

11/00786/FUL: USE OF LAND FOR ALLOTMENTS INVOLVING THE ENCLOSURE OF THE SITE AND ENGINEERING WORKS FOR THE LAYOUT OF THE ALLOTMENTS AND PROVISION OF AN ACCESS FROM VT25 (TO REPLACE THE EXISTING ALLOTMENT SITE VG10 APPROVED AND ALLOCATED AS PART OF THE HAMPTON VALE DEVELOPMENT BRIEF DECEMBER 2005).

VALID: 17 JUNE 2011

APPLICANT: O & H HAMPTON LTD.

AGENT: DAVID LOCK ASSOCIATES

REFERRED BY: HAMPTON PARISH COUNCIL

REASON: THE PARISH COUNCIL CONSIDERS THAT THE LOCAL COMMUNITY WOULD BE BETTER SERVED BY THE ALLOTMENTS IN THEIR ORIGINAL LOCATION.

DEPARTURE: NO

CASE OFFICER: MISS ASTRID HAWLEY

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the development.
- Impact of the development on the character of the area.
- Impact of the development on neighbour amenity.
- Highway implications
- Ecological Implications
- Other issues

The Head of Planning, Transport 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.

National Planning Policies

National Planning Policy Framework (NPPF) Consultation Draft (2011)

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

Peterborough Core Strategy DPD (2011)

CS14 Transport: New development in Peterborough will be required to ensure that appropriate provision is made towards more sustainable methods of transport and does not result in a danger to highway safety.

CS16 Urban Design and the Public Realm: Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS19 Open Space and Green Infrastructure: New residential development should make appropriate provision for/improvements to public green space sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

CS21 Biodiversity and Geological Conservation

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

Peterborough Local Plan (First Replacement) (2005)

T10 Car and Motorcycle Parking Requirements: Planning Permission will only be granted for car and motorcycle parking outside the city centre if it is in accordance with standards set out in Appendix V.

LT3 Loss of Open Space: Development will not be permitted if it would result in a loss giving rise to a deficiency unless alternative provision is made/ the loss is appropriately mitigated against.

LNE9 Landscaping Implications of Development Proposals

Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

Development Briefs

Hampton Vale Development Brief Update Statement December 2005

Supplementary Guidance – Not Adopted

Peterborough Open Space Strategy Final Report 2006

3 DESCRIPTION OF PROPOSAL AND SITE

Background

As part of the open space provision contained within the approved Hampton Vale Development Brief, tranche VG10 is allocated for use as allotments. To date however, no detailed application for the layout of the site has been submitted and the site remains undeveloped. Following Peterborough City Council's Housing Review 2010, in which developers were invited to put forward proposed land for residential development, O&H offered an area of approximately 6.47 hectares for housing. The proposed land is located to the south west of Hampton Vale, adjacent to the Western Peripheral Road and includes part of the approved allotment site, VG10. The proposed housing site has been accepted in principle, and allocated as SA3.47 as part of the Site Allocations process and included within the Site Allocations DPD. Although the Site Allocations DPD has not been formally adopted it has been through the public examination process and it is anticipated that it will be adopted in February 2012, hence it carries significant weight in the decision making process.

Given that part of the approved allotments site is now envisaged for housing land and in recognition that a replacement allotment site is required to serve Hampton Vale, O&H have offered an alternative site, of the same overall size (1.2 hectares), which forms the basis of this planning application. As the application site falls partially outside of the application boundary for the Outline planning approval for the 1993 Hampton Township and the land covered by the approved Hampton Vale Development Brief a Full planning application has been submitted.

Proposal

Permission is sought for the use of land adjacent to and north of VG10, and between the approved route of the western peripheral road and tranches VT22, VT24 and VT25 as allotments. The site extends to approximately 1.2 hectare (1.27 hectare including the access road) of previously undeveloped land. The Orton Pit Special Area of Conservation (SAC) is located to the west of the site.

It is proposed that the site will be subdivided into 52 plots. 300mm of topsoil will be brought onto the site. It is proposed that the site boundaries are flanked by a combination of 1.8 m high railings to the open space to the west and 1.8m high feather edged timber fence where the site adjoins the allocated new housing site (SA3.47).

Access into the site will be via VT25, a partially developed housing tranche to the east of the application site. It is proposed that where the access road crosses the new housing site (SA3.47) it will initially be of a temporary construction and formally laid out in due course as the residential development is completed. 32 car parking spaces are proposed to serve the development.

It should be noted that the proposals will also result in a change to the layout of the approved Surface Water Attenuation (SWA) pond, agreed as part of the planning permission for the Western Peripheral Road. This amendment will need to be agreed as part of a non material/material amendment to the approved planning application for the Western Peripheral Road (ref: 04/01900/FUL).

4 PLANNING HISTORY

Application Number	Description	Date	Decision
91/P0556	Development of Township to include approximately 5200 houses together with community, educational, social, industrial and commercial areas and associated open spaces, roads and service infrastructure (outline)	09.03.93	Permitted
09/01270/REM	Erection of 47 dwellings with access, landscaping and public open space at VT22, VT25 and VG7, Hampton Vale	26.02.11	Permitted
09/01269/FUL	Development of 59 dwellings with associated roads and infrastructure	23.02.10	Permitted
04/01900/FUL	Construction of new highway link (western peripheral road stages 2 and 3)	27.08.08	Permitted

5 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The Local Highway Authority (LHA) has concerns that the level of car parking proposed may not be sufficient to serve the development, particularly with regards to larger vehicles visiting the site. Notwithstanding this the LHA does not consider that they could recommend the refusal of the application on these grounds.

Pollution Control - No objection. Subject to a condition regarding unsuspected contamination.

Wildlife Officer – No objection. Cat-proof fencing is likely to be required along the boundary of this proposed allotment site to ensure that the probability of cats entering the Orton Pit Special Area of Conservation (SAC) is minimised.

Planning Policy Team – No objection.

Drainage Engineer – No comments received.

Senior Recreation Officer – No objection. The proposed plot sizes are acceptable. It is considered that one car parking space should be provided per plot.

EXTERNAL

Senior Architectural Liaison Officer – No objections.

Environment Agency – No response received.

Natural England – No objection. It is recommended that Cat proof fencing is installed around the allotment site boundary.

Neighbours

No letters of representation have been received from any nearby neighbours.

COUNCILLORS

No responses received.

Parish Council

The Parish Council has objected to the application on the following grounds:

- It is not considered that there is any benefit to local residents in the relocation of the proposed allotments. The original site allocation, VG10, is ideally located for easy access by residents and acts as a natural extension to the green boundary of VG9 and will suffer from less disruption from the Western Peripheral Road.
- Given that the temporary access into the allotment site, will not be completed until the final housing layout is constructed, it is considered that the users of the allotments will be disturbed by the associated noise, dust and fumes from construction traffic during the development phase.
- It is considered that the original site has a better topography and gradient for use as allotments.
- Although it is recognised that the proposed housing allocation SA47 does not form part of this planning application the Parish Council is concerned that should the site be developed for approximately 150 homes there will be additional pressure on the limited Hampton Vale community resources in what is considered to be an already under-resourced area of Peterborough. This is an issue for the site allocations DPD process.

6 REASONING

a) Principle of the development

The approved Hampton Vale Development Brief (Update Statement) dated 2005, allocated site VG10 to provide 1.2 hectare of allotment land. This reflects the requirement in the S106 Agreement associated with the Outline planning approval for Hampton, which includes an obligation for the provision of allotment land. The allocated allotment land has not received planning permission for the laying out of plots or implemented on site.

Since this time the master developers for Hampton, O&H have put forward an area of land that partially includes VG10, for additional housing as part of the Site Allocations DPD proposals. This site has been accepted in principle, and subject to the Inspector's final approval it is anticipated that the Site Allocations DPD will be adopted in February 2012 and the land will be formally allocated for residential development of up to 150 new houses.

There is no specific policy within the adopted Peterborough Core Strategy DPD or the adopted Peterborough Local Plan (First Replacement) 2005 that stipulates specific requirements in terms of the size, location, or topography required for allotment sites. Notwithstanding this, consultation has taken place with the Senior Recreational Officer, who has advised that the proposed plot sizes are in his opinion acceptable.

Notwithstanding this it is considered that the proposed replacement site is located within sufficient proximity to the community which it is intended to serve and it is of the same size as the original site. Therefore the proposal accords with the provisions of the original S106 Agreement and would not prejudice the delivery of the required allotment provision. It is recognised that the proposed site could not reasonably be used as part of the proposed housing allocation as it is located too close to the Western Peripheral Road. It is also acknowledged that the relocation of the allotments will free up a more suitably sized site for residential development which will contribute towards the delivery of the housing numbers identified within the adopted Peterborough Core Strategy DPD.

It is therefore considered that the proposal is acceptable in principle.

b) Impact of the development on the character of the area

It is considered that the proposed use of the land for allotments is compatible with the residential character of the area and will not result in any adverse impact on the visual amenity of the area.

c) Impact of the development on neighbour amenity

It is considered that the allotments will serve as a buffer between the alignment of the Western Peripheral Road (once constructed) and the edge of the residential development. It is not

considered that any issues in terms of overlooking/loss/noise of privacy would arise from the development, given the nature of the proposals.

As noted above it is considered that the proposed land use is compatible with the residential character of the area and it is not therefore considered that the proposals will result in an adverse impact on the amenities of the occupiers of those neighbouring dwellings to the east that will back on to the site.

d) **Highway Implications**

The Local Highway Authority (LHA) has no objection in principle to the proposed development. Concern has however been raised with regards to the provision of car parking proposed. The LHA is of the view that one space should be provided per plot, with some larger spaces provided in order to cater for larger vehicles that may be used for deliveries to the site. The Senior Recreational Officer supports this view. Notwithstanding this, the LHA is not recommending that the application is refused on these grounds.

The adopted Peterborough Local Plan (First Replacement) 2005 does not contain a parking standard for allotment sites. The level of parking proposed has been compared to the provision at other allotment sites across the city and it is noted that in general the provision is much lower than the level of car parking proposed to serve this site. Given that the site is primarily intended to serve local residents it is considered that many residents will walk to the allotments. Furthermore it is considered unlikely that all the future plot holders will attend their pitch at the same time and result in the car parking provision being full. In the event that parking problems arise it is considered that this will be an issue for the future management of the allotments to manage and if necessary convert part of the site to additional parking.

It is proposed that the site will be accessed via VT25. The site will be configured with one main access road through the site, two car parks and a turning head. The LHA has confirmed that the proposed layout is acceptable in terms of access from the existing highway, internal layout and turning provision.

It is therefore considered that in highway safety terms the proposal is acceptable and will not give rise to any adverse impact on the safety of users of the adjacent road network.

e) **Ecological Implications**

The Wildlife Officer and Natural England have not raised any objections to the application. They do however, note that given the proximity of the site to the Orton Pitt Special Area of Conservation (SAC) that a continuous Cat Proof Boundary Treatment should be provided along the site boundary to minimise the risk of cats gaining entry into the SAC from the allotments site. Further discussion with Natural England and the Wildlife Officer is taking place regarding this issue and the outcome will be reported in the Committee Update Report.

f) **Other Issues**

Contamination

The Council's Pollution Control Officer has not objected to the application. The applicant has submitted a ground investigation report with the application. The report concludes that there is no significant contamination of the application site. Notwithstanding this, as part of the laying out of the site 300mm topsoil will be brought onto the site. The Pollution Control Officer has confirmed that he accepts the findings of the report and has recommended that a condition is imposed on the Decision reminding the developer of their obligation to cease works and notify the Local Planning Authority immediately in the event that unsuspected contamination is identified during the development phase.

7 CONCLUSIONS

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

-The proposed replacement allotment site is of an acceptable size and location that will meet the obligation contained within the original S106 Agreement for the Hampton development. The development will not therefore result in any loss of open space provision or prejudice the delivery of allotments to serve the Hampton vale community. The development is therefore acceptable in principle and accords with the provisions of Policy CS19 of the adopted Peterborough Core Strategy DPD and the Policy LT3 of the adopted Peterborough Local Plan (First Replacement) 2005.

-The proposal by reason of the nature of the development, its layout and relationship to neighbouring dwellings will not result in an adverse impact on the character of the area or neighbour amenity. The proposal is therefore in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

-Access, turning and a sufficient level of on site car parking can be provided to serve the development. The proposal will not therefore result in any adverse impact on the adjacent road network and is considered in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

-The proposal will not result in adverse implications on the landscape or ecological character of the site. The proposal is therefore in accordance with Policy CS19 of the adopted Peterborough Core Strategy DPD and Policy LNE9 of the adopted Peterborough Local Plan (First Replacement) 2005.

8 RECOMMENDATION

The Head of Planning, Transport and Engineering Services recommends that this application is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 The allotments shall be laid out in accordance with the layout plan hereby approved (Allotment Layout - drawing number 2067/001F dated 28.10.11). Once bought into use, the site shall be retained as allotments in accordance with the approved details in perpetuity.**
Reason: To ensure that the allotments are laid out in accordance with the approved details and subsequently retained as such in accordance with policy LT3 of the Adopted Local Plan (First Replacement) and policies CS18 and CS19 of the Peterborough Core Strategy 2011.
- C3 Prior to the first occupation of the development the areas shown on the drawing (Allotment Layout - drawing number 2067/001F dated 28.10.11) for the purposes of access, turning and parking shall be laid out and surfaced in accordance with the approved details. With the exception of the temporary access and access road into the site (see condition 4) these areas shall be retained for the purpose of access, turning and parking of vehicles in connection with the allotment in perpetuity.**
Reason: In the interest of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and T10 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the submitted information, and in the event that the adjacent housing site (allocation SA47 within the proposed Peterborough Site Allocations DPD) does not come forward within 3 years of the first occupation of the allotments, the construction details of the permanent access and access road shall be submitted to and approved in writing by the Local Planning Authority.**
Reason: In the interest of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and T10 of the Peterborough Local Plan (First Replacement).

- C5 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

Reason: To ensure all contamination within the site is dealt with in accordance with PPS23 Planning and Pollution Control.

Recommended Informatives:

- 1) The applicant is advised that all contractors working on the development should be made aware of the possible presence of reptiles, or any other protected species on the site and reminded of their legal protection. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'

Contractors should be advised to stop work immediately if any such species, or signs of their presence, are identified on site; in this instance the developer should seek the advice of a professional ecologist prior to works re-commencing.

- 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 - Development Team on 01733 453474 or email HighwaysDevelopmentTeam@peterborough.gov.uk 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) The responsibility for providing information on whether the site is contaminated rests primarily with the developer.

Where Planning Permission is granted for a site on which the presence of contamination is known or suspected, the applicant is reminded that the responsibility for safe development and secure occupancy of the site rests with the developer.

The applicant is reminded that the local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.

Copy to Councillors N North, S Scott OBE, D Seaton

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