is not sufficient compensation. Much of proposed area is already public open space.
- The open space would be fragmented to the detriment of the existing users.
- The road would fail to protect amenity, landscape, ecological and heritage values.

- Adverse impact upon the existing fauna and flora of the site and locality in general.
- Adverse loss of mature hedging and trees.
- The road can be expected to flood on occasions which would be an significant access issue.
- The road would be constructed partly on top of high voltage electricity cables which could mean the road having to be closed for periods should the cables require maintenance.
- The upgrading of the public footpath alongside the western boundary of the Railworld site would destroy the low key rural character of the site and as the road will have to cross the footpath the use of the footpath would be less safe.
- The replacement planting is not sufficient enough.
- The claim that the proposal would offer an improvement for the public to access the river side open space is not valid as there are existing footpaths off Thorpe Lea Road that provide direct access to the site.
- The proposal would contravene policy CS19 of the Emerging Core Strategy.
- The estimated number of vehicle trips to and from the site would significantly impact upon the amenity of the residents of Thorpe Lea Road, particularly the occupiers of the residential properties either side of the entrance to the vehicular access ie 66-68 Thorpe Lea Road.
- The general existing tranquillity of the immediate area would be lost by the presence and use for the road.
- The indicative residential scheme appears dense with limited parking provisions. This could result in future residents of the site having to park within the new road and Thorpe Lea Road, which is currently heavily parked in the evenings/mornings.
- The development of the proposed residential properties would result in further congestion at the junction of Thorpe Lea Road and Thorpe Road.
- The Peterborough Transport Plan suggests that the traffic using Thorpe Road could increase to 35,000 per day within the next 5 – 10 years whereas at present the number is approximately 20,000 per day on average.
- The site is not within an easy walking distance of the city centre as River Lane is unattractive, the pavements and the steps to Thorpe Road are poorly maintained.

Thorpe Gate Residents Association – Object on the grounds that:-

- No planning permission has been granted for the residential development of the site. The road proposal should not be considered in isolation from its principle purpose.
- There are unresolved issues as to the likely use of the northern area of the Railworld site.
- Vehicles wanting to exit of the junction from Thorpe Lea Road onto Thorpe Road would suffer from increased delays given the increase in the number of cars to be expected to be generated from the future residential proposals that the new access road would serve to the Railworld site.
- The construction traffic associated with the development of the proposed road would create problems within Thorpe Lea Road and Thorpe Road.
- The impact of the traffic onto Thorpe Lea Road from the new road can be expected to create problems.
- Unauthorised vehicular access to the open space from the proposed road to the detriment of the amenities of the area.
- The junction close to the end of the road could open up more land for development.
- The Railworld site lies nearly 2m above the proposed road which could lead to constructional difficulties.
- The proposal would result in the erosion of an area of recreational space.

NEIGHBOURS

Letters of objection have been received from local residents raising the following issues:

Highways related –

- The construction vehicles would damage the roads to the site as they were not constructed to

stand the weight of large vehicles.

- The roads leading to the site from Thorpe Road are narrow and heavily parked such that large construction vehicles would have difficulty in accessing the site. Emergency Service vehicles can have similar problems when travelling along the local residential roads from Thorpe Road.
- Peterborough City Council would be left with the responsibility of maintaining the road.
- No analysis of the need for the proposed road when an existing vehicular access to the site already exists via River Lane. The latter should be the sole vehicular access to the site.
- The road will be liable to flooding
- The ultimate development, as suggested for 32 new dwellings on the Railworld site would lead to greater congestion at the junction of Thorpe Lea Road and Thorpe Road where waiting times to exit from Thorpe Lea Road to Thorpe Road can exceed 3 – 4 minutes at peak times.
- The figures showing the expected vehicle movements to and from the site have been grossly underestimated.
- If the proposal is to be approved funding should be made available to improve the access arrangements from Thorpe Lea Road into Thorpe Road.
- The numbers of vehicles using Thorpe Road over the coming years are expected to significantly increase. No analysis has been undertaken to assess the relationship of the increased vehicle movements at the junction of Thorpe Lea Road and Thorpe Road in association with the traffic expected to be generated from the re-development of the now redundant hospital site immediately to the north and the Station Quarter development proposal.
- The increase in the number of vehicles using Thorpe Lea Road would increase the potential for more accidents.
- The proposal could open a through route from River Lane via the Railworld site which would add further congestion in Thorpe Lea Road.
- The use of the existing footpath that follows the western boundary of The Railworld site should not be prejudiced.
- The proposed road could open up more land in the near vicinity to development.
- The road would open up the potential for unauthorised use of the open space areas alongside the river including motor cycles
- The road would lie on land that falls within Flood Zone 3 and frequently floods, the most recent major flood dating from 1998. If the road did flood then vehicular access to the dwellings would be prevented.

Amenity related –

- The application site is a part of the River Nene Meadow land that is currently community open space.
- The proposal would go against the aspirations of the City Council to become Environmental Capital of the UK.
- Loss of a dog walking area.
- Loss of an area for children to play.
- The site affords a significant visual amenity to the locality which would be completely lost with the provision of a 100m plus black top road. No amount of replacement planting could mitigate against such a presence of the proposed road.
- The site forms a part of a green lung into the city which the proposed road would adversely encroach into.
- The proposal would result in the loss of established poplar trees, smaller trees and bushes.
- The site has ecological value which would be detrimentally affected by the physical presence of the road and its use. Protect species would be at threat from the construction and use of the road.
- The generation of more traffic into the residential area would result in more pollution and noise into the area. The southern end of Thorpe Lea Road comprises a quiet cul-de-sac the peace of which would be disturbed.
- The occupiers of the two dwellings either side of the access would be adversely affected by way of noise and disturbance, loss of privacy, pollution.
- The majority of the proposed compensatory provision of open space is already used as public

open space by the general public so therefore cannot be considered as a satisfactory replacement provision.

- The loss of the open space is against Government policy.
- The construction of the road would reduce the capacity of the site to accommodate flood water which would result in a greater potential for significant flood events to affect the close by residential properties in Thorpe Lea Road.
- The proposal would conflict with policies LT3, LT11, LNE5, LNE8, DA2 and U5 of the Peterborough Local Plan (First Replacement) and policies CS9, CS16, CS19, CS20, and CS22 of the Emerging Core Strategy.
- Planning Policy Statement 25 requires that a sequential test should have been carried out to determine the acceptability of the road within a Zone 3 floodplain. An alternative to the proposed access is available.
- The proposal would conflict with the Peterborough Biodiversity Action Plan.

Other –

- The application for the residential proposal should have been submitted for consideration at the same time as the road. There is uncertainty as to the likely nature of the development of the Railworld site which could be an increased density of residential development. For such an important area of the city the ultimate proposals for the Railworld site should have been submitted in full.
- The urgency for the proposal is a time limit of a Deed granted in 1990, by the City Council, that has given the applicant 21 years within which to be an access road from Thorpe Lea Road (between nos.68 – 72 Thorpe Lea Road) to the Railworld site in 1990. This expires in July 2011. The fact that this grant of deed has been given to Railworld and the fact that the time limits are nearly up should not imply planning permission should be granted as a matter of course.
(The existence of this deed is not a planning consideration and therefore cannot be material in the consideration of the application).
- Loss in house values.

COUNCILLORS

Cllr Arculus – Objection on the grounds that it is considered inappropriate to grant planning permission for a new road before there is more certainty about what is actually to be proposed on the Railworld site. It is more usual for residential development to be granted with an associated vehicular access forming a part of the approved details. The unusual approach in this case is the need for Railworld to meet a deadline in a deed dated 27 July 1990 in which the City Council; purported to grant a right of access over the intended route of this application with such a right expiring 26 July 2011. The existence of this deed should not be regarded as a relevant planning consideration. The number of dwellings that the access may serve is not established and therefore the suitability of the proposed access road to serve the residential development of the Railworld site cannot be properly assessed. The application for the overall development has to be considered in the whole rather than in a piecemeal fashion.

The submitted traffic survey is inaccurate in that it fails to mention that the fatality that occurred within the local road network occurred at the junction of Thorpe Lea Road and Thorpe Road the use of which would be intensified by vehicular traffic as a result of the future residential development that the proposed new access road would serve. This junction is not safe for existing levels of use and therefore even less so for an increase in the number of vehicles who would have to use it. The traffic survey report accepts that until such time as the impact of the re-development of the Peterborough District Hospital site is known in more detail then a Transport Assessment of the area would be of little use in assessing future traffic flows. The application should be rejected at least until the developer has submitted a formal application for the rest of the development site at Railworld North.

7 REASONING

Background

The application site is owned by the City Council. Whilst not to be regarded as a material planning consideration the City Council, in 1990, granted a Deed of Grant of Easement to the Museum of World Railways (now Railworld) over the land the subject of this application for a road (unspecified details) to

connect the Railworld site to Thorpe Lea Road (access between nos.66-68). The deed requires that any such road has to be constructed to the 'reasonable satisfaction of the City Engineer' within a period of 21 years. The time period for the construction of the road is due to expire on 27 July 2011. Railworld has explored various options, informally, for the residential development of its site with vehicular access off its River Lane. This has included proposals for the erection of over 400 flats/apartments/dwellings, subsequently reduced to 300. However, given the extremely hazardous junction arrangement where River Lane meets Thorpe Road the intensification of the use of this junction that would result from such major residential developments, would represent a significant detrimental impact to highway safety and has been advised against by Officers. Railworld want to develop its site to raise funds towards the expansion plans that it has for its provision of facilities for the general public to enjoy which includes its proposals to provide an exhibition centre on the south bank of the river. Whilst the application is solely for the road it is considered that the Railworld site has the potential, as a brownfield site, for small scale residential development but clearly this has to be the subject of a satisfactory detailed scheme. On this basis, whilst the proposed road would be in advance of any residential proposals/approvals on the Railworld site, the current proposal can be considered in isolation.

The impact of the use of the road and additional traffic generation upon the amenities of the residents of Thorpe Lea Road

General

The proposal makes reference to the road serving a development of 32 dwellings on the Railworld site which it is considered, in the context of the number of vehicles travelling within Thorpe Lea Road on a daily basis, would generate a relatively small increase in traffic movements in percentage terms when compared to the existing traffic flows within the road. This being the case and with regards to the low vehicle speeds of the traffic the additional vehicle numbers would not be expected to adversely impact upon the general residential amenities of the occupiers of properties in Thorpe Lea Road.

The impact of the road upon the amenities of the occupiers of nos.66 – 72 Thorpe Lea Road (even).

Nos.66 and 68 Thorpe Lea Road have enjoyed the benefit of a longstanding area of open space between them and the construction of a new road within this area and to the south would represent a material change in terms of the physical appearance of the site and also noise impacts that would be generated by the use of the road. In terms of the former, such relationships where roads flank onto the flank boundaries of residential properties, are common within the city area and as such it has been established that these relationships can be acceptable. A degree of disturbance from the use of the road upon the amenities of the occupiers of these properties will occur but given the city location and the expected low vehicle speeds of vehicles exiting and entering from/into Thorpe Road the likely impact of the use of the road would be acceptable. Given the location of the new junction within Thorpe Lea Road i.e. towards the end of the cul-de-sac, it is unlikely that vehicles would be delayed in exiting and entering the site due to the low level of traffic movements from the small number of residential properties to the east of the new junction. This would give rise for generally quieter manoeuvring into and out of the new access to Thorpe Road.

The occupiers of nos.68 – 72 (even) Thorpe Lea Road would have sight of the road as it extends away from the rear boundaries of their properties, given that the bungalows are on a slightly higher level than the open meadow to the south that is to be crossed by the proposed road. Therefore the movement of traffic on the road would be visible. This will result in a material change in the outlook from the rear of these properties and there would be an increase in noise generated by the traffic using the road. The vehicles using the road would however be travelling at low speeds. There would be the potential to introduce landscaping to the north of the road to mitigate against the roads presence in the open space. The existing fencing to the flank boundaries of nos. 66 - 68 Thorpe Lea Road are of a height to restrict the potential for overlooking from the general public walking past the rear gardens of their properties.

Concern has been expressed by residents that the road could open up the application site and land within the open space area to the west of the site for other development. This matter is not for consideration as a part of this application as the road is proposed to solely link Thorpe Lea Road to Railworld site.

The impact of the road upon highway safety

The junction of the proposed road with Thorpe Lea Road has been designed with a satisfactory geometry including both pedestrian and vehicle to vehicle visibility splays. Concern has been expressed that the residential development proposals for the site would lead to an increase in the traffic exiting onto Thorpe Road via its junction with Thorpe Lea Road where, particularly at peak times, there can be a wait before access onto Thorpe Road is possible. The predictions however are that the traffic expected to be generated by a development of 32 dwellings would only slightly increase the volume of traffic at the junction which may lead to a few occasions when a delay in exiting the site may prove a moment longer than the worse case at present.

There has been one recorded accident at the Thorpe Lea Road/Thorpe Road junction in the past five years and whilst this involved a fatality there is no evidence to suggest that the junction design or capacity issues could be blamed. The safe of the use of the junction would not, it is considered, be prejudiced by the traffic generated by 32 additional dwellings. Whilst it is acknowledged that Thorpe Lea Road can at times be heavily parked the small increase in the traffic that could be expected to be generated by the 32 dwellings would not adversely impact upon highway safety. There is no intention to permit a through route of traffic from River Lane to Thorpe Lea Road.

The width and alignment of the existing road network (from the application site to the Thorpe Road junction) and traffic flows thereon are such that there is capacity to accommodate the anticipated additional flows safely.

In considering this application, it would be unreasonable to require the development to take into account other development, such as the redevelopment of the hospital) that are not yet the subject of a planning application.

The impact of the road and its use upon fauna and flora

The removal of two, of a line of five, poplar trees on the eastern boundary of the site, would not significantly undermine the tree presence on that boundary or that of the site. Replacement planting in lieu of the loss of these two trees will be secured. The construction of the road close to the remaining three trees would be of a 'no-dig' method to ensure that their roots are not damaged. The loss of a small area of trees/bushes along the western boundary of the site also a necessity to accommodate the road can be addressed through replacement planting. A continuous 54m length of the existing approximately 74m strip of vegetation along the western boundary of the site is to remain.

A great crested newt has been reported as being present on the Railworld site to the east. However, Natural England has advised that due to the small areas of habitat suitable for this species, within the application site, it is unlikely that the species would be affected by the construction works for the road. Further the nearest ponds that may contain great crested newts are some distance away from the application site. To ensure that the impact upon great crested newts and other wildlife is minimised Natural England have recommended that a Biodiversity Management Plan be secured by condition if planning permission for the road is granted.

The impact of the road upon public open space provision

The road will bisect the existing open space provision afforded by the site which falls within the Nene Valley/Area of Best Landscape in the Peterborough Local Plan (First Replacement). This will result in a loss of a part of the grassed area of the site and a small area of trees and bushes. However the road would not restrict access to the retained areas of the site to the general public. The principle use of the site would appear to be, as evidenced on site, for the exercise of dogs.

The site lies within land designated, in the Peterborough Local Plan (First Replacement) as being within the Nene Valley (local plan policies LNE5 and LNE8 apply) and is also classified as being of the Best Landscape (policy LNE6 applies). These policies seek to restrict development types in these areas, particularly that which would adversely impact upon the landscape and amenity value of the Nene Valley. Whilst such a road could be considered to represent the introduction of an alien feature into the setting of the Nene Valley its likely impact in terms of the overall character, appearance and amenity value of the Nene Valley would not conflict with the aims of the development plan policies. Support for this judgement is by way of the presence of the significant amount of established, tall, dense area of vegetation that includes maturing trees and low to high coverage of understory planting that would

screen, other than an area approaching the junction of the road with Thorpe Lea Road, the movement of vehicles from views looking towards the application site within the major areas of public open space to the west of the site. Such established and retained screening and the fact that the road is to be located within a small area of open space at the very eastern extent of the Nene Valley Local Plan designation would enable the road to be acceptable. The enjoyment of the open space corridor, by the public, to the west of the site would not be compromised to an unacceptable degree. Visually the site is well enclosed also by the housing to the north and by the raised area of the Railworld site to the east and thus the main impact of the road would be experienced only at close quarters which, given the amount of open space to the west of the site, would not serve to undermine the highly valued area of 'green lung' into the city from the west. Significant replacement planting within the site would assist in mitigating the visual impact of the road within the open space at the local level.

The applicant is proposing to provide alternative open space provision in the locality to offset against that which would be lost. This provision can be secured by planning condition. An area for this has been identified to the south-east of the site. A part of the identified area is already in public open space use, but owned by Railworld and as such it would be entitled to restrict such use in the future. The road and its use would not affect existing rights of way from the west. The inclusion of roadside fencing alongside of the road is proposed to restrict unauthorised access to the retained areas of the open space to the north and south of the road.

Concerns have been expressed by local residents that the new road could lead to the north area of the road to be developed and in the longer term that the road could be used as an access to develop in a westerly direction in the close by areas of open space. The proposed application is seeking only to access the Railworld site and no consideration has been given to potential, or otherwise, developments that may want to use the road for access purposes.

Fencing is proposed either side of the road in order to prevent vehicle trespass on the adjacent open space areas.

Flood Risk implications

The site lies within Flood Zone 3 within which development is generally discouraged. A flood risk assessment (FRA) was submitted and this has demonstrated that road will be lower at 4.6m, at its lowest point, compared to the 1 in 100 year fluvial flood levels of 4.81m AOD although the 1 in 100 year flood level with climate change forecasts factored in would result in a flood level of 5.08M AOD. The Environment Agency has not objected to the proposal on flood risk grounds. In flood risk terms roads are classed as 'essential infrastructure' and given the Flood Zone 3 status it has to be demonstrated that that an exception can be made to the normal presumption against development. Under PPS25, three tests have to be passed and a commentary is made below to demonstrate that the development satisfies each of them:

1. The development will bring about wider sustainability benefits that outweigh flood risk
This test is passed as the road will enable the development of a brownfield site, close to the city centre i.e it is a very sustainable locations. In addition, the road will not be the only means of access to the brownfield land when it is developed as at least pedestrian and cycle access (and possibly emergency access only if required) will be available via River Lane.
2. The development should be on previously developed land and if not, there should be not reasonable alternatives:
Whilst the road itself is not on previously developed land it will facilitate the development of such land and there are no reasonable alternative access routes available that would enable the efficient re-use of the brownfield land.
3. The road should be safe, not increase risk and where possible reduce risk:
The FRA has satisfactorily demonstrated that the construction of the road will not increase risk. Whilst the road would be liable to flooding, in such events alternative 'dry routes' for at least pedestrian and cycle access (and possibly emergency access only if required) will be available via River Lane. In addition it should be noted that the approach to the proposed road via Thorpe Lea Road is identified as being at flood risks. From this point of view, the situation posed by the proposed road is no different to the existing situation.

Response to Other Matters Raised by Objectors

- Loss in house values – this is not a material planning consideration.
- Disturbance etc from construction vehicles – Disturbance and a level of inconvenience arising from the construction of the road is inevitable but cannot be a reason in itself to refuse planning permission. Any property damage arising would be a civil matter between the parties involved.

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 and specifically:

- The road would not result in a local deficiency of open space or compromise the overall enjoyment of the general open space provision/corridor that connects the city centre to the west of the city in accordance with policies LNE5 and LNE8 of the Peterborough Local Plan (First Replacement).
- That adequate alternative provision of open space to compensate for that lost is provided nearby in accordance with emerging Core Strategy Policy CS19 and policy LT3 of the Peterborough Local Plan (First Replacement).
- The proposal would still permit the use of the retained areas of open space to the north and south of the road by the general public in accordance with policies LT3 of the Peterborough Local Plan (First Replacement).
- The presence of the road would not materially compromise the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- No protected species or their habitats would be adversely affected by the construction of the proposed road in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).
- No public rights of way would be affected by the presence of the road in accordance with Policy T2 of the Peterborough Local Plan (First Replacement)
- The proposed road would be safe and would not be detrimental to the existing road network in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- The proposal is acceptable in flood risk terms in accordance with PPS25.

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 community needs of the area, the Head of Planning, Transport and Engineering Services be authorised to grant planning permission subject to :-

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 No development shall commence, unless otherwise agreed in writing, until measures have been implemented to prevent unauthorised vehicular access to the public open space to either side of the road, both during its construction and thereafter its use as a public highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent in accordance with policy of the Peterborough Local Plan (First Replacement).

C3 No development shall commence, unless otherwise approved in writing, until a Biodiversity Management Plan has been submitted to and approved in writing by the Local

Planning Authority. Thereafter the development shall be implemented in accordance with the recommendations of the Biodiversity Management Plan.

Reason: The application site lies within an area of open space that contains areas of habitat within which protected species of wildlife could be expected to be found. A full investigation is required to ensure that there would be no harm to the protected species in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- C4 Notwithstanding the submitted information no development shall begin until details of the drainage works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage works shall be implemented in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies U1 and U2 of the Peterborough Local Plan (First Replacement).

- C5 The existing vegetation/tree belt that forms the western boundary of the site shall not be removed other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The submitted details are to include measures to protect the retained area of the vegetation/tree belt. Thereafter the protection measures shall be implemented and retained for the duration of the construction of the road.**

Reason: In order to protect the amenities of the area in accordance with policies LNE10 and LNE12 of the Peterborough Local Plan (First Replacement)

- C6 Notwithstanding the submitted information a scheme shall be submitted to and approved in writing by the Local Planning Authority to restrict vehicle access to the site from Thorpe Lea Road for vehicles only associated with the construction of the road hereby approved.**

Reason: To prevent unauthorised vehicle access to the public open space which lies within an area of best landscape and the Nene Valley in accordance with policies LNE5 and LNE8 of the Peterborough Local Plan (First Replacement).

- C7 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. The scheme shall also include where relevant, details of screen walls and fences, surfacing materials and changes in ground level. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.**

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.**

Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C9 No works or development shall take place until details of the 'no-dig' surfacing, ground protection and inoculation of the Mycorrhizal fungi have been submitted to and approved**

in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the health of the retained trees and the visual amenities of the area in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C11 Notwithstanding the submitted information within 6 months, unless otherwise agreed in writing, of the date of this permission details of the proposals for the alternative provision of public open space in lieu of the area to be lost as a result of the construction of the road shall be submitted and approved in writing by the Local Planning Authority. Thereafter the alternative area of open space shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the open space provision in the locality is not compromised by the development and as the site lies within an Area of Best Landscape and within the Nene Valley in accordance with policies LT3, LNE5 and LNE8 of the Peterborough Local Plan (First Replacement).

C12 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the public highway in accordance with the approved plan. The minimum dimensions to provide the required splay lines shall be 2.4 m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 25m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access).

Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C13 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. 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 Policies T1 of the Adopted Peterborough Local Plan (First Replacement).

C14 The temporary turning head shown on the approved plan shall be removed and reinstated to footway in accordance with details to be submitted to and approved in writing by the LPA once the remaining residential development roads within the Railworld site are completed.

Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).

Notes Relating to this Decision

1. The Environment Agency has advised that care should be taken to avoid pollution of the River Nene during the construction process. Advice on suitable prevention measures can be found in Pollution Prevention Guidelines on the Environment Agency Website.
2. If any of the construction works involve the use of waste obtained from within or outside of the site then the works may require registration as an Exemption under the Environmental Permitting (England and Wales) Regulations 2010.
3. The Local Highway Authority has advised that the works hereby approved will require a Section 38 agreement.
4. The development involves works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. **It is essential that prior to the commencement of the highway works**, adequate time is allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from Transport & Engineering - Development Team on 01733 453421.
5. The attention of the applicant is drawn to the need to make a formal application to the council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 agreement. Application forms for Section 38 agreements are available from Transport & Engineering - Development Team on 01733 453421.
6. The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.
7. 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.
8. 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

Copies to Councillors S Dalton, M Dalton and Arculus