

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 22 MARCH 2016

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Monitoring Officer.

3. Members' Declaration of intention to make representations as Ward Councillor

4. Minutes of the Meeting Held on 9 February 2016 **5 - 10**

5. Development Control and Enforcement Matters

5.1 **15/01840/OUT - Land to the West of Uffington Road, Barnack, Stamford** **11 - 38**

5.2 **15/02104/FUL - Battlefield Live, French Drove, Thorney, Peterborough** **39 - 76**

5.3 **16/00042/FUL - 85 Mayors Walk, West Town, Peterborough, PE3 6EY** **77 - 84**

5.4 **15/01073/HHFUL - Newe House, Main Street, Ufford, Stamford** **85 - 98**

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Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), P Hiller, N North, J Stokes, S Martin, Sylvester, D Harrington, J Okonkowski and S Lane

Substitutes: Councillors: G Casey, N Shabbir, C Ash, R Herdman and J R Fox

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 9 FEBRUARY 2016**

Members Present: Councillors Harper (Chair), Serluca (Vice Chair) Hiller, North, Stokes, Martin, Sylvester, Okonkowski, Harrington, and Lane

Officers Present: Lee Collins, Development Management Manager
Amanda McSherry, Principal Development Management Officer
Simon Ireland, Principal Engineer (Highways)
Hannah Edwards, Planning and Highways Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

No apologies for absence were received.

2. Declarations of Interest

No declarations of interest were received.

3. Members' Declaration of intention to make representations as Ward Councillor

No Member declarations of intention to make representations as Ward Councillor were received.

4. Development Control and Enforcement Matters

4.1 15/01292/FUL – St Therasas House, Manor House Street, Peterborough, PE1 2TL

The Chair advised that planning application '15/01292/FUL – St Therasas House, Manor House Street, Peterborough, PE1 2TL' had been withdrawn by the applicant.

4.2 15/01568/FUL – Webbs Yamaha Centre, High Street, Eye, Peterborough

The planning application was for the change of use at Webbs Yamaha Centre, High Street, Eye from motorcycle sales to commercial units (use classes A1, A2, A3 and A5), industrial processes (use B1C), general industry (use B2) and storage/distribution with trade counter use (use B8). Also included in the application were minor external works, including part demolition and site reconfiguration.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Principal Development Management Officer provided an overview of the application and highlighted a number of key issues within the report.

Chris Dodds, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The present use of the building was for motorcycle sales and the current business as such was failing.

- A change of use was imperative, as any further motorcycle sale business would likely encounter, it was believed, the same problems.
- Mr Dodds suggested that the application would expand and reinforce the local commercial offering and increase employment opportunities in the area.
- Close work had been carried out with officers, which had resulted in a reduced workshop space, and reconfiguration of the vehicle access and egress.
- A number of conditions had been agreed with Environmental Health officers. It was considered that the proposals would improve the area, rather than have any detrimental impact.
- Conditions would be put in place to restrict delivery times and opening times, which were not currently applicable.
- The larger commercial unit would be a convenience store, with the small units yet to be identified. The workshop would be small scale in nature.
- No initial consultation was held with residents or the Parish Council, however all points raised in objection had been responded to.
- Conditions in relation to odour extraction were proposed.

The Committee discussed the application and considered that the proposals represented an improvement to the site and would be a benefit to the local community. Concerns were raised by a Member of the Committee in relation to traffic and parking. It was noted, however, that there were no current restrictions in place for parking on the site, as such the proposal would not worsen the existing situation.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the conditions set out in the report. The motion was carried 9 voting in favour and 1 abstaining from voting.

RESOLVED: (9 voted in favour and 1 abstained from voting) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision

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

- The site was an existing commercial use and was located within the village of Eye which was designated as a Key Service Centre. The proposed uses were considered to be acceptable in this location.
- The scale of retail floorspace was appropriate for the village and would be an enhancement to the existing retail offer.
- The proposal would provide adequate parking provision and servicing arrangements and would not adversely affect the adjoining highway.
- The proposal would preserve the character and appearance of the conservation area.
- Due to the existing characteristics of the site the proposal would not unduly impact upon the amenities of the occupiers of neighbouring properties.

Hence the proposal accorded with policies CS3, CS14, CS15, CS16 and CS17 of the Adopted Peterborough Core Strategy DPD, policies PP1, PP2, PP3, PP9, PP12, PP13 and PP17 of the Adopted Peterborough Planning Policies DPD and the NPPF.

4.3 15/02146/FUL – Land Adjacent to 2 St Martins Street, Millfield, Peterborough, PE1 3BD

The planning application was for the construction of a two storey side extension on the land adjacent to 2 St Martins Street, Millfield, Peterborough, comprising a retail (Class A1) unit at ground floor and a one-bed residential unit at first floor. The application was a re-submission.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Principal Development Management Officer provided an overview of the application and highlighted a number of key issues within the report.

Councillor Peach and Councillor Shearman, Ward Councillors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Councillor Peach noted that the applicant had addressed the concerns raised by the Committee during prior consideration, including improving access to bin storage.
- It was believed that this application would assist in addressing a number of existing issues at the site, including drug taking, fly tipping and prostitution. The gates to the site had been locked for a number of years.
- Parking was available in the form of laybys on either side of Lincoln Road.
- All the Ward Councillors were in favour of the application and it was suggested that the proposals were supported by local residents.
- Councillor Shearman did not believe that parking was a substantial issue. The application was within Zone M (residents' parking) where residents could not expect to park their car outside their residence.
- It was further noted that ample parking was available along adjacent roads.
- It was suggested that a delivery vehicle entering and leaving the site to load and unload would be more dangerous than a vehicle parking on the road.
- It was considered that the development would enhance the local area and that to refuse the application would go against the principles of the CanDo operation, which was active in the area.
- It was not believed that one additional delivery vehicle would have any additional cumulative impact onto of the pre-existing delivery vehicles and bin collections.

Mr Iqbal, local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Iqbal advised that he ran a business at 287 Lincoln Road, which backed on to the application site. He further advised that he had a civil right to park his vehicle on the site. This would not be possible if the application was allowed.
- The site was used during the loading and unloading of deliveries and been used for such for 15 years.
- Mr Iqbal had not had access to the site while it had been locked, however had discussed the matter with his solicitor. He believed he had a legal right to access the land.

The Planning and Highways Lawyer advised that any potential private access rights of individuals over land were not material planning considerations. Such matters could not be considered by the Committee as they were civil matters for the individual parties to pursue.

Mr Shahid Anwar, Applicant, and Mr Mohammed Iqbal, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Anwar commented that a number of compromises had been made by the

- applicant following pre-application advice.
- The proposal had altered following previous refusal by Planning Committee. The application now consisted of a one bedroom flat, a wider bin storage access and amenity space for the residence provided.
- It was suggested that applications in the near vicinity had been permitted without objections on highways grounds. Similarly, applications had been permitted with similar appearance and design.
- The proposal was believed to be a positive use of the space, rather than the current negative use being made.

In response to a question from the Committee, the Principal Engineer (Highways) advised that the key focus for retail developments was the provision for the loading and unloading of deliveries. St Martins Street was a residents parking zone, with a pedestrian crossing. There was an existing lack of loading and unloading facilities, which this application would exacerbate. It was further advised that double yellow lines restricted parking, but not loading or unloading.

The Committee discussed the application. It was noted that each individual application was considered on its own merits and decisions were guided by Council policy.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, subject to relevant conditions, as the proposal fit in well within the mixed street scene, there were no parking or highways issues raised by the development, and the provision for bin storage and access were acceptable. The motion was carried 7 voting in favour and 3 voting against.

RESOLVED: (7 voted in favour and 3 voted against) that planning permission is **GRANTED**, subject to relevant conditions, for the reasons set out below.

Reasons for the decision

The proposal was considered to fit in well within the mixed street scene. It was not considered that the proposal raised any parking or highways issues, and the provision for bin storage and access was believed to be acceptable.

5. Planning and Environmental Protection Committee Meeting Cycle Review

The Committee received a report which outlined proposals to change the Planning and Environmental Protection Committee meeting to a three weekly cycle prior to Full Council's consideration of the meetings schedule. The Development Management Manager provided an overview of the report and highlighted a number of key issues.

The Committee were in agreement that a three weekly meeting cycle would provide a greater level of certainty and would represent a more efficient use of Member and officer time. It was noted that careful management would be required to ensure agendas were not impractically full.

It was further discussed whether it would be appropriate to reschedule the Committee site visits to be held during the morning of the meeting, and whether procedures could be altered to oblige Councillors that had referred applications to Committee to attend the Committee meetings. The Planning and Highways Lawyer would investigate these possibilities.

RESOLVED:

The Committee endorsed the proposal to change the Planning and Environmental Protection Committee meeting to a three weekly cycle prior to its consideration at Full Council.

Chairman
1.30pm – 3:00pm

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LOCATION PLAN 15/01840/OUT

Land to the West of Uffington Road, Barnack

Scale NTS

Date 10/3/2016

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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BCC GIS

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Application Ref: 15/01840/OUT

Proposal: Outline planning permission for up to 80 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road and associated ancillary works. All matters to be reserved with the exception of the main site access

Site: Land To The West Of, Uffington Road, Barnack, Stamford

Applicant: Gladman Developments Ltd

Agent:

Referred by: Director of Growth and Regeneration

Reason: In the wider public interest

Site visit: 16.11.2015

Case officer: Miss A McSherry

Telephone No. 01733 454416

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

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surrounding area

The site covers an area of approximately 4.28 hectares. It is located in the open countryside, adjacent to the Limited Growth Village of Barnack. The site is currently used as an agricultural field. The site is bounded to the east by the recently completed 41 dwelling housing development of Paynes Field, which was an allocated housing site within the Village envelope. It is bounded to the south by the older housing development on Bainton Road. To the north and west the site there are agricultural fields. The site slopes downhill from south west to north east.

Proposal

Outline planning permission is sought for:-

- Up to 80 residential dwellings (including up to 30% affordable housing) on 2.58 hectares of the site giving a density of 31 dwellings per hectares,
- Introduction of structural planting and landscaping (a total 1.7 hectares of green infrastructure, including open space, wildlife area and LEAP play area),
- Informal open space and children's play area,
- Surface water flood mitigation and attenuation
- Vehicular access from Uffington Road, including road widening, new footpaths, and tree and hedgerow removal to facilitate the access.

Under this outline planning application all matters, with the exception of access, are reserved for future applications and consideration. Therefore Members are being asked to consider the principle of the proposed development, and the means of access to the site only.

2 Planning History

Reference	Proposal	Decision	Date
15/00009/SCREEN	Screening opinion for residential development of up to 85 dwellings	Comments	01/10/2015

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2012)

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

Section 6 - Presumption in Favour of Sustainable Development

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated.

Section 6 - Residential Development in the Open Countryside

Housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the open countryside should be resisted unless there are special circumstances.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

Section 13 - Mineral Safeguarding

Non mineral development proposals should not normally be permitted in Mineral Safeguarding Areas (MSAs) where they may constrain potential future use of the minerals.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS02 - Spatial Strategy for the Location of Residential Development

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

CS08 - Meeting Housing Needs

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

CS10 - Environment Capital

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

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

CS19 - Open Space and Green Infrastructure

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

CS20 - Landscape Character

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

CS21 - Biodiversity and Geological Conservation

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

CS22 - Flood Risk

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

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)**CS26 - Mineral Safeguarding Areas**

Development will only be permitted where it can be demonstrated that the mineral concerned is no longer of economic value, the mineral can be extracted prior to development taking place, the development will not inhibit extraction in the future, there is an overriding need for the development and prior extraction cannot be reasonably undertaken or the development is not incompatible.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP14 - Open Space Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP17 - Heritage Assets

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

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

Planning practice guidance (PPG) – Department for Communities and Local Government (2014)

- Conserving and enhancing the historic environment
- Community Infrastructure Levy

- Design
- Natural Environment
- Travel plans, transport assessments and statements in decision-taking

Peterborough Design and Development in Selected Villages – Supplementary Planning Document – Adopted 13 June 2011

SPD Policy – Barnack & Pilsgate

B&P 1 Where new housing is proposed, these should be individual dwellings, or small groups of dwellings. The creation of larger housing estates is inappropriate.

B&P 2 Careful attention should be paid to the layout of new developments to reflect the character of the village.

B&P 3 It is important that spacing and density of new development does not appear out of place in relation to historic form and existing development nearby.

4 Consultations/Representations

PCC Transport & Engineering Services

No Objection – The additional information submitted has overcome our initial reasons for refusal and so there are now no objections subject to the imposition of conditions.

PCC Lead Local Drainage Authority

No Objection - The additional information submitted has overcome our initial objection. Therefore subject to the imposition of a condition requiring the details of the sustainable drainage scheme there are now no objections.

PCC Conservation Officer

Objection – The proposed development will result in change to the wider setting of the church from vantage points from the north and north west, however this change would not harm the setting of the church and its significance. The current application site makes a positive contribution to the landscape and rural setting of the village. The development site would be visible from Stamford Road, the northern edge of the conservation area. Views out to open countryside from the conservation area help contribute to the character of the nucleated village form, albeit eroded. A development of 80 units adjacent to Paynes Field estate would create a dense development that would be out of scale at a village edge location where the historic form would be expected to see a lower scale and less dense development. This would result in harm to the character and appearance of the conservation area. Therefore it is considered that the proposal would have a harmful impact on the character and appearance of the Barnack Conservation Area and not accord with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is not in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations). The harm caused would be less than substantial and in accordance with paragraph 134 and would need to be weighed against the wide public benefits arising from the proposal.

PCC Archaeological Officer

Objection – On the basis of the available evidence, the site has the potential to contain remains of all periods. If present, these remains are expected to survive in good conditions of preservation. Therefore a programme of archaeological work should be carried out pre-determination to include geophysical survey, aerial photographic appraisal and evaluation by trial trenching.

PCC Minerals And Waste Officer (Policy)

No Objection – The application site falls within two Mineral Safeguarding Areas, designated for deposits of sand and gravel and limestone, considered to be of current or future economic importance. The application initially failed to address Policy CS26 of the Minerals & Waste Core Strategy, which only allows development in limited circumstances. However a Mineral

Safeguarding Report (January 2016) was subsequently submitted which demonstrates that the mineral resources (including both sand and gravel and limestone) are not a viable economic resource. Therefore this objection has been overcome and it is considered that the proposal is in accordance with policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

PCC Wildlife Officer

No objection – The submitted ecological appraisal has satisfactorily set out an appropriate habitat buffer and mitigation measures including fencing to protect badgers, these measures should be secured by condition. The report, in view of the history of reptiles in the area that were the subject of a translocation exercise, recommends precautionary measures. These are acceptable and should be secured by condition. There are no bat roosts present on site, however the site boundaries may be used for foraging/commuting bats. Therefore at reserved matters stage bat roosting features and appropriate lighting to minimise the impact on bats should be proposed. The removal of vegetation that might support birds should be done outside of the bird nesting season and a range of bird nesting features should be incorporated into the detailed scheme. It is not considered a detailed lizard survey would be required. The precautionary approach detailed in the ecology report in respect of any lizards that may be found on site is considered to be acceptable, and this could be secured by condition.

PCC Tree Officer

No objection - The loss of trees is likely to be limited and in my opinion there are feasible ways of protecting or construction close to retained trees. The loss of the 2 Ash trees to create the access is not ideal, but they are not good quality trees, therefore there would be no objection to their loss if it can be successfully justified. The creation of a boundary buffer strip to the west of the site is welcomed mitigation planting. The location of dwellings to the south of the site at reserved matters stage, will have to be sited outside of the shading arcs of the offsite trees to ensure acceptable residential amenity is achieved. At reserved matters stage a finalised Tree Protection Plan and an Arboricultural Method Statement to identify the exact Root Protection Area infringements and associated methodologies would be required to reduce any potential impact. In addition full and detailed landscape details would be required along with implementation and maintenance plans. Conditions recommended.

PCC Education & Childrens Dept - Planning & Development

No objection – The school has recently expanded its admission to 30, which gives an overall capacity of 210. At the Oct 2014 census, 1 in 3 pupils were from outside the catchment area, because the school has a good reputation locally and attracts out of catchment pupils. The school is popular and successful and not at risk of closure from low numbers. The development would likely to have a pupil yield of 25-30 primary age pupils, but they would arrive over a period of time and some might already be living in the catchment area. There may be issues if children are moving in during their primary career as some year groups are already full. However there is some capacity for expansion at the school and CIL money from the developer could be used towards this.

PCC Strategic Housing

No objection – In accordance with Policy CS8, 30% of the provision should be affordable housing. Therefore 24 affordable homes should be provided. Policy CS8 requires 20% of units to be built to lifetime homes standard, this would be 16 dwellings and 2% should be wheelchair housing, 2 dwellings.

Landscape Architect (Amey)

No objection – It is considered that that levels of landscape susceptibility to change, value and sensitivity has been underestimated in the Landscape and Visual Impact Assessment (LVIA). Effects on the character of the wider landscape are unlikely to result in unacceptable levels of harm, due to the site being relatively well-contained by topography. However effects on local landscape character are likely to be higher than predicted in the LVIA. It is considered that the effects at year 10 would remain adverse. The level of most of the adverse visual effects identified

could potentially be reduced with a well-designed locally appropriate and properly managed landscape scheme over time. However the development is unlikely to result in any visual improvements to the existing baseline situation.

Natural England

No objection – Subject to securing the 1.7hectares of green space on site, by condition or legal agreement, to reduce the visitor pressure from residents on the Barnack Hills and Holes Special Area of Conservation (SAC). This green space should incorporate characteristics such as mock limestone features, to create an attractive and interesting area of open space which is a genuine counter attraction to the SAC. Natural England requested the applicant carry out a visitor survey, to identify existing visitor pressures, and establish the likely additional pressure of this development however the applicant has said they are not willing to do this. In the absence of such a survey Natural England would be willing to accept a financial contribution towards suitable SAC management measures and to address the recreational pressures of the development, and offer suitable mitigation. This could include things such as dog bins, signage, community engagement and habitat protection measures. Therefore Natural England will remove its objection if a) an appropriate level of financial contribution to fund SAC management measures can be agreed and secured through and S106 legal agreement and b) details of onsite green infrastructure of 1.7 hectares can be agreed and secured by condition. Subject to securing these, it is considered the authority as a Competent Authority, could ascertain that the proposal would not have an adverse effect on the integrity of the SAC in accordance with the Conservation (of Habitats and Species) Regulation 2010 (as amended), and as such an appropriate assessment would not be required.

Wildlife Trust

No objection - There are a few errors in the ecological report regarding County Wildlife Sites (CWS). The Barnack Road Verges CWS, and Windmill Farm Meadow CWS were missed. The Barnack Grassland is approximately 0.25km away, not 0.4km. The Wildlife Trust agrees with the conclusions in the ecological report that should permission be granted and mitigation recommendations followed, there should be no significant negative impact on the CWSs.

We are concerned over the potential adverse impacts from increased recreational pressure on Barnack Hill and Holes SAC/SSSI/NNR as this is a sensitive site, which is already well-visited. As stated in the discretionary advice letter from Natural England, it is possible adverse impacts on this site could be avoided, **if** the proposed 1.7ha of green infrastructure (including 1.125ha of public open space and 0.41ha of ecological buffer area) is provided within the development site **and** this green infrastructure is designed and implemented to a standard which ensures it is an attractive alternative to Barnack Hills and Holes. The Wildlife Trust considers that the proposed 1.7ha of green infrastructure should be guaranteed as a minimum. The level of information provided with the current application is not sufficiently detailed to determine what the standard/quality of the green infrastructure design will be. Detailed designs and management proposals for the areas of green infrastructure will be required before the impacts can be fully assessed. If these do not achieve a sufficiently high standard which would ensure visitor pressure is directed away from Barnack Hills and Holes, then the Wildlife Trust would object to this development.

Police Architectural Liaison Officer (PALO)

No objections – In terms of Crime Prevention and Community Safety, no objections. I should be consulted again at the detailed reserved matters stage.

Cambridgeshire Fire & Rescue Service

No objections – Adequate provision for fire hydrants should be secured by way of a condition or Section 106 legal agreement, the cost of which must be paid by the developer. Access and facilities for the Fire Service should be provided in accordance with the Building Regulations Approved Document B5, Section 16.

Environment Agency

No objection – Subject to the imposition of a condition in respect of the provision of mains foul sewage infrastructure on and off the site. The report submitted indicates that a direct connection to

the public foul network system is likely to have a detrimental effect on the existing sewerage network. Therefore further hydraulic modelling work is required to enable Anglian Water to provide a solution for draining the foul flows from the development. This needs to be carefully managed to ensure that there is no deterioration of a water body, in accordance with the Water Framework Directive.

Anglian Water Services Ltd

No objections – A condition in respect of foul drainage strategy is required. The surface water management does not relate to Anglian Water assets therefore we have no comments to make.

Historic England

No objections – No comments to make on this occasion.

Barnack Parish Council

Objection – (The full objection is 16 pages long, so Officers have summarised the comments below).

- Countryside location - Policy SA4 of the Site Allocations DPD, states that the purpose of a village envelope is to prevent the spread of development into the countryside and to maintain the character of each settlement. This policy states that land outside of the village envelope is countryside and as such development will be assessed against Policy CS1 of the Core Strategy. Policy CS1 states development in the countryside will be restricted to that which is demonstrably essential to the effective operational of local agriculture, horticulture, forestry, outdoor recreation, and access to natural greenspace, transport or utility services; and to residential development which satisfies the 'exception test' sets out in Policy CS8. The site and proposed development does not meet the exception test for 'affordable housing', in accordance with Policy CS8. The Barnack and Pilsgate Village Design Statement, produced in 2001 by the Parish Council states 'It is most important that the village building envelopes for Barnack and Pilsgate are retained and not enlarged for any reason.' Also the 2005 Barnack and Pilsgate Parish Plan states 'The Village envelopes of both Pilsgate and Barnack must be respected'. The proposed development is outside the village envelope and therefore contravenes the principles laid down in the Core Strategy and Site Allocations DPD, the Village Design Statement and Parish Plan. In the opinion of the Parish Council, the development would have a significant adverse urbanising effect on the village of Barnack.
- Scale of development - This housing development does not follow the settlement hierarchy in Policies CS1 and CS2 of the Core Strategy which is Peterborough city, then Key Service Centres, then Limited Growth Villages and then Small Villages. The Site Allocations DPD, identified site SA6.5 land west of Uffington Road in Barnack for 41 dwellings in Policy SA6. The scale of this development is far in excess of this adjacent allocation. The 41 dwellings in this adjacent allocation have been recently completed, 2 other new houses have been built and 3 are currently under construction in the village. Therefore the Parish Council maintains that Barnack as one of the smallest limited growth villages has already contributed its fair share towards the housing target. Barnack is an inappropriate location for this scale of development, the Key Service Villages would be much better placed to take this scale of development due to the services and facilities they offer. In the opinion of the Parish Council the villages infrastructure, facilities and services are inadequate to support a further large increase in what will inevitably be a young population, so the proposed development is unsustainable. It is understood that the Council using the revised 2015 OAN as a basis for its growth targets, will now be able to demonstrate it has a 5 year housing land supply. There is no evidence of need for a large new housing estate in Barnack.
- The Peterborough Design and Development in Selected Villages (2011) SPD, states 'individual or small groups of houses would be suitable for these village settlements. Larger housing estates would be entirely inappropriate.' The Parish Plan says 'growth and

development must be gradual.’ This proposal is therefore contrary to the Village Design Statement, the Parish Plan and Design and Development in Selected Villages SPD. It would increase the village to 480 dwellings, a sudden increase of dwellings of about 20%. This is over and above the already built out allocation of 41 dwellings in Paynes Field, which in itself was a 10% increase on the size of the Village. Growth would not be gradual if permission was granted for this development. The Parish Council after full consultation with residents consider, the development is directly opposed to the considered wishes of residents because it is outside of the village envelope, and a 20% increase in the number of dwellings is not considered to be limited growth.

- Minerals - The Cambridgeshire and Peterborough Minerals and Waste DPD, aims to avoid the sterilisation of minerals resources. The proposed development would unnecessarily sterilise mineral resources.
- Landscape impact - The SPD classifies the fields to the west of Uffington Road as part of an Area of Best Landscape. The proposed development site is in a prominent, elevated position with high landscape value, in sloping land at the edge of the village. It comprises productive arable farmland. The site abuts the new Paynes Field development and is visible from both Uffington Road and Stamford Road.
- Impact on the Conservation Area - The approach from the west, along Stamford Road, lies within the village Conservation Area. The introduction of 80 more new houses, in addition to the 41 in Paynes Field, would greatly alter the appearance of the western and northern approaches to the Conservation Village of Barnack, and detract from its rural character. We contend that adding large developments to small villages undermines their sense of identity and heritage, and has a direct and adverse impact on the village character. This is not the ‘right way to grow’. The Localism Act and Peterborough’s Rural Vision and Parish Charter (2015) recognises that rural areas and villages are an important asset.
- Traffic congestion and Highway safety - In particular, traffic on Uffington and Bainton Roads has already increased significantly as a result of the building of the Paynes Field estate. Traffic congestion, especially at the junction of Uffington Road and the B1443, and the danger to children walking to and from school area already of great concern to the village and further extensive development would greatly exacerbate these problems.
- Impact Barnack Hills and Holes - The Parish Council is of the view that the 1.7 hectares would not be enough open space for the resident’s recreational needs. Residents would be drawn to the nearby Barnack Hills and Holes National Nature Reserve, which is open to the public. This important grassland site is showing signs of overuse, especially by dog walkers. A widening network of paths and soil enrichment, cause by dog fouling, is leading to localised changes in the flora. The canine population could increase by 20% if this development proceeds, which would exacerbate the pressure of this nature site.
- Ecology - Despite the various safeguards suggested in the Ecological Appraisal, the proposed development is very likely to have a severe and permanent adverse impact on the badger colony. Mitigation and compensation measures, aimed at reducing disturbance and providing sufficient habitat to accommodate the badgers on completion of the development, are unlikely to be effective. There will be disturbance both during the construction phase and afterwards, from occupied houses and from pedestrians and dogs using the proposed new footpath, which would run close to the sett. A population of common lizard was present on the adjacent brownfield housing site Paynes Field. The lizards had to be captured and translocated before development commenced. The Ecological appraisal submitted did not include a detailed survey for lizards, as the site was considered to be of low value to reptiles. The Parish Council have consulted the Amphibian and Reptile Conservation Trust and who have advised in view of the history of the adjacent site there may be common lizards on site. It is not possible to verify this as the animals hibernate over the winter. Natural England and Defra recommend that reptile surveys are

carried out in April, May and September. The Parish Council requests that a full survey in the field margins and hedgerows is carried out to ascertain whether common lizards are present on site. If a population is found, adequate mitigation and compensation measures as recommended by Natural England and Defra are required.

- The Parish Council held a public meeting to discuss the proposal, residents were wholeheartedly against it, 100 or so people attending. The main objections were loss of village character, increase in traffic, inadequate infrastructure and facilities, and environmental damage. In the spirit of both the Localism Act and the Rural Vision and Parish Charter, it is vital that the Planning department takes the view of residents into account.

Ufford Parish Council

Objection – The Localism Act gives communities the right to contribute to planning decisions. The top priorities of Barnack and surrounding villages is to protect the village envelopes and protect the surrounding ‘open countryside’. Each village has its own identity and we do not want them to coalesce or become suburbs of Peterborough. Barnack is designated as a ‘low growth’ village in the Local Plan, and has already accommodated 46 houses in the past 5 years. An additional 20% in the number of houses is unacceptable. Barnack is known for its old stone houses and Hills and Holes National Nature Reserve, a well known beauty spot. This development would harm these attractions. Barnack is a ‘low growth’ village because of its few services, and residents depend on their cars for access to shops, work, secondary education and leisure activities. Another 80 houses would add another 150-200 cars and another 50-100 children of pre and primary school age. The existing services such as water and sewage systems are already in need of renewal. There would be an adverse effect on the surrounding countryside with its 2 stately homes (Burghley House and Walcot Hall), nature reserves, woods, walls, hedges and protected verges, farmers fields. Any development outside the village envelope is opposed because it would set a precedent.

Southorpe Parish Council

Objection – Barnack is a limited growth settlement and the site lies outside of the village envelope. The development would impact significantly on the rural character of Barnack, and set a precedent for excessive and inappropriate development for surrounding villages. This development would be contrary to the Design and Development in Selected Villages SPD (2011). The development would not be sustainable, there is very little facilities within the village. This increase in population would put an unacceptable strain on the rural road network, increasing road danger and changing the character of the area. A large development would detract from the rural character of the village, increase flood risk and impact on the fauna and flora of the site and surrounding area, of special landscape value. There is no evidence of demand for development of this scale in Barnack, and it is expected that the Council can deliver its 5 year housing land supply without resorting to rural sites outside of village envelopes.

Helpston Parish Council

Objection – We object to any unsuitable developments outside any Village envelopes, as this is contrary to the adopted Local Development Plan.

Civic Society

Objection – Strongly objects for the reasons set out in Barnack Parish Council’s letter of 7th December 2015.

Councillor D Over

No comments received

Shailesh Vara MP

Objection – The site is located in the open countryside, outside of the defined village envelope. This would result in loss of agricultural land and set a precedent for other large scale housing development outside villages in the area. Barnack is a Limited Growth Village, 80 dwellings would

be therefore not be of an appropriate scale for this village, increasing the existing housing stock by 18%. The site is in a Mineral preservation area, where development should only be approved in exceptional circumstances, there has been no demonstration on exceptionality. Uffington Road is a busy route, which has queuing traffic and problems due to on road parking. A further 80 dwellings will make this situation worse and create additional noise and hazards for pedestrians. There are limited amenities in the village and capacity issues would arise at the primary school and GP surgery. The woodland area proposed to the north of Linden Close has recently had a Tree Preservation Order imposed, the proposed pedestrian access through this area would disturb wildlife.

Local Residents/Interested Parties

Initial consultations: 34

Total number of responses: 97

Total number of objections: 97

Total number in support: 0

Objections have been received from 97 residents raising the following issues:-

- The land is a greenfield site that is designated open countryside, outside of the Village envelope. Therefore residential development is contrary to the Local Plan.
- Barnack is classified as a limited growth village, and this is an application for major development, this is not appropriate, and contrary to the Local Plan.
- This application appears to hinge on the number of years of housing land supply the Council has. The Council say 5.3 years and Gladman say 3.6 years, how will this be resolved and when.
- The adjacent Paynes Field which was redeveloped for housing, was a brownfield site, where housing previously existed, which is different to this site which is an agricultural field.
- I have lived in the village for 69 years and seen many new houses being built, all of which I consider have been an asset to the community. This application is not a natural infill to the village, it is too large, and too soon since the addition of adjacent 41 homes of Paynes Field, which was only completed in the last year.
- I am not opposed to growth, but feel it should be planned growth, within the Village envelope.
- The Village Design Statement (2001) and Peterborough Design and Development in Selected Villages Supplementary Planning (2011), states 'where new housing is proposed, these should be individual dwellings, or small groups of dwellings. The creation of larger housing estates is inappropriate. This development is contrary to this. The proposal is also contrary to the Parish Plan (2005).
- The proposed development is not in keeping with the grain of the village and the local vernacular. The adjacent Paynes Field development was of a far higher density than that of any other part of the Village and should not be replicated.
- The proposed green space on the site should be used to break up the density of housing, rather than screen the development from outside the site, as proposed.
- One entrance into the development is out of keeping with the village setting and is purely financial led.
- This large development is not sustainable and would alter entirely the character of Barnack as a rural Conservation Area.
- The development will result in the loss of agricultural land used to grow crops.
- The site is on the edge of the Conservation Area.
- The site is within an Area of Best Landscape.
- The village only contains 1 school, 1 pub and a post office, which the owners are trying to close down as it is not a viable business. The applicant might argue that these addition residents will help to support these existing facilities. However experience has shown from the building of 41 houses at Paynes Field adjacent to the site this has proved not to be the case, as the people who have moved in commute long distances to work and so don't use

local facilities.

- This development will increase the size of the Village by 20%, so we will expect a large increase in traffic, which the village roads will not be able to accommodate.
- Whilst Barnack can accommodate limited sustainable development within its envelope, surely the place to build bigger developments is in town and cities to reduce the travel times, costs and pollution created by people travelling to work and other activities.
- There are serious issues with the protection of the existing landscape surrounding the existing village, which this proposed development is in direct conflict with.
- The site is the first slope up from the Fens, therefore it will be very visible.
- Uffington Road already experiences heavy traffic at peak times and is used as a rat run, this additional traffic will make this situation worse. When the railway crossing is closed there will be an inevitable build up of traffic causing a further hazard.
- Uffington Road already has problems with people parking on either side of the road, which makes it difficult for cars to pass. This development will add to these problems.
- Uffington Road is never gritted in the winter, and adding all this additional traffic will make this road even more dangerous.
- I would dispute that the schools and GP surgeries will be able to accommodate the level of development proposed.
- There is a Tree Preservation Order on the woodland north of Linden Close, and there is a lot of wildlife in this woodland. The proposed pedestrian path through this woodland will harmfully affect the wildlife and trees and will reduce the privacy of properties whose gardens bound this land.
- The site is within a Minerals Safeguarding Area, which seeks to protect this Mineral resource.
- I was not prepared to get involved in the Gladman residents survey before the application was submitted, I think Gladman should undertake another consultation now the application is submitted.
- This development could set an unwelcome precedent for other similar developments in future.
- Have all other local villages taken their fair share of new housing? Have the surrounding Authorities of Lincolnshire, Rutland and Northamptonshire taken their fair share of new housing?
- I would question whether the main sewage system is able to cope with this development as it appears to be over capacity at present, judging by the frequency of blockages.
- For consistency if this site were to be developed it should be done by David Wilson Homes as they built the adjacent houses in Paynes Field.
- The amount of information submitted with the application is too much for non specialist individuals to understand and work with, and is beyond the capacity we have, even as a collection of villagers.
- Barnack school has 170 children. School Road at 8.45am is chaos, with mums dropping of children. Whilst it may be possible to add more school buildings, there is no way additional traffic can be accommodated.
- There are no jobs in Barnack to support this growth.
- Increase in noise levels.
- Harmful impact on the Barnack Hills and Holes Nature reserve.
- The creation of the woodland pedestrian path, will destroy natural habitat and force away wildlife that currently uses it. It will also cause damage to the protected trees. There are bat roost in this woodland that could be disturbed.
- The site is within an area of high archaeological significance, this development could result in the loss of damage of important buried remains.
- This does not constitute sustainable development.
- Harmful impact on the privacy of adjacent residential sites. Light pollution for neighbouring properties. Adverse impact on the quality of light of adjacent residents.
- The village has a poor bus service.
- Harmful visual impact on the countryside and the setting of the Village.
- The 2011 census identified the village had 432 dwellings. 45 have been built in the last 4

years, which is around a 10% growth. There is not capacity for additional large scale growth, as this is a Limited Growth Village. 80 further dwelling would be a further 20% increase.

- Traffic calming needed on Uffington Road.
- The traffic survey done is a year old and out of date, especially as it was carried out before the changes at Lolham, including the effects of the new one way system. Since then traffic numbers have increased.
- There has been a decline in hegehogs in this area, this development will make this situation worse. I understand the impact on badgers has not fully been assessed.
- The wider landownership of the applicant would allow the provision of a much safer access from Stanford Road.
- Have the applicant been requested to under an Environmental Impact Assessment, as this would add 25% to the existing housing provision?
- The adjacent Paynes Field development suffers from 1. Lack of resident and visitor parking, 2. Provision of adequate soft landscaping, limited footpath provision and lack of children's play area. This should not be allowed to be repeated on this site.
- The development will have a harmful impact on the surrounding landscape character.
- In future Barnack village could become like Deeping St James and Market Deeping which now appear to be overlapped as one small town rather than separate villages. This would not be acceptable.
- Many in the Village have to go to Stamford for a GP, this development will put further pressure on already stretched GP surgeries.
- There is no secondary school provision within the village, children will have to travel for secondary education.
- I live in the village but can't get my children into the Primary school and have to drive my children to school in Wittering.
- We were previous led to believe no houses would be built on this land, because it was a greenfield site outside of the Village Envelope.
- The residents in Paynes Field will loose their existing countryside views, which for many is the reason they bought these properties, knowing the land adjacent would not be built on, because it is in the countryside outside the Village boundary. There is a wildlife corridor at the rear of the existing properties.

5 Assessment of the planning issues

The main issues are:-

a) Principle of development

The application site is located in the open countryside, outside of the village envelope of the Limited Growth village of Barnack. The proposal is therefore contrary to Policy CS1, which restricts development in the countryside to that which is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services.

In addition the proposal does not meet the exception test of Policy CS8, in terms of provision of affordable housing. The exception test would only be met if it was proposed to provide affordable housing above the required 30% policy requirement, to meet a specific and demonstrable local need, was of a number and type to meet this local need and the site in light of all other policies was suitable for residential development.

Therefore the principle of residential development on this site is not considered to be acceptable and is contrary to Policies CS1 and CS8 of the Core Strategy.

b) 5 Year Housing Land Supply

The NPPF paragraph 47, requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements.

The National Planning Policy Guidance (NPPG) states:-

‘Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs’.

The Peterborough Core Strategy Development Plan Document (DPD) was adopted in 2011 and sets out the Council’s future housing requirements between 2009 and 2026. However the housing need figure is based on the now revoked Regional Spatial Strategy and therefore does not reflect current need, as more up to date evidence has been published.

The Preliminary Draft Local Plan (Jan 2016), which was out for public consultation in January and February 2016, uses updated housing requirement based on the Strategic Housing Market Assessment (SHMA) (October 2015).

On the 15th January 2016, Peterborough City Council published its 5 year Housing land supply document for 1 April 2016 – 31 March 2021, to support the preliminary Draft Local Plan (Jan 2016). This document supersedes the 5 year land supply document published in November 2015.

The housing need identified in the Preliminary Draft Local Plan is for 27,625 dwellings between 31 March 2011 and 1 April 2036, or 1,105 dwellings per year, therefore a 5 year requirement of 5,525 dwellings.

To meet the five year land supply requirements account must be taken of the completions between 1 April 2011 and 31 March 2015 compared against the annual requirement of 1,105 dwellings per year. Between 2011 and 2015 a total of 4,420 dwellings were required to be delivered. However, there was a shortfall in delivery of 702 dwellings over that period, therefore this ‘backlog’ should be accommodated for in the next five years.

An estimate of supply against requirements for the current year 2015/16 also needs to be factored in. It is estimated that 878 dwellings could be completed in the current year, which is a further shortfall of 227 dwellings compared with the 1,105 annual target. This increases the shortfall to 929 (702 +227) dwellings. This means that during the five year period 2016 to 2021 a total of 6,454 dwellings are required to meet the backlog. This represents an average of 1,291 dwellings per year.

However, once the five year requirement has been calculated the NPPF then requires local authorities to identify a five percent buffer to ensure choice and competition in the market, and where there has been a record of persistent under delivery of housing, this should be increased to twenty percent. It is made clear in the NPPF that this additional requirement is moved from further in the plan period and not an additional requirement for more housing.

Looking at the number of completions each year between 1 April 2009 and 31 March 2015 compared against the five year requirement for 1,105 dwellings per year, 2 of the 6 years exceeded the annual target. Therefore there is no evidence of persistent under delivery, and so the Council is only required to include a 5% buffer.

Therefore, to meet the requirement to demonstrate a five year supply of deliverable housing land, the requirement between 2016 and 2021 is a total of 6,730 dwellings, this includes the 5% buffer, giving a requirement of 1,346 dwellings per year.

For the avoidance of doubt, the five percent buffer has not been applied to the backlog. To do so would result in a greater than five percent amount being brought forward from further in the plan period, and therefore would be contrary to national policy.

The Council have provided a list of the five year supply of deliverable housing sites, between 1 April 2016 and 31 March 2021.

The council has identified land that is capable of delivering 8,373 dwellings between 1 April 2016 and 31 March 2021. The five year requirement during this period is 6,730, so 1,643 additional dwellings more than the five year requirement can be provided. This equates to a 6.22 year supply, therefore the council can demonstrate a five year supply of housing land.

The applicant in their submission have calculated that the Council only has a 3.6 year housing land supply. This is because they used the 2014 figures. Since the application submission updated figures have been published by the Council which results in the applicant's calculation being incorrect. In the published 2014 figures the Liverpool method was used to calculate the 5 year supply, but subsequent appeal decisions and changes to government guidance, makes it clear the Sedgfield method of calculation should actually be used. Therefore the new 2015 figures detailed above are based on the Sedgfield method.

The City Council's 5 year housing land supply document dated 15th Jan 2016, demonstrates that the Council can demonstrate it has a deliverable 5 year supply of housing. Therefore in accordance with the National Planning Policy Framework (NPPF), paragraph 49, the policies of the adopted development plan are considered up to date and do not need to be set aside as per the NPPF in instances where authorities cannot demonstrate that they have sufficient land supply.

c) Size and scale of development

The Site Allocations DPD (2012), identified one housing allocation in the Barnack Village, this was SA6.5, a 1.76 hectare site for 41 dwellings. This site has been built out, and is now occupied. This was a brownfield site, within the village envelope, and is positioned adjacent to the application site. This is a relatively high density residential development of about 30 dwellings per hectare in comparison with the densities in the rest of the village, and is positioned on the edge of the village. However it follows the general linear pattern of development in the immediate vicinity and was a brownfield site. In comparison, this site is a larger piece of land 4.28 hectares which is currently an agricultural field, and of a greater depth, than the adjacent site and would provide approximately twice the number of dwellings up to 80. Development on the application site will be viewed in the context of the adjacent residential site, and the appearance of the village edge will change from this smaller housing development to a much larger housing estate. This will provide a further urbanising effect to the rural edge of the Village, which cumulatively will be visually harmful. It is considered both in visual terms and as a result of the service provision of the Limited Growth Village that the size and scale of the development proposed would be harmfully out of scale with the size and facilities of the adjacent village of Barnack. Policy B&P 1 states for new housing proposed within the village these should be individual dwellings or small groups of dwellings, and the creation of larger housing estates would be inappropriate. Therefore in line with this policy the Village can only accommodate small scale development. It is not considered a housing development of up to 80 dwellings immediately adjacent to the Village, could be considered acceptable, where there is a presumption against new housing in the countryside and where there is no demonstrable need for it.

It is therefore considered that the proposed development would be contrary to Policy CS1 of the Core Strategy, in terms of its countryside location and that the scale and size of the development and the cumulative impact with the existing Paynes Field development, would appear visually harmful and out of scale with the rural character of the village edge. It is also considered that such a large scale housing development would be a sizeable addition to the existing size of the Village and would be more appropriately accommodated in a designated Key Service Centre Village.

d) Landscape Impact

A landscape and visual impact assessment was submitted in support of the application. It concluded that there would be some adverse landscape and visual effects at the outset, however they would be localised and limited in their extent, and overtime new infill hedgerow planting and tree planting would help to soften the impact. It is considered that the landscape impact over the first 10 year period would go from moderate adverse to minor beneficial, as the green infrastructure matures.

The assessment also looked at the visual impact on the surrounding properties. Due to the open views residents in Paynes Field currently have over the application site the visual impact of this outline application has been deemed to be adverse. It would be for the reserved matters layout and design of the proposed properties to deal with the relationship between the surrounding neighbours and the new proposed properties to ensure an acceptable relationship could be achieved in respect of privacy, light levels, overbearing impact. . In terms of the impacts from the adjacent properties on Bainton Road this would go from moderate adverse to negligible. At reserved matters stage the report concludes that high quality locally characteristic materials and building design would be required, with special attention to the detailing of the development gateway on to Uffington Road, to minimise the potential for adverse visual and landscape impacts.

Officers consider that the landscape susceptibility to change, value and sensitivity has been underestimated in the Landscape and Visual Impact Assessment (LVIA). Therefore overall the impacts would be higher than the report suggests. Effects on the character of the wider landscape are unlikely to result in unacceptable levels of harm, due to the site being relatively well-contained by topography. However effects on local landscape character are likely to be higher than predicted in the LVIA, and Officers consider the effects at year 10 on the local landscape would remain adverse. A well-designed locally appropriate and properly managed landscape scheme would help minimise the landscape impact, however it will take some time for new landscape planting to mature and provide landscape impact mitigation.

e) Impact on the Historic Environment

A Heritage Statement was submitted in support of the application. It identifies built heritage assets located within a 1km radius of the site. It then goes on to describe and assess the character and extent of the setting of the heritage assets. It then assesses the impacts of developing this site upon them, and if needed, explore ways that harm could be minimised.

The report identifies that the settings of 8 listed buildings and part of the Conservation Area are most likely to be affected by this development. However it concludes that in respect of the setting of the listed buildings that any harm to their significance would be negligible, and below the 'less than substantial' threshold of the NPPF. In respect of the impact on the Conservation Area the report notes that the development will be seen from parts of Conservation Area, on Stamford Road, and this will result in change to the area's wider setting. However it considers the impact will be limited by local topography, as the site falls away from the Conservation area from west to east. In addition the development will be read against the backdrop of the existing housing that adjoins it. The heights of dwellings will be 2 and 2.5 storeys, and so not overly prominent in the landscape.

Officers consider that the proposed development has the potential to impact on a number of heritage assets, including St John the Baptist Church (Grade 1) and the Barnack Conservation Area. As an outline application with all matters reserved bar access, a detailed assessment of the impact of the proposed development in terms of height and layout etc on surrounding heritage assets cannot be made, however an assessment has been carried out on the basis of the indicative framework plan.

In respect of assessing the impact of the development on the Grade 1 church, firstly the church is not visible from the application site. Secondly, in respect of views along Uffington Road Officers

conclude that the prominence of the church will not be significantly affected. The proposed development will result in change to the wider setting of the church and its significance. However this change would not harm the setting of the church and its significance.

The conservation area incorporates the historic core of the village. The village can be considered to have its origins in a 'nucleated' village form. Open space is a feature of the conservation area, especially in the north side of the village. Views out of the conservation area to the open countryside contribute to that character. Whilst over the years the nucleated form of the village has to a degree eroded, the character of the Conservation Area is still one of a relatively modest sized village built predominantly of stone. The northern boundary of the conservation area is Stamford Road and Bainton Road to the south of the proposed application site. The site is in agricultural use and abuts the new housing development of 41 dwellings in Paynes Field. The field makes a positive contribution to the landscape and rural setting of the village, though this has somewhat been reduced by the building of the Paynes Field housing development. The Paynes Field development of 41 dwellings has the appearance of a small estate form.

New development (up to 80 units) with similar 8-9m ridge heights would significantly increase a built form presence and visually change a small estate into a large estate form. The northern built edge of the village would change. The development site would be visible from Stamford Road, the northern edge of the conservation area. Views out to open countryside from the conservation area help contribute to the character of the nucleated village form, albeit eroded. The proposed development would add a further sense of suburbanisation to the surroundings of the conservation area. In nucleated villages the general form of development is typically highest density around the core, and lower density where they merge with the surrounding countryside. A development of 80 units adjacent to Paynes Field estate would create a dense development that would be out of scale at a village edge location where the historic form would be expected to see a lower scale and less dense development.

Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires a local planning authority to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

It is considered that the proposal would have an adverse impact on the character and appearance of the Barnack Conservation Area and not accord with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is not in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).

The harm caused would be less than substantial and in accordance with paragraph 134 of the NPPF in such instances this level of harm needs to be weighed against the wider public benefits arising from the proposal, when reaching a decision. This allows the decision maker to approve development in instances where they consider the wider public benefits of a proposal would outweigh the harm caused to Conservation area. Officers consider the only wider public benefits that would arise from this scheme would be the provision of housing, affordable housing and the proposed open space areas. Therefore in this instance Officers do not consider that the wider public benefits, would outweigh the harm caused to the conservation area.

f) Archaeology

An archaeological desk based assessment has been submitted in support of the planning application. It identifies that the site has a high potential for early prehistoric evidence and a low/negligible potential for significant archaeological evidence for all other periods. On this basis it concludes that mitigation for archaeological interest can be secured by a planning condition.

However Peterborough City Council Archaeologist, has made the applicant aware of an aerial photographic assessment that was carried out in April 2015 to support a planning application for the creation of a reservoir on land north of Barnack, which revealed buried cut track ways,

enclosures, boundaries, pits, funerary sites and foci of settlement, the presence of which was confirmed by a geophysical survey. The assessment also identified crop marked buried enclosures, tracks and linear ditches and ring ditches, as well as upstanding medieval fields (ridge and furrow), to the south, east and south east of the site. These features, together with, casual observation of Iron Age and Roman finds in the general area, indicate the presence of a multi period archaeological landscape dating from prehistory through to the Roman period and later within the wider landscape.

In addition, immediately to the east of the site on the now built new housing site on Uffington Road, a programme of watching brief and excavation undertaken in 2010 revealed two adjacent Neolithic pits containing Grooved Ware pottery. Modern disturbance caused by residential development in the mid-20th century was mostly limited to the street frontage. Disturbance across the rest of the site was isolated and shallow. Below the modern disturbance was a mid-dark brown (medieval/post-medieval) cultivation soil.

Cartographic evidence shows that the application site has been predominantly used as arable and so any buried remains on site are likely to be relatively undisturbed.

Therefore on the basis of the available evidence, PCC's Archaeologist considers the site to have the potential to contain remains of all periods, and if remains are present, they are expected to survive in good condition. On this basis PCC Archaeologist recommendation is that a programme of archaeological work is carried out pre-determination, to inform the planning decision and provide mitigations for the consideration of the planning authority.

Mitigations are expected to reflect the character of the archaeology, the nature of the development, and the circumstances of the proposal. All influencing factors should be sufficiently characterised for the purpose of risk management.

The programme of archaeological work should include, geophysical survey, aerial photographic appraisal and evaluation by trial trenching.

The applicant archaeological consultant does not agree with this position and still believes that the further archaeological investigation works can be dealt with by condition. Therefore it is Officers recommendation that the application should be refused on the basis insufficient information has been provided to identify the archaeological potential of the site for the existence of prehistoric and/or Roman remains. And should such remains be present on site, offer suitable mitigation for their preservation. The proposal is therefore contrary to Policies CS17 of the Core Strategy and Policy PP17 of the Planning Policies DPD, and the NPPF, in particular paragraphs 128 and 129.

g) Ecology

An ecological appraisal was submitted in support of the application.

The Barnack Hills and Holes National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI), and Special Area of Conservation (SAC) is located approximately 0.3km to the south of the site. The designation is an area of Jurassic limestone grassland on the site of an old quarry, which supports a number of nationally scarce plant species. Any development in the area has the potential to impact on this protected area through 1. Physical damage and disturbance from increased recreation, 2. Physical damage or disturbance from construction of water supply improvements and 3. Air pollution from increased road traffic.

Policy CS19 of the Core Strategy states 'Where new development has the potential to have an adverse effect on the integrity of an International or European site as a result of additional recreation pressure, the development may be required to provide open space of sufficient size and quality to accommodate that pressure. Suitable new green spaces will be located on or near to development sites.'

Natural England initially objected to the proposal on the grounds that they did not consider enough information had been provided to rule out the likelihood of significant effects on the Barnack Hills and Holes site. They advised that the applicant should provide a more detailed assessment of the effects of increased recreational pressure on Barnack Hills and Holes SAC, in order to enable the planning authority (as the competent authority) to fully consider these impacts in their Habitats Regulations Assessment. This was because the grassland communities at the SAC are currently under pressure from recreational disturbance through trampling, direct damage to the grassland and dog fouling, causing nutrient enrichment of the soil, resulting in an increase in competitive grass species to the detriment of the notified grass communities. Consequently any additional visitor pressure is likely to contribute towards adverse impacts on the site. They commented that the proposed on-site green infrastructure provision will help to lower the total number of additional visits to the SAC. The success of this will be dependent upon the quantity and quality of the accessible open space proposed on the application site. If this is well designed and managed it may be able to absorb a significant proportion of additional recreational pressure. Whether this is sufficient to ensure no adverse effect on the SAC will need to be demonstrated through the detailed study.

The applicant has responded to say that they are not willing to carry out such a survey, as they were not advised of this at the earlier pre-application stage. In the absence of such a survey Natural England would have said they be willing to accept a financial contribution towards suitable SAC management measures and to address the recreational pressures of the development, and offer suitable mitigation. This could include things such as dog bins, signage, community engagement and habitat protection measures. Therefore Natural England will remove its objection if a) an appropriate level of financial contribution to fund SAC management measures can be agreed and secured through an S106 legal agreement and b) details of on-site green infrastructure of 1.7 hectares can be agreed and secured by condition. Subject to securing these, they consider the Council as a Competent Authority could ascertain that the proposal would not have an adverse effect on the integrity of the SAC in accordance with the Conservation (of Habitats and Species) Regulation 2010 (as amended), and as such an appropriate assessment would not be required. The applicant's response to Natural England's requests are awaited and Members will be updated of their comments in the Update report.

The development proposes 1.7 hectares of green infrastructure, which includes 1.125ha of public open space and an ecological buffer of 0.41ha. Officers consider that the amount of green infrastructure (1.7ha), accessible natural green-space (1.125ha) and wildlife areas (0.41ha) as indicated on the framework plan are secured as an absolute minimum in order to provide confidence that impacts to the SSSI & SAC are adequately mitigated, as well as providing mitigation regarding protected species. An Ecological Management Plan or similar is also required to be secured by condition for the proposed Wildlife Area and associated green-spaces, detailing how this area will be managed for the benefit of wildlife. This should set out details of native tree, shrub and plant species, along with planting details for the establishment of the wild-flower areas and marginal aquatic planting around the proposed balancing pond.

The Barnack Grassland County Wildlife site is located approximately 0.4km to the south-west of the site. The designation comprises chalk grassland, which is home to populations of a number of nationally scarce plant species, including Man Orchid, and the Pasqueflower. The application is separated from this site by grassland and existing development therefore it is considered unlikely that this proposal will have any physical effect on the designation.

The next nearest County Wildlife Site is Walcot Hall Park, approximately 1.3km to the south of the site. This is similarly a chalk grassland, home to a population of national scarce Man Orchid. Due to the distance and separation of the sites it is unlikely the proposal will have any effect on this designation.

Whilst the hedgerows on site are likely to qualify as Priority Habitats, hedgerows are a common feature in this agricultural landscape, therefore on balance it is likely that the hedgerows on site are of no more than low ecological value at this local level. Therefore the loss of hedgerow to facilitate

the site access is considered to be of negligible to minor ecological significance.

Bats

The trees on site have been assessed and found to have negligible to no potential to support roosting bats. In respect of foraging/commuting for bats, the site is considered to be of low value at the local level, with greater foraging opportunities available in the surrounding landscape. Therefore whilst the local bat population is unlikely to be affected by the proposals, precautionary measures are recommended to safeguard the boundary features which have potential for commuting/foraging bats. These measures are in respect of any proposed lighting, to prevent excessive illumination of retained trees or hedgerows, which will help safeguard these as corridors for foraging/commuting bats. This could include directional lighting, reduced wattage lamps, and louvres to reduce night time illumination. Good practice on site management will be required during construction to ensure that there minimal disturbance or danger to any badgers on site.

Badgers

Evidence of recent badger activity was found within the site. An ecological area is proposed on site which provides a 30m buffer with the proposed development. This area will provide an inaccessible to the public ecology area and will help to safeguard any badger activity on site. A supervising ecologist will judge the likely disturbance that may be caused to badgers from the type of machinery to be used and the operation of machinery will be under the direction of the supervising ecologist at all times, where appropriate, and if necessary under a Natural England disturbance licence.

Officers consider the measures set out in sections 5.3.6 to 5.3.10 of the Ecological Appraisal should be adhered to, and secured by condition. This will include a requirement to carry out an updated survey in advance of commencement of any site clearance works.

The public open space and proposed ecology wildlife areas on site will provide potential foraging and laying up areas for Brown Hares for which there are records of in the vicinity of the site.

Amphibians

Given the nature of the habitats within the site, and their relative isolation in the local context in terms of potential Great Crested Newt breeding habitat, it is considered reasonably unlikely that this species is present within the site.

Reptiles

The site contains limited suitable reptile habitat and no evidence of reptiles was encountered during the survey work. As such the site is considered to be of low to negligible value to reptiles, and therefore the proposal is unlikely to adversely affect any reptile populations. However given the previous records of Common Lizard immediately adjacent to the site (however it is understood these were translocated to an off site receptor area when the site was developed for housing), precautionary measures will be undertaken in order to minimise the risk of harm to reptiles prior to construction.

Officers consider the precautionary measures set out in section 5.6.7 of the Ecological Appraisal should be adhered to, and secured by condition.

Birds

Any clearance of potential nesting habitat shall be done outside of the nesting season (i.e. March to August inclusive).

The ecology report identifies a number of measures that could enhance the biodiversity of the site,

these include the use of native tree and shrub planting, new wildflower grassland, proposed surface water attenuation features e.g. balancing pond, the provision of a range of bird (such as House sparrow, starling and swift) and bat boxes on site. These measures could be secured by conditions, or dealt with at the reserved matters stage.

Therefore it is considered that the proposed development would be in accordance with Policies CS21 of the Core Strategy and PP16 of the Planning Policies DPD.

h) Trees

An Arboricultural Impact Assessment was submitted in support of the proposal.

The site contains 7 individual trees, 8 groups of trees and 4 hedgerows. In the south east corner of the site are trees protected by Tree Preservation Orders 06/1992 and 08/2013.

Officers consider the survey information submitted clearly outlines the tree resource and the discussion of the merits or otherwise of the trees/hedgerows is an accurate portrayal of the site.

To allow the creation of a vehicle access from Uffington Road, it will involve the removal of 2 category B Ash trees, and the entirety of boundary hedge H1. T2 Ash in particular had symptoms of the decay fungus *Inonotus hispidus* and T1 Ash could not be described as a 'specimen' tree. The boundary hedgerow H1 consists mainly of dead Elm and is of low quality. Obviously the preferred option for the access would be to remove H1 and retain the Ash, however, there would be no objection to the Ash trees removal if successfully justified. Officers consider the need to achieve the visibility splays for the new access on highway safety grounds is sufficient justification for the loss of the 2 trees, and hedgerow.

An additional pedestrian link to Uffington Road is proposed and this will involve the partial removal of category B group G6. Care must be taken when installing the pedestrian footpath to Uffington Road, where there may be encroachment within adjacent root protection of trees subject to Tree Preservation Orders. The pedestrian linkage to Uffington Road would pass through W1 of TPO 08/2013. Several trees would require removal which have not been identified in detail. However, a site visit has concluded that the majority of the trees that would require removal are young, self set sycamore that are at pole stage. Their loss would not be a significant loss of amenity. The specification in this area of a 'above surface' construction of the footpath is justified and acceptable in the circumstances.

A further permissive footpath is proposed to link the site to Bainton Road, this will involve the removal of around 10m of hedgerow H3 and using an existing gap within Hedgerow H4. The permissive footpath to Bainton Road appears to be low impact and is unlikely to lead to tree loss or be detrimental to the amenity of the area.

Elsewhere on the site tree/hedgerow loss is likely to be limited.

Clearance works should avoid the bird nesting season, and retained trees and hedgerows shall have protective barriers erected to prevent damage during construction. An arboricultural method statement, and detailed tree protection drawings should be secured by way of a planning condition. In addition full and detailed landscape details would be required along with implementation and maintenance plans.

It is noted that to the south of the site that offsite trees are likely to shade any houses close to the boundary. Therefore at reserved matters stage the shading arcs illustrated on the arboricultural plans will need to be considered and any proposed dwellings in this area designed and sited to minimise the impact, and ensure any acceptable resulting relationship with these retained trees.

Officers therefore raise no objection subject to the imposition of conditions, as it is considered the tree loss is likely to be limited and it appears that there are feasible ways of protecting retained trees during construction. New native planting can also be secured by condition.

The proposal is therefore considered to be in accordance with Policies PP16 of the Planning Policies DPD and Policy CS21 of the Core Strategy.

i) Highway Implications

Access is being committed and considered under this current outline planning application. A Transport Assessment and Travel Plan have been submitted in support of the application.

Vehicular Access

Access to the site is proposed to be taken from Uffington Road.

Two possible access arrangements were put forward under this application.

1. The positioning of the access between the 2 existing trees on the site frontage, which would result in the loss of these trees. However this access, due to the removal of the trees, would be able to achieve the required visibility splays (2.4m x 91m to the south and 2.4m x 79m to the north) to meet the actual measured speed of vehicles using the road, which is in excess of the 30mph speed limit; or

2. The positioning of the access to the south of the 2 trees on the site frontage and to the north of the substation. However in this position, whilst the trees could be retained, only 2.4m x 40m visibility splays could be achieved. Therefore traffic calming measures would also be required to be introduced, to reduce the actual speed of vehicles using the road closer to the 30mph speed limit and to reflect the reduced visibility splays that could be achieved.

Officers view in highway safety terms is that the proposed access option 1, where the visibility splays proposed are designed to meet the actual measured traffic speeds outside the site would be the preferable access option, albeit this would result in the loss of the two trees.

The Local Highway Authority objected to the initial proposal on the grounds that neither of the above accesses had addressed the widening of the road south of the application site, where there was a pinch point on Uffington Road. Therefore due to the insufficient geometry of Uffington Road both proposed accesses would lead to highway safety dangers.

In addition, for the proposed second access option detailed above, where new traffic calming was proposed to help reduce existing speeding, no conceptual design was submitted, or Stage 1 Safety Audit therefore no assessment of the acceptability of these traffic calming measures could be made. A localised area of traffic calming in isolation would not be acceptable, and the offer to part fund a larger traffic calming scheme to the south of the site, would not provide the necessary certainty that such a scheme could ever be delivered in future.

A technical Note was subsequently submitted to address the objection raised.

It has been established that the boundary hedge on Uffington Road is of poor quality therefore its loss would not be resisted. One of the two Ash trees on the site frontage has symptoms of a decay fungus therefore its loss could also not be resisted. The other Ash tree on the site frontage is not a 'specimen' tree therefore whilst its retention would be welcome, if there was good reason for its removal it would be difficult to resist. It is considered the provision of a safe access into the site with the required visibility splays, to prevent highway safety dangers to road users would be sufficient reason to justify removal of this tree. Therefore the first proposed vehicle access option, with the loss of the hedge and two trees, is considered to be the best access option in highway safety terms.

In terms of the width of Uffington Road and the applicant is willing to accept a condition to widen the carriageway of Uffington Road to at least 5m in width from the junction of 'The Acres' northwards to the southern boundary of the site. In addition this condition would cover the widening of the carriageway of Uffington Road to 5.5m adjacent to the proposed access point, and the provision of a 3m wide footpath along the site frontage to tie into the existing 2m footway. The 2.4m x 91m to the south and the 2.4m x 79m to north would also be secured by condition.

A detailed travel plan, to encourage residents to use sustainable travel modes, incorporate SMART targets, and include householder travel packs with either cycle or bus pass vouchers as an incentive is recommended to be secured by condition.

Pedestrian Access

It is proposed to have 3 pedestrian connections from the site to the existing surrounding pedestrian infrastructure. 1. to the south west corner of the site linking the site to Bainton Road, this will be via a newly constructed permissive footpath on land within the control of the applicant. 2. To the south east corner of the site, linking to Uffington Road, via a proposed footpath through a woodland area to the north of Linden Close. 3. At the new vehicle access onto Uffington Road a new 3m wide footpath is proposed to connect into the existing one south of the application site, this would be secured by condition.

A travel plan is proposed to try and encourage residents to walk, cycle, or take the bus where possible and as a more sustainable travel mode than the private car.

Therefore subject to the imposition of conditions the proposed development is considered to be acceptable in highway safety terms and in accordance with Policy PP12 of the Planning Policy DPD.

j) Drainage/Flood Risk

A Flood Risk Assessment and Outline Drainage Strategy was submitted in support of the application. The application site is located within Flood Zone 1, where it is considered that there is a low probability of flooding, e.g. having a less than 1 in 1,00 annual probability of river or sea flooding. All land uses are considered to be appropriate within this zone.

As part of the submitted flood risk assessment, there is a requirement for incorporation of sustainable urban drainage systems to deal with the surface water drainage and run off from the development site.

The Drainage Officer objected to the application on the grounds that the whole site was proposed to drain via infiltration, however in part of the document submitted it said that the infiltration method of permeable paving might be limited due to groundwater protection zones. There was obviously discrepancy about the use of whole site infiltration drainage, if on some areas of the site there is doubt about whether permeable paving could be used. Concerns were also raised in the proposed sizing of the infiltration basin, and whether the correct methodology to do this was used.

Amended drainage information and a strategy plan was received, confirming the use of permeable paving where possible on site and swales where permeable paving is not possible, and swales to divert overland excess flows to the proposed infiltration basin. On this basis our Drainage Officer's objection has been overcome and subject to the imposition of a drainage condition.

The proposed development is therefore considered to be in accordance with Policy CS22 of the Core Strategy.

k) Minerals & Waste

The 4.28ha application site sits upon two Mineral Safeguarding Areas, designated for deposits of sand and gravel, and limestone, which are considered to be of current or future economic importance.

Policy CS26 Minerals Safeguarding Areas of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy states;

Development will only be permitted where it has been demonstrated to the Mineral Planning Authority that;

1. The mineral concerned is no longer of any economic value or potential value, or
2. The mineral can be extracted prior to the development taking place, or
3. The development will not inhibit extraction if required in the future, or
4. There is overriding need for the development and prior extraction cannot be reasonably undertaken, or
5. The development is not incompatible

Therefore the initial information submitted with the application failed to address Minerals and Waste Core Strategy Policy CS26. Policy CS26 is in accordance with the National Planning Policy Framework (144) which states that “local authorities should not normally permit other development proposals in mineral safeguarding area where they might constrain potential future use for these purposes.” Therefore objection was raised.

A Minerals Safeguarding report was subsequently submitted. This report identified that the sand and gravel resource on site only covered an area of approximately 0.6 ha, about 13% of the site. It detailed that it was part of a larger linear deposit, but it was isolated from rest by the presence of Uffington Road. This isolation renders the linear deposit unviable since it is narrow in extent and the mineral will be thin as it is close to the edge of the overall deposit. Furthermore, the resource is within a buffer zone which would be required to protect the residential development to the east. As a consequence the sand and gravel in the site would never be worked and as a result it has no economic value or potential value. The bedrock beneath the site is limestone. However this area is also within 200 metres of existing residential property so in order to protect the amenity of those properties, it would not be granted planning permission for extraction due to its proximity to the existing properties. The report therefore concludes that the minerals in the sand and gravel and the limestone would never be worked and so they have no economic value or potential value. Therefore the proposal is in accordance with Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

Officers have assessed the Mineral Safeguarding Report (January 2016) submitted and are in agreement with the findings that the mineral resources (including both sand and gravel and limestone) are not a viable economic resource. Therefore this objection has now been overcome and Officers consider the proposal is in accordance with policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

l) Community Infrastructure Levy (CIL)

Peterborough City Council now have an adopted CIL Charging Schedule. Peterborough City Council are obliged to collect the CIL from liable parties (usually either developers or landowners). All applications identified as CIL liable will incur a CIL charge. As this is an outline application we will not be able to issue a liability notice confirming the amount of CIL that is due until we receive reserved matters details. A CIL Questions form has been submitted by the applicant.

m) Public Consultation

The additional information submitted in respect of Highway, Drainage, Minerals and Waste, Archaeology and in response to Natural England’s comments is currently out to public consultation, and any further comments received in respect of this additional information will be reported to Members in the Update Report.

In addition the latest Natural England (NE) latest comments have been sent to the applicant for their response. Members should be aware that should the applicant fail to agree the provision of a financial contribution and securing the 1.7 hectares on site green infrastructure requested by Natural England, then NE previous objection would remain, and this is likely to lead to a further reason for refusal. Members will be advised of the applicant's response in the Update report.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Head of Development and Construction recommends that Outline Planning Permission is **REFUSED**

R1 The application site is located in the countryside, outside of the village envelope of the Limited Growth village of Barnack. The proposal for up to 80 dwellings, with 30% affordable housing provision is therefore contrary to Policy CS1, which restricts development in the countryside to that which is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services. The proposal does not meet the exception test of Policy CS8, as it is not proposing a higher provision of on-site affordable housing to meet a specific and demonstrable local need, in excess of the standard policy requirement.

R2 There is no need for this development because the City Council on 15th Jan 2016, published its 5 year housing land supply document, which demonstrates that the Council has a 5 year housing land supply. Therefore in accordance with the NPPF, paragraph 49, the policies of the adopted development plan are considered up to date and do not need to be set aside as per the NPPF in instances where a 5 year deliverable supply of housing land cannot be demonstrated. The proposal would therefore be contrary to the NPPF and Development Plan, as it constitutes housing in the open countryside where there is no demonstrable need.

R3 The proposal to erect up to 80 dwellings on this agricultural field adjacent to but outside of the village envelope of Barnack is considered to be of too large and of an inappropriate size and scale to be acceptably accommodated on the rural edge of the Village. It is considered that the landscape and visual impact of the proposed development, and its cumulative visual impact with the adjacent 41 dwelling Paynes Field development would have a harmful urbanising effect, inappropriate to character and setting of rural edge of the village. This is contrary to Policy CS20 of the Core Strategy, and Policy B& P 1 of the Peterborough Design and Development in Selected Villages (2011) Supplementary Planning Document.

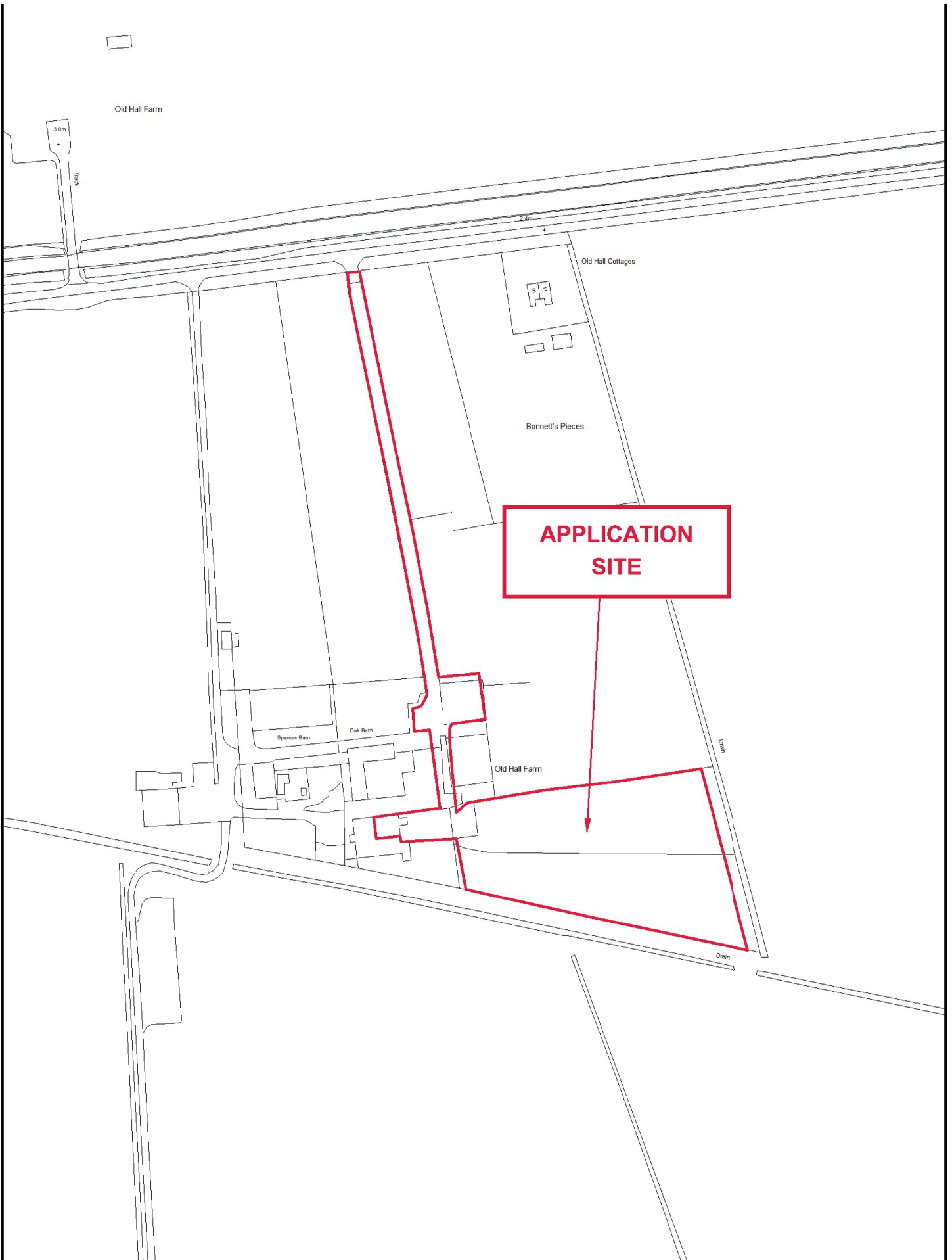
R4 The size and scale of the development proposed of up to 80 dwellings is considered too large for this Limited Growth Village and the facilities it contains, therefore the proposed development is not considered to be sustainable. The size and scale of development proposed would not accord with the locational hierarchy for new residential as per Policy CS2, which would direct this size and scale of growth to a Key Service Village or the City of Peterborough, because this would be more sustainable.

R5 The current application site makes a positive contribution to the landscape and rural setting of the village. Views out to open countryside from the conservation area help contribute to the character of the nucleated village form. A development of up to 80 units, positioned directly adjacent to the 41 dwelling Paynes Field estate, would create a dense form of development that would be out of scale at the village edge location where the historic form would expect to see a lower scale and less dense development. This would result in harm to the character and

appearance of the conservation area. Therefore it is considered that the proposal would have a harmful impact on the character and appearance of the of the Barnack Conservation Area and not accord with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is not in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations). As the harm caused would be less than substantial and in accordance with paragraph 134 of the NPPF this would need to be weighed against the wider public benefits arising from the proposal. It is not considered in this instance that any wider public benefits this housing development could bring would be sufficient to outweigh the harm caused to the Conservation Area.

R6 The application site is located within an area of high archaeological value where any surviving assets are expected to survive in good condition and could be damaged and destroyed by the proposed development. The application has not been supported with sufficient information to enable an assessment of the need for suitable mitigation, which may include the preservation if archaeological assets in situ, to be made prior to the issue of any planning permission for the development of the site. The application as submitted fails to comply with Policies CS17 of the Core Strategy, Policy PP17 of the Planning Policy DPD and paragraphs 128 and 129 of the NPPF, which seek to ensure protection for archaeological sites from unnecessary damage by development.

Copy to Cllr Over



LOCATION PLAN 15/02104/FUL

Battlefield Live, French Drove, Thorney

Scale NTS

Date 10/3/2016

Name AA Department Planning Services



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Application Ref: 15/02104/FUL

Proposal: Change of use for part of existing agricultural barn and paddock to Laser Tag activity area

Site: Battlefield Live, French Drove, Thorney, Peterborough

Applicant: Mr G Simons
Battlefield Live

Agent: Mr Steven Hall
Swann Edwards

Referred by: 1) Cllr David Sanders - Noise and the visual impact of the proposed 2 metre fence which is not in keeping with the local vicinity.
2) Cllr Richard Brown - Requests that Planning Committee considers the application
3) Thorney Parish Council - Requests the application is referred to Planning Committee so that a frank and open debate can take place

Site visit: 07.01.2016

Case officer: Mrs J MacLennan

Telephone No. 01733 454438

E-Mail: janet.maclennan@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings:

The site area is approximately 1.139ha and includes a paddock area enclosed by a timber post and rail fence and part of an agricultural barn. The site is located within Old Hall Farm to the south of French Drove which is within the open countryside, predominantly characterised by a flat fenland landscape. The site is accessed via an existing private access road off French Drove. Directly to the west of the site are two barns which have been recently converted to dwellings; Oak Barn which is occupied by the applicant; the other adjoining property is Sparrow Barn. There is a large agricultural building to the rear of Oak Barn. The site is set back from French Drove by some 275m. Other than the adjoining properties at Sparrow Barn, the residential properties closest to the site fronting French Drove are Oak Lodge approximately 231m away and Old Hall Cottages some 575m away. On Bell Drove, the road to the east, Bluebell House and Bluebell Cottage lie 400m and 320m from the site.

Proposal:

The application seeks approval for a change of use agricultural land and part of an agricultural barn to a Laser Tag Activity use.

The proposal will include a gaming area approximately 0.75ha which would be enclosed at the northern and eastern boundaries by a 2m high acoustic fence. Double row planting in native trees and shrubs would be located to the outside of the fence to prevent views of the fence and the structures used as part of the laser tag game play.

Within the gaming area a number of low level structures are proposed. The structures are constructed from timber and painted in green/brown and covered with camouflage netting and include:

- Gated entrance: A recycled timber constructed gateway with sign above. Width of gate 2.4m. Side panels at side of gate 1.2m x 2.4m.
- Octagon Defensive pill box: Overall dimensions covering an area of 4m by 4m. Height from floor to roof 3m. Materials recycled timber posts with recycled timber slatted sides. Roof material camouflage netting. Timber painted in camouflage green and brown External walls covered by camouflage tarpaulin
- Timber shed structures x 8: Dimensions of each building 4m long by 2.4m wide. Height 1.8m. Materials recycled timber panels with openings depicting windows and doorways. Recycled timber painted in camouflage green and brown with camouflage netting to roofs
- Timber shed structure: Basic wooden shed style structure. Open at sides with top and front covered in camouflage tarpaulin. Dimensions 3m x 3m x 2m high.
- Wooden barricades x 20: constructed in simple reclaimed timber post and trunk construction in natural materials. Dimensions 2m wide by 1m high. Painted green/brown with grass allowed to grow around
- Compound: Consists of fenced area 1.8m in height timber painted green with camouflage netting above. Overall dimensions 15m x 15m.

The operating times would be between 09:30 and 17:00 daily although the activity would operate primarily on Saturday and Sundays and school holidays. The participant activity limited to two daily sessions running between 10:30 – 12:30 and 14:00 – 16:00 allowing for reception, safety briefing and refreshment intervals. The game play times average 90 minutes per session or a maximum of 3 hours per day. The operating times outside the sessions would allow for staff preparation and clearing down time.

Part of an existing agricultural barn would be used to provide a reception/briefing area and for toilet facilities and as a shelter for light refreshments.

Since the initial submission additional information relating to noise has been submitted by the applicant. All contributors and neighbours were re-consulted. The neighbours were given a further 21 days to response. The consultation period expires on the day this committee report is issued and therefore any representations made following the despatch of the report will be provided in the update report to committee.

The applicant had an appeal dismissed in relation to a very similar proposal on land adjacent to the site. See Appendix 1 for a copy of the Appeal Decision Letter.

2 Planning History

Reference	Proposal	Decision	Date
11/00950/FUL	Proposed change of use from agricultural to Battlefield Live Outdoor Activity	Permitted	28/10/2011
13/01585/WCPP	Removal of condition C1 (temporary permission for two years) of planning permission 11/00950/FUL - Proposed change of use from agricultural to Battlefield Live Outdoor Activity	Refused Appeal Dismissed	16/01/2014 24/03/2015

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 3 - Rural Economic Growth

Should be encouraged through sustainable growth and the expansion of business/ enterprise including sustainable rural tourism/leisure developments which respect the character of the countryside, via the conversion of existing buildings and well designed new buildings. The retention and development of local services and community facilities should be promoted.

Section 8 - Social, Cultural and Recreational Facilities

Developments should plan for the provision and use of shared space, community services and other local services; guard against the unnecessary loss of valued services/facilities; allow established shops, facilities and services to develop/modernise; and ensure an integrated approach to the location of housing, economic uses and communities facilities and services.

Section 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS14 - Transport

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

CS18 - Culture, Leisure and Tourism

Development of new cultural, leisure and tourism facilities will be encouraged particularly in the city centre.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

CS26 - Mineral Safeguarding Areas

Development will only be permitted where it can be demonstrated that the mineral concerned is no longer of economic value, the mineral can be extracted prior to development taking place, the development will not inhibit extraction in the future, there is an overriding need for the development and prior extraction cannot be reasonably undertaken or the development is not incompatible.

Peterborough Planning Policies DPD (2012)

PP03 - Impacts of New Development

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

PP08A - (a) Tourism, Leisure and Cultural Uses in Villages/the Open Countryside

Permission will be granted for development of an appropriate scale; which would support the local community; is compatible with the surrounding character / would not harm the open countryside; is easily accessible; and is supported by a robust business plan.

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

4 Consultations/Representations

PCC Transport & Engineering Services – No objection - There has previously been a planning consent on the adjacent site for a similar activity to that proposed which was given temporary consent in 2011. The LHA originally requested details of the access however, these were not forthcoming and the application was approved. The submitted traffic data shows that the vehicle trips to the previous use were below the threshold with would require a Transport Assessment. An assessment of accident data within the vicinity of the site access has shown that there have been no highway safety issues associated with vehicles using the site previously. The LHA therefore raise no objection.

PCC Pollution Team - The Officer has reiterated the comments made under the former scheme. There is no specific guidance on assessing noise from such facilities unlike, for example, the comparison of the effect of industrial noise upon residential premises. The activity was subjectively viewed by acoustic consultant as similar in character to a football match. The gun noise was not considered to be an issue in that assessment. This is supported by objectors comments that the level of noise emanating from the site primarily due to voices shouting, screaming and laughing. Since there is no appropriate standard against which to assess such noise levels, a comparison with similar activities has been undertaken to attempt to describe the level of impact. The majority of noise from such activities emanates from shouting associated with general player and coach activity, spectators and the referee's whistle. The Officer has provided information on football pitches in Northborough and Glington and the Thorney Rugby pitch which are located near to residential properties to demonstrate the level of noise. This will be discussed further within the report.

The Officer concludes that in the absence of a standard for such uses, different views on acceptability are possible, there not being a right or a wrong way to come to any conclusion in these respects. This response has therefore focused on a comparison of noise levels between this activity and similar (albeit not exactly equivalent) activities, to help those form their own view of the acceptability of the proposal. It is advised that further consideration be given to mitigation for Sparrow Barn, Old Hall Farm.

PCC Wildlife Officer – No objection - Evidence of water voles was found in the ditch along the eastern site boundary. However, provided that a minimum five metre undisturbed habitat buffer is maintained alongside this ditch, and that the proposed hedgerow and acoustic fencing is installed, I am satisfied that water voles are unlikely to be affected by the proposal. The barn proposed for development has been adequately surveyed for presence of protected species, and that no evidence of current use by bats, barn owls or other birds was found. Details of the hedgerow, as proposed on the Site Location Plan and species details described in section 2.4 of the Design & Access Statement, appears acceptable. I would request that this hedgerow be provided as per the above

specification, to help ensure that the eastern boundary ditch containing water voles is protected from disturbance, as well as providing wider wildlife habitat benefits. This may be secured via a suitably worded condition. Subject to my recommendations being fully incorporated into the approved scheme the development will in my opinion result in no net loss to biodiversity.

PCC Tree Officer – No objection - The site is not within a Conservation Area nor are there any Tree Preservation Orders. The site is typical fenland arable land with no hedgerow boundary trees on the application site. Although there are number on trees close to the access drive which are unlikely to be affected by the proposal. The landscape proposals indicate a new native hedge around the northern perimeter. In principle there are no objections to this screening feature as it comprises of appropriate species and would easily blend into the landscape. There is no objection to the proposal. To secure the landscaping mentioned in the design and access statement at section 2.4, it is recommended that a suitably worded condition is attached to the decision.

PCC Minerals And Waste Officer (Policy) - No objection - The proposal site lies within a Minerals Safeguarding Area (MSA), designated due to the presence of reserves of sand and gravel which are considered to be of current or future economic importance. As such, any application, which is not on land allocated for development in other adopted DPDs, would need to be considered against Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS26 – Mineral Safeguarding Areas. The proposals do not include the provision of permanent structures which would sterilise the underlying mineral and the development in its current form cannot be viewed as incompatible. Any future applications for the site, particularly those that may include permanent structures, will also need to be assessed against policy CS26.

Lead Local Drainage Authority – No objection - the application details a change of use which would not have any surface water drainage considerations as such we have no comments or observations for this application.

PCC Rights of Way Officer - No comments with regards to Rights of way

Police Architectural Liaison Officer (PALO) - No objections, recommendations, or further observations

Environment Agency – No objections - We have no objection to the proposal as submitted, as the proposal would not result in an increase to the flood risk vulnerability classification of the development (as per the planning practice guidance). We support the recommendation of the supporting Design and Access Statement that the site owners will register with the Environment Agency's free Floodline warnings direct service, to receive advance warning of flood alerts.

Thorney Parish Council Two letters have been received

Letter 1 from Parish Chairman received on 12.01.16 – The Chairman explained Thorney Parish Council's role in the planning process and urged people to go to the Peterborough City Council planning committee to voice their views. The Clerk had received 5 objections and 7 supporting the application. Objections to the proposal were voiced at the meeting and the Council were advised that this application would cause the same distress as the previous operation. The applicant spoke at the meeting and advised that the new application has had full consultation with Peterborough City Council, with acoustic and environmental studies completed. Trip Advisor has rated the facility highly with games being able to be enjoyed by full and disabled body persons. All Health and Safety conditions are met.

Noise – children playing. Mr Simons did not believe that children noise was a problem. Peterborough City Council had never been called because of a noise nuisance nor had any other reports proved noise to be a problem.

Councillor Bevington was in favour of this application being approved but only if Peterborough City Council and their experts satisfy themselves, beyond any reasonable doubt, that the acoustic barrier proposals within the application overcome the noise problems that were of concern to the inspector

and which, understandably, remain of major concern to local residents. This was seconded by Councillor Rands as a Council policy and a vote showed 4 for the proposal, 3 against the proposal and 1 abstention.

It was requested that the application be referred to planning committee where all will have the opportunity to raise their opinions on the proposal.

Letter 2 from Parish Clerk re Parish Council meeting outcome received on 15.01.2016 – The meeting was carried out in a dignified way. The concerns of the objectors were heard first by Thorney Parish Councillors and these were noted by the Clerk. The applicant then put his views on the Application and his views were also noted. The Council supported this Planning Application by a majority vote. For your information there were far more supporters for this application than objectors present.

Whatever decision you make on this Planning Application please refer it to the Planning and Environmental Committee so a frank and open debate can take place.

North Level District Internal Drainage Board - No objection in principle. The Board's Charter's Drain forms the southern boundary to the site, therefore no development is permitted within 9 metres of the drain without the prior Land Drainage Byelaw Consent.

Cllr David Sanders – Objects I request that this application goes to Committee on the grounds of noise and the visual impact of the proposed 2 metre fence which is not in keeping with the local vicinity. As a Ward Councillor I am concerned that this application has gone ahead in virtually the exact same place as applications that were previously rejected by the planning inspector for a number of reasons which has been well documented. It is my opinion as a local Councillor that this application is wasting everyone's time yet again.

Cllr Richard Brown - Initially objected to the application and agreed with the views of Cllr David Sanders. A subsequent email advised that the Councillor had changed his decision regarding the application. In light of new evidence and a site visit the Councillor now requests that the application is referred to Planning Committee to re-consider this application.

Local Residents/Interested Parties

Initial consultations: 11
Total number of responses: 94
Total number of objections: 20
Total number in support: 74

20 letters of objection have been received. Letters have been received from 6 neighbouring occupiers; some of which have written several letters/emails. The following issues have been raised:

Previous application

- The policy provisions and the matter/issues for consideration remain exactly as set out in the decision letter from April 2015.
- The conclusions reached by the Inspector in respect of the key issues remain fully valid and fully justified.
- The submitted Design and Assess Statement (DAS) does not demonstrably and objectively demonstrate how the previous concerns and objections have been overcome.
- Given the terms of the appeal decisions, the applicant has chosen not to submit a new, comprehensive noise assessment.
- A previous appeal for a very similar application was turned down because "reasonable and acceptable forms of mitigation would not adequately reduce adverse effects from noise."

- The Inspector makes it clear that the majority of the residents objected due to the noise disturbance.
- As the Inspector's report points out the experience and sensitivities in regard to their close environment are completely different for local residents
- The Inspector considered the noise and disturbance would be unacceptable.
- The Inspector stated that 'the likelihood is that new noise sources, which would not normally be expected to be heard in the countryside, would be very noticeable'.
- The Inspector's view was that such a type of boundary treatment an alien feature contrary to Policy PP2 and lead to a conflict with Policy CS20 in that the design would not be sensitive to its landscape setting."
- The Inspector visited the site on 2 occasions and gives detailed reasons in her report as to why she dismissed the appeal.
- I'm astounded this application has been re-submitted in the face of such strong objection previously.
- We believe this application is an attempt to get around a previous refusal both by Peterborough Council and then again refusal on appeal.
- This new application is not significantly different and is still around 400m from our property.
- With the last application the applicant took no notice of restrictions and it would be the same this time
- A previous, temporary planning approval caused us significant upset during the period it ran for and when it ran on illegally.
- The only differences in this latest proposal are the change of title for the activity to "Laser Tag Activity", and that the game area is slightly smaller but there will be no fewer players.
- There were fewer participants in the first year of operating and the noise did not cause a problem
- The numbers increased the following year but when we complained we were advised that nothing could be done
- A condition making it a need to remove structures was previously ignored
- The Council have already stated that they do not have the resource to check that conditions are being adhered to
- The LPA should consider the likely effectiveness of conditions and whether they would be complied with
- There is no Development Plan policy basis for approving this proposed development and there is no evidence that the adverse impacts could be properly and effectively mitigated and controlled.
- The new planning application submission has failed to address and resolve the conclusions of the Inspector
- The adverse effects of the proposed development have not changed and the recent appeal decision should be upheld.

Neighbouring Amenity

- The new proposal includes the Barn which is even closer to us
- The use of the barn for induction etc is very noisy even with our windows closed
- There are windows within the west elevation that overlooks our property
- This type of intrusion so close to residents is not acceptable and there are other more suitable locations
- No noise barrier is proposed to the west
- It is everyone's right to be able to relax in their own property
- It is like living next door to a noisy recreation ground.
- Should this be allowed it would affect my quality of life and health and I would have to look at options to move home
- The use significantly reduces the quality of life for local residents.
- Balanced against the positive recreational benefits is the unacceptable adverse impact on the occupiers of nearby residential properties.
- The area is exceptionally quiet which is the main reason we chose to live here.

- The area is highly valued by residents
- Visitors remark on how lovely and peaceful it is out here.
- We cannot enjoy our outside space because of disturbance.
- I regularly visited my family in Bell Drove. Since the activity has been operating we refrain from sitting out in the good weather as the noise from screaming kids is very annoying.
- Our home is our sanctuary and gave up the conveniences of living close to amenities
- We made the decision to live here because it is an area that is exceptionally quiet where we can enjoy our garden as a family especially during weekends and school holidays.
- When this site was previously operating we were unable to use our gardens at all at weekends and visitors found the noise intrusive
- I am aware that one of our neighbours did explain to PCC and the Parish Council that they went away at the weekends as the noise was intolerable and therefore could not complete the log but they did not say it was not noisy.

Inaccuracies with application

- The location plan showing the distant to residential properties does not include our property which is much closer
- The noise is longer than the 2 hour event
- It is stated that the playing area has been reduced by 49% but it has increased from 0.75ha to 0.86ha. The play area is confirmed in the Inspectors Report.
- In an effort to mislead the planning system the applicant has once again manipulated the facts to make it appear that he is downsizing.
- The operating times have increased. There is no requirement to open earlier unless he plans to operate 3 sessions per day.
- There is no limit on numbers – The applicant has advertised on the internet that he can accommodate 60 participants at any one session.
- The numbers will just escalate to fit in as many people as possible.
- With the perceived increase in the number of participants and the increase in the number of sessions the noise will be even more intrusive
- It would be impossible to restrict and enforce the number of participants or the number sessions.
- Any reference to the games popularity or that kids love it be deemed inadmissible and not passed onto the planning committee as these are not planning issues.
- The applicant claims to have taken advice from the relevant departments at the City Council to ensure the application would be acceptable.
- We feel the applicant is merely trying to wear us down in resubmitting the same application again.
- New information has been submitted. This is a repeat of what happened the last time. The information should be submitted with the original application. Will we have the opportunity to comment?
- Sound modelling has now been submitted. I do not understand why the applicants have been given another 6 weeks since the deadline for our objections to provide documents that they have had more than 9 months to collate. *Officer response: The applicant has not been given any additional time. The application was referred to planning committee and therefore the timescale for determining the application has been extended.*
- We have not received the same amount of time and unlike the applicant and if the Council approves this application do not even have the opportunity to appeal against the decision.
- I do not understand why this application is taking so long.
- The noise data and emails show that this was sent to the Council on the 8th February and it has only just been added and had it been provided earlier all local residents could have had the opportunity to comment especially on some of the inaccurate information provided.
- There is no limit on structure size – Any condition set by the Council to limit the size of structures would be ignored

Visual Amenity

- Section 2 address landscaping and the appearance of the various buildings. However, again the approach is one of descriptive narrative with no objective analysis in terms of the issues identified and listed by the Inspector especially under the “character and appearance” section of the decision letter (paragraphs 23 to 30).
- The fence is a unique landscape which is not appreciated by those who do not live here
- The fence will not enhance or blend in with the landscape as the Planning Inspector also highlighted in her report
- The fence will be totally alien to this landscape
- The impact both visually and with regard to noise is much greater than would be case in a different landscape
- This type of Activity should be sited away from residential areas and on a route for public transport, with less impact on the traffic and the environment.
- The area is not suited to having a commercial/industrial business
- I note that there is already a Laser Tag establishment available in a more accessible and non-residential location in Boongate Peterborough.
- The structures that were used on site were 2m in height – these will be seen above the 2m high fencing and could be much higher.
- I will have to spend many years looking out at this ugly fencing should this application be approved.
- The 3D images do not provide a realistic view of the fencing as hedges have been added and they will take many years to hide the fence.

Trees

- A 3 metre high, mixed native hedging would take years to grow to provide a screen
- Any mitigation using genuine noise-cancelling fencing would be cancelled out by the detrimental visual effect on the landscape.
- Despite the applicant having had several years to establish the promised hedging, to date there is still only a small amount of very immature hedging
- The hedging would fall victim to rabbit damage (an excuse previously used by the applicants for lack of screening).
- The hedging planted in 2014 has shown no signs of growing, so any future hedging would take 15 years to grow.

Noise

- It is expected that the DAS would have explicitly addressed paragraphs 3, 4, 38, 39 and 40 of the decision letter, but the contents simply do not do that.
- The DAS mentions various suggested mitigation measures but without any actual assessment of the impact of those mitigation measures on the identified and recognised significant environmental effects of the proposal.
- Section 2 of the DAS then addresses the detailed design of the proposal accompanied by generalised statements such as “the site boundaries have been designed to take into account the location of the existing neighbouring properties to create minimal visual and noise disturbance.” However, in the absence of evidence based assessments of significant effects in the light of the findings of the Inspector such generalised statements are meaningless.
- The location of the facility is in a generally very quiet rural area
- Due to the noise character it would be very noticeable in the countryside location.
- The type of noise from the site is not in keeping with that of an agricultural area
- The area has low background noise levels
- When the site was previously up and running we could hear screaming and shouting from the Outdoor Activity when we were in our garden
- If games were in progress the noise was impossible to ignore – the noise was more or less continuous.
- Reasonable and acceptable forms of mitigation would not adequately reduce the adverse effects.
- I do not believe that the proposed fence will reduce noise significantly

- Lack of control of numbers will only exacerbate the problem of noise
- The extended opening hours will exacerbate noise levels
- MAS Environmental state that there will be no further protection offered by the 2m high acoustic fence or by moving the game play area.
- Based on modelling using industrial standards it has been proved that that the noise levels will remain the same at current participation levels and session numbers
- I have a 2.5m mature hedge around my property and it does not filter or reduce this type of noise whatsoever.
- July would have been the ideal time to conduct more sounds tests to ratify the applicants claim that this operation produces no noise nuisance.
- The noise that this activity creates is totally unbearable, which will only get worse during summer months when all we want to do is relax and enjoy our garden instead of being imprisoned inside our house
- As my property is down wind of the prevailing wind I do not believe the slight change in location will make any difference to the noise disturbance we suffer.
- MAS (Environmental) our noise consultant also maintained that a barrier would have limited effectiveness due to the spatial relationship to the participants within the playing area.
- The MAS report also states the proposed changes and confirms that they are not
- I do not understand why the applicant didn't commission a sound report addressing the Inspectors comments.
- The applicant claims on average noise only occurs for 17 seconds a day - proper recordings can only be carried out when weather conditions permit.
- The attendance figures for 2014 are provided and a calculation of an average of 26 participants per day is included. The actual figures are much higher than this.
- The average of only 14 participants in January and February also provides evidence that the numbers are significantly lower at this time of year.
- When the planning officer undertook a site visit on a Saturday in December 2013 was in the winter then the noise was not a true reflection of the noise in the summer. The planning officer confirmed that she could hear voices.
- The age of the participants is also an important factor and if the participants on this day were older children or adults then the noise is lower
- Because of the flat landscape sound carries a very long way
- The noise from the gaming facility will be very loud given how close it is to my house
- There is noise every weekend and Bank Holidays; times when I should be enjoying the tranquillity
- The applicant continues to ignore the property adjoining his who are severely affected by the noise nuisance.
- Why this property has been ignored - it doesn't suit the applicant to acknowledge that someone who his acoustic engineers would identify as being likely to object/complain have indeed done so.
- We could not provide lots of sound testing information was because we had only a very short period of time from the previous application being refused to the Appeal being submitted.
- Are noise assessment was undertaken in Feb 2014 in bad weather condition and we were unable to make recordings in these conditions. We kept the sound equipment for 2 weeks making every effort to make what recordings we could but in addition to the bad weather there were fewer bookings and participants at events at this time of year and we were unable to provide much data as a result of these circumstances.
- However even in these conditions some shouting could be heard at our property and words could be understood.
- The applicants have constantly used our report out of context and tried to claim it proves it is not noisy although the Inspector did not concur with this in her report. As stated in the Inspectors Report the majority of the local residents have objected to the continuation of Battlefield Live.
- The applicant carried out a sound test for only one session, also in the winter and yet he had every opportunity to take numerous recordings last summer.
- We were informed at the January Parish Council meeting that hundreds of children had attended sessions celebrating the end of school year.

- The applicant had every opportunity to record these sessions and had we known he would be submitting another application we would have recorded them for him!
- Had I been asked to do it I could easily have provided this information although as Mr Simons does not believe the site is noisy he would have claimed as always that I am lying so it would in fact have been a pointless exercise.
- I do not believe any local resident who complained has said that there was insufficient noise to record.
- The Inspector's decision states "it has not been demonstrated that the harm to living conditions would be satisfactorily mitigated". This appeal included an acoustic fence as a form of mitigation and no significant change has been made.
- PCC's representative at the previous planning meeting informed the Committee that a fence would not provide a reduction in the noise due to the type of noise.
- Our acoustic engineer confirmed this and was of the same opinion.
- The applicant has stated that his acoustic engineer says the acoustic barrier will achieve a significant reduction in noise emissions.
- Our acoustic engineer says it will make no difference.
- The Applicants acoustic engineer provides an opinion only and more thorough testing could have been carried out last year.
- The average in the summer was 35 which means at times the numbers would be even greater than this – a sound test during these games would have provided far more accurate and realistic/believable data to model the proposed barriers on.
- Unlike the applicant, the objectors have commissioned an updated noise assessment by MAS Environmental.
- The assessment concludes that the new application proposes no change in the magnitude of the noise impact to which residents will be exposed
- The facility does not compare to a football/rugby match as these are played in winter

Parish Council

- I trust that, in the interests of local residents, The Parish Council will object to the resubmitted plans.
- I would like confirmation in whether the Parish Council will be supporting or objecting to the application.
- We and the other local residents living close to this site were not invited to the Parish Council meeting.
- We trust you can support us in objecting to this new application and assume there will be no preference shown to this application because Mr Nigel Symons is a member of the Parish Council.
- We can only assume that the applicant believes his association with local councils will bring about a different result
- I trust that, in the interests of local residents, will object to the resubmitted plans.
- I am still part of the Parish of Thorney and expect the Parish Council to act on the local residents' behalf.
- Yet again this Parish Council are evading the issues of local residents because one of the Parish councillors is influencing decisions that should be in the interests of those local residents affected.

Intensification

- If the activity area were to become fully operational, it would affect evenings and weekends resulting in a significant impact.
- The Inspector pointed out if the business is successful, to be sustainable, the applicant will wish to expand the activity/the hours of play, which would compound the problem

Conduct of applicant

- The applicant has not approached matters in a neighbourly or considerate fashion. He has reacted to frustration by antagonising most of the local residents.

- His promises to provide barriers or screening to mitigate the impact have not amounted to anything and are not to be trusted.
- The applicant does not appear to appreciate this quality of peace and tranquillity.
- He has never shown any understanding or acknowledgement of the disruption and distress he caused to the local residents quality of life, psychological and physical health.
- He has never made any effort to consult with us or try to anticipate problems that might arise.
- The applicant continued the activity after the notice time to quit apparently insisting he had permission.
He has been quoted in the Local Press saying the reason he was refused planning was because, we local residents who had objected had twisted the facts and falsified our complaints
- Conditions put in place by the Council to protect residents have already been ignored so we have no assurance that this will not happen again
- With the applicants previous track record he will more than likely do this to further maximize profits.
- What can be done therefore to stop the applicant building a 10m high lookout tower
- The applicant boasted about having over 300 children participating at their end of school year parties. This clearly shows that the applicant is more willing to make a profit rather than abide by the laws of this country
- At a recent PC meeting the applicant spoke of his family's dignity, integrity and honesty and reliability. This is a business that ignored the conditions made by the Planning Committee and who ignored the enforcement notice and continued to operate for a further 13 weeks.
- I won't highlight the social media campaign to portray us as pariahs of society where we don't want disabled children to play as it's not a planning matter
- He has also slated the Planning Inspectors professional integrity by stating that "It seems to me the inspector has used false statements from residents/neighbours. I was told the inspector would only use facts
- we are all NIMBYs who cannot bear to hear the sound of children having fun"
- We also provided copies of bookings for 30 and 40 participants despite the applicant claiming that the maximum was only 20
- The applicant has stated that the use is no worse than a children's football match."
- He also wrote "it's a shame that facts have been distorted. I guess people are just worried that the business will affect their house prices." As I do not want to move the value of my house is of no consideration to me or my family but the enjoyment of our garden is. Mr. Simons appears to agree that the site is noisy and visually intrusive when he makes this statement because if the site blends in and doesn't make a noise then his business couldn't possibly affect the value of our house.
- The applicant attempts to intimidate us, accusing us and other residents of lying on social media sites, at public meetings and even driving around sounding his horn early in the morning and taking photographs of residents, who had objected to this business, out walking in the local area including unaccompanied children.
- I kindly ask you to seriously consider the character of the applicant who, during the previous application displayed behaviour which was rude, inconsiderate, manipulative and, frankly, rather worrying.

Health implications

- The effect on me during the two plus years the Activity was running was a deep sense of unease and depression
- My walks and enjoyment of the surroundings were spoiled by the presence of the site - large posters of people dressed in battle gear brandishing large guns, which felt totally out of place and intrusive.
- On my walks I felt almost shrunk in on myself, on the defensive, rather than my previous sense of relaxation and enjoyment.

- The process of objecting to the previous applications and challenging the applicant's appeal was extremely stressful and anxiety provoking for us.
- I've had medical advice to avoid stress and spend spare time relaxing. Our garden was the environment in which we did this before Battlefield Live.
- My son is particularly affected by sudden, uncontrolled and unexpected noises. He enjoys being on his trampoline, he would not have this vital opportunity to relax and reduce stress and will have a detrimental impact on his health and well-being.
- We moved to a quiet area to try to reduce/avoid the impact of this and make our home a place where my son could relax and feel safe.
- I enjoy using my trampoline especially in the summer as it helps me relax
- I hate loud and unexpected noises and when Battlefield Live was open I stopped using it.
- The screaming and shouting was horrible and really annoying and I didn't go outside at all.
- It was great being able to use it again in the summer holidays last year
- I am suffering from acute depression and anxiety
- The constant, traffic and noise - the noise is my main concern - will push me over the edge of sanity
- If this application is granted, then for me, you will be making a life-changing decision and not for the best for my future health.

Traffic

- It was difficult to walk along the road with people arriving and departing from the site, with many cars passing at short intervals causing me to take to the verge every few minutes.
- I only saw a minibus arriving on one occasion. visitors to the Activity often arrived in clumps and also did not adhere to speed limit to respect the safety of residents
- If this application is approved and the numbers do increase this road will become a danger to local people.
- There are no pavements and if extra sessions are squeezed into the day there will be traffic moving in both directions on this road many times each day and verges and safe places for pedestrians to walk, cycle etc. is limited.
- Many people including young children walk dogs, ride bikes and horses on these roads. Are there a maximum number of vehicles or an increase in the number of vehicles in relation to the current users on this road that would make it dangerous?
- I do not believe adequate surveys have taken place or due consideration given in regard to the actual significant increase there would be on the number of users on this road should this application be approved.
- Concerns have been raised about the volume of traffic already using the Crowland Road (B1040) and surely a large increase in vehicles for this activity will impact on this road as well.
- I have little faith in the accuracy of the traffic survey
- Concern regarding increase in traffic and safety issues.
- Section 3, plus an appendix, address access and traffic aspects. Although these matters are a cause for concern as detailed in earlier objection submissions they were not aspects that gave rise to a significant objection in the view of the Inspector.

Wildlife

- We are concerned that this activity will disturb bats habitat.

Misc

- The proposal is to use the existing toilets in the grain store which drain into a shared treatment system. I have to unblock the system 2-3 times a week when the events are on.
- I have been advised that the system is being overloaded and discharging into the Dyke illegally.
- When we purchased the properties jointly it was done in mind that it would be somewhere peaceful to retire to.

- The Restrictive covenant gave me peace of mind that the site should only be used as 2 dwellings and no commercial activity - (check the planning consent for the barn conversions – does it include the Barn (restrictive covenants)
- Planning was granted for the barn conversion on the understanding there would be no further development if this development is approved, I would not be surprised to see more creeping development

The case officer is mindful that there is a lot of discontent between the applicant and neighbouring properties. Whilst all of the comments have been recorded for the purposes of transparency some of the issues raised are not material planning considerations.

74 representations have been received supporting the application. The comments made are summarised below:

- Fantastic place for children and adults
- Will be such a shame if it doesn't reopen
- I would very much like to see the laser tag return to Peterborough
- It's a great place to get the children out in fresh air
- I do not see any problem with the site
- The site was neat and clean and a lot of effort and care was put into constructing and maintaining the site
- The staff were all very professional and the business seemed well run and managed
- It seems unobtrusive and doesn't appear to impact on the surrounding area
- It provided an age appropriate military style experience for my son which he would have otherwise not been able to enjoy.
- I have used this venue numerous times and work within the children's residential care sector.
- This activity has provided many happy and fun days out for our children and it is a great way to have fun, socially interact and focus.
- I have visited on several occasions.
- My Children love it, it provides great team building experiences in a safe outdoor environment.
- Peterborough is lacking in facilities such as this
- It is very difficult to see the site from the road, it is not an eye-sore.
I think this is/was a great asset to the area as there is nothing else quite like it.
- The whole family aged 4 years to 76 years have enjoyed dashing round and having ridiculous amounts of fun!
- As the price is so reasonable
- Family friendly especially as our boys are just too young to do paint balling.
- A fantastic addition to the local community - can't wait to get it back!
- If a child went to a birthday party here you could guarantee every child there wanted their own party
- I beg you to allow this business to be allowed to reopen and to continue
- The actual facility was set back from the road (to the extent that on our first visit we missed the turning twice!).
- It is rare that in this day of computers and Gaming that a facility is provided for kids that offers them the gaming world but actually outside in the fresh air
- parents and children can interact in a gaming world
- Great trip for pupils
- I think Peterborough would be missing a trick getting rid of this draw to the area. It is rare that such a healthy outdoor sport / activity is so open to all
- We are looking to travel further afield, to another site in Bedford or possibly Leeds

- The positive factors completely outweighed the few negatives
- The facility is extremely popular, with some customers returning twice, sometimes three times a month.
- I used Battlefield live on a regular basis for customer events
- Great value for money
- The position of the site could not be more perfect, far away from its nearest neighbour.
- I can only presume that noise is in some sense a personal judgement about what is reasonable or unreasonable
- With all the new housing being built in Thorney I feel it is an added bonus for the village.
- I visited the Cambridgeshire Area with my family. We spent around a week in the area, on the last day we visited the Battlefield Live Site in Peterborough and had an absolutely fabulous time.
- Surely we should be supporting outdoor physical exercise?!
- Myself, kids and even my 70 year mother have played (she loved it)
- I live approximately 600m west of the site and have rarely heard any noise from the site
- We have quite intrusive traffic noise form the A16 which is over mile away
- As long as the Planning department is satisfied that noise has been addressed I see no reason to object
- Please let common sense prevail and avail people with a fun recreational activity that promotes team work and fitness

5 Assessment of the planning issues

Background

The Local Planning Authority (LPA) was initially approached by the applicant in 2011 when a pre-application enquiry was submitted for a change of use of part of an agricultural field to 'Battlefield Live' an outdoor gaming concept using infrared technology. An application was approved in 2011 (11/00950/FUL) for a temporary period of 2 years to enable the LPA to monitor the use and assess the impact on the amenity of neighbouring occupiers and the visual amenity of the open countryside.

In 2013 an application was submitted to remove condition 1 of planning consent 11/00950/FUL which granted a temporary consent for a 2 year period, to allow for a permanent change of use (13/01585/WCPP). The proposal included the permanent positioning of low level structures constructed from timber and painted in green/brown and covered with camouflage netting. The use would operate 2 sessions per day each session lasts approximately 90 minutes. It was proposed that there would be a maximum number of 30 participants for each session. The application was refused by Members of the Planning and Environmental Protection Committee on 17th December 2013 for the following reasons:

R 1 'The site is located in a flat, open and sparsely vegetated open countryside location where background noise levels are low. The proposal has during its temporary period of operation resulted in noise levels that have caused unacceptable disturbance to nearby residents and which are of a nature which is not compatible with the open countryside character of the area. No reasonable way of mitigating the noise has been identified. The proposal is therefore contrary to the provisions of: Paras 122 and 123 of the NPPF, Policy CS18 of the Peterborough City Council Core Strategy 2011 and Policy PP3 and PP8 of the Peterborough City Council Planning Policies DPD 2012'.

R 2 'The site is located in a flat, open and sparsely vegetated open countryside location. The game play structures are in place and are unsightly and can be clearly seen from a wide area to the detriment of the visual amenity of the area. Whilst landscaping could be provided in mitigation, this would take many years to become established and it could not be guaranteed to be maintained at a height where the game play buildings are suitably hidden from view. The proposal is therefore contrary to the provisions of: para 109 of the NPPF, Policy CS20 of the

In March 2014 the applicant appealed the decision of the LPA. The application was subsequently dismissed by the Planning Inspectorate on 1st April 2015 (See Appendix 1).

The Inspector concluded that whilst the activity centre was a small scale development that improved the range of recreational facilities *'Balanced against this positive factor is the unacceptable adverse impact on the occupiers of nearby residential properties. It has not been demonstrated that the impact is able to be overcome satisfactorily by the use of planning conditions'*.

In addition the Inspector considered that an important constraint was the quiet rural location and *'the use significantly reduces the quality of life for local residents. Reasonable and acceptable forms of mitigation would not adequately reduce the adverse effects'*.

It should also be noted that whilst the effect of the acoustic fence did not form part of the Inspector's conclusion the decision letter does state that *'Such a type of boundary treatment would be an alien feature within the open landscape and be visually intrusive. The inclusion of the barrier would result in the proposal being contrary to Policy PP2 and lead to a conflict with Policy CS20 in that the design would not be sensitive to its landscape setting'*

The former site used for the laser tag activity under the temporary approval 11/00950/FUL has been reinstated to its former use as paddock land.

This application attempts to address the reasons for refusal and to overcome the planning constraints and views of the Planning Inspector which is a material planning consideration. Reference will be made to the Inspector's decision throughout this report.

a) The principle of the change of use

The Laser Tag Activity Centre – 'Battlefield Live' is an outdoor competitive team-oriented combat game using custom built guns that emit and detect infra-red beam. It involves two competing teams. The game takes places within an enclosed area and with low level structures of a temporary nature. The area proposed under this application is approximately 0.75ha. The scale of the proposal is considered to be relatively modest.

The site is located within the open countryside where development is restricted under Policy CS1 of the Adopted Peterborough Core Strategy to that which is demonstrably essential to the effective operation of outdoor recreation. It is considered that the activity requires a large area of land which would be difficult to find within the urban area.

Policy CS18 of the Adopted Peterborough Core Strategy and policy PP8 of the Adopted Peterborough Planning Policies encourage the development of new cultural, leisure and tourism facilities that will improve the facilities that the city and surrounding areas have to offer subject to the proposal meeting other planning considerations.

In addition, the NPPF supports the attraction of tourists to the rural areas however, the main benefit from the proposal is that such uses encourage outdoor exercise and activity with the subsequent health benefits. Section 8 of the NPPF states that the Planning System can play an important role in facilitating healthy communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

There is also a presumption in favour of the principle for the change of use of agricultural buildings and land within its curtilage to commercial uses which is supported under Class R – *agricultural buildings to a flexible commercial use* of the Town and Country Planning Permitted Development Order (2015) subject to the Local Planning Authority assessing the impact of the development on inter alia 'noise impacts of the development'.

The site is outside the village settlement boundary of Thorney and Eye, however both villages are designated as 'Key Service Centre' with anticipated growth and it is therefore considered that the venue would serve a local population area.

It is apparent by the number of supporting representations that the facility has been very popular and has provided a high level of enjoyment for both children and adults with all abilities in a safe location where participants can benefit by the outdoor activity in the fresh air. The facility has provided an alternative experience for birthday parties. It is stated that there is not another site like this one nearby and people have to travel significant distances to experience the activity.

However as noted in the Inspector's decision 'balanced against the positive factors is 'the unacceptable adverse impact on the occupiers of nearby residential properties'. The location is in a generally quiet rural area and the Inspector considered this as 'an important constraint and the use significantly reduces the quality of life for local residents'. Under the former scheme the Inspector contended that 'reasonable and acceptable forms of mitigation would not adequately reduce the adverse effects'.

b) Neighbouring Amenity

The main consideration in terms of neighbouring amenity is the noise implications resulting from the activity. The background noise of the area is considered to be particularly low given the rural location and the open character of the area. The main noise arises from the shouting and voices of the participants.

The applicant submitted a noise assessment (dated February 2014) in support of the appeal. A noise assessment was also undertaken by noise consultants acting on behalf of a neighbouring occupier (dated April 2014). Both reports were considered by the Inspector.

In the Inspector's assessment of the acoustic reports reference was made to the NPPF and in particular the Noise Policy Statement for England (the NPSE) and the Planning Practice Guidance. The Inspector considered that *'using this criteria the applicant's acoustic report concluded 'that the impact is at either the No Observed Effect Level or Lowest Observed Adverse Effect Level (LOAEL) in the noise exposure hierarchy. With mitigation in place in the form of an acoustic fence the impact was considered to be more likely the former. However, these conclusions were derived from a comparison of the predicted noise levels at residential properties against the chosen BS and WHO guidance, rather than a consideration of the perceived change in the quality of life and the degree of change in the behaviour and/or attitude of residents'*.

The Inspector was mindful of the level of objection from nearby residents. *'Neighbours have stated that they have been unable to enjoy the peace and quiet when in their gardens because of the annoying and intrusive noise, which was likened to a football game or playground noise with screaming and shouting. More specifically, one resident stated they tended to go away at weekends to avoid the noise. Another family described how on warm days when windows are open the noise interferes with concentration and so windows have been closed. Valued rest and relaxation when at home from work has been affected. Visitors have preferred to sit inside with windows closed. The occupiers of the nearest house said they couldn't sit outside and relax due to the noise from the battlefield and that they still were able to hear the noise with windows shut. The noise from the guns was audible. Another resident stated that the home was chosen for the quiet and isolation. Having been ill, the home was a sanctuary and the resident was concerned that hearing the sounds of warfare would impact on their mental health'*.

The main issue was whether the impact would be unacceptable and would significantly affect health and the quality of life of residents. The Inspector identified that *'the likelihood is that new noise sources, which would not normally be expected to be heard in the countryside, would be very noticeable'*.

The applicant recommended an acoustic fence as an effective mitigation measure. The barrier was estimated to reduce noise levels by between 4dB and 7dB. However, this proposal was at the time

contradicted by the resident's noise consultant who stated that this would have limited effectiveness due to the spatial relationship to the participants within the playing area. The Inspector considered the evidence to be 'inconclusive'.

Furthermore, on the former scheme the acoustic barrier was indicated to be erected along the boundaries to the gaming areas rather than the boundaries to the site. As a result the north eastern part of the site would be outside the acoustic barrier. The Inspector cited in her decision that there was some ambiguity as to the site area and no control on restricting the gaming area should the use become more popular in the future.

The scheme as now proposed has relocated the gaming area an additional 110m further within the site. It is proposed to erect a 2m high acoustic fence along the northern and eastern boundaries of the play area. In this current scheme the acoustic fence is positioned around the gaming area which is consistent with the site plan and there is no additional area into which the gaming area can extend. The erection of the permanent acoustic fence would provide control over the expansion of the game play area. It is considered therefore that there is more certainty with the current scheme as the potential expansion of the facility. The proposal also includes the planting of a mature native hedge comprising of double staggered rows maintained to a height of 3 metres to screen the timber structures/fence. It is considered that this would be difficult to condition.

Further update letters from the acoustic consultants acting for both the applicant and a neighbour have been submitted.

The update letter from the from Noise consultant [Acoustic Associates] dated February 2016 acting on behalf of the applicant has stated that the relocation of the gaming area is not significant in terms of acoustics for the principal receptors shown in the report. MAS consulting, who are working for one of the complainants, also do not regard the relocation as significant in terms of acoustics.

The letter goes on to advise that there are no criteria for this type of event so both assessments referenced the following, British Standard BS 4142:1998, World Health Organization Guidance and British Standard BS 8233. British Standard BS 4142:1998 is now withdrawn and its replacement (British Standard BS 4142:2014) states that sporting noise is no longer covered by this standard. British Standard BS 4142 was the most onerous standard used in the assessment and the only one which considered noise emissions may be at a level likely to attract complaints at the nearest of the neighbour properties identified (Oak Lodge, French Drive).

The letter confirms that the new barrier in the new location is predicted to perform as well as the previously proposed barrier around the old game location and is likely to achieve a significant reduction in noise emissions to the nearest residents. (It is assumed that the reduction would be between 4dB and 7dB).

The letter refers to the latest MAS report (reference BL160111). It states 'like their previous report it makes no reference to any established criteria or other published works in forming its conclusions and is reliant on the opinion of Engineers who have listened to audio recordings of, but never witnessed, an event at the site.

An update letter from the noise consultant (MAS) acting on behalf of a resident has been received. The letter states that modelling has been undertaken on the distance from the source to Bluebell House for the original location and the new location and found no change in the magnitude of predicted maximum noise levels. The letter states that the shout and voices are modelled in the region of 9-14dB above the background noise level. The noise will occur primarily during periods when residents expect to use their property for rest and relaxation. It is considered that the new application proposes no change in magnitude of noise impact to which residents will be exposed.

All the reports and update letters have been considered by the Noise Pollution Control Officer. The case officer also requested the 'predictive model' used in the assessment by Acoustic Associates be provided as this may have been useful for the Noise Pollution Officer in his consideration of the information. The Officer has reiterated that there are no accepted standards for comparing any predicted levels against in these instances (unlike, for example, the comparison of the effect of industrial noise upon residential premises [BS4142:2014]). Subjective assessments are the most suitable way of judging the likely acceptability. It is for this reason that a recommendation was previously made by Pollution Control for a temporary permission to establish the likely acceptability of the proposal.

During the period of the temporary permission this Section received one complaint, via Planning Enforcement, in May 2013 regarding this activity. Since the permission [ref 11/00950/FUL] was to expire imminently at that time, and the nuisance investigation procedure involving the completion of log sheets, would not be completed within an appropriate timescale, the complaint was referred to Planning Enforcement for consideration as part of the decision on whether or not the activity be allowed to continue.

The EHO Officer advises that the activity has been subjectively viewed by an acoustic consultant [Acoustic Associates Feb 2014] as "akin to a distant football or rugby match". The gun noise was not considered to be an issue in that assessment. This is supported by objector's comments that the level of noise emanating from the site is primarily due to vocals from participants during the game and cheering at the end of the game when results are read out.

Since there is no appropriate standard against which to assess such noise levels, a comparison with similar activities has been undertaken to attempt to describe the level of impact. A comparison is made with football/rugby noise. There are also no noise limits/standards for such activities in any approved guidance documents. The majority of noise from such activities emanates from shouting associated with general player and coach activity, spectators and the referee's whistle.

The Officer provides an example for noise levels for a boys football match at 10 metres from a single pitch boundary are quoted as:

Ambient noise level LAeqT = 54 dB

Peak noise level LAMAX = 76 dB

For comparison purposes Glinton football pitch is 30 metres from residents and Northborough football pitch is 20 metres from residents. Thorney Rugby Pitch is 70 metres from residential premises.

Using the data from the above, and assuming player noise, supporter noise and referee whistle blows are of a similar amplitude for football and rugby, this would equate to noise levels from games in residential gardens at these locations as indicated in Table 1.

	LAeq	LAmx
Glinton Football	49dB	66dB
Northborough Football	51 dB	70dB
Thorney Rugby	37dB	49dB

Table 1: Predicted Noise Levels Associated with Sports Activities in Residential Gardens

The separation distances for the Battlefields site to the nearest residential properties are indicated as being at a much greater distance than any of the above activities [Figure 1]: 231m, 320m and 400m.

The benefit of the acoustic fence was considered at the appeal stage resulting in a 4dB to 7dB reduction of noise. Both the acoustic reports agree that the greater separation distance to residential properties would not result in a material change to the former siting of the gaming area.

Noise levels (LAeq) predicted for the Battlefields games for the previous application site were indicated as between 34-46dB(A) (without the indicated fence) [Acoustic Associates Feb 2014].

With an acoustic fence, those values were anticipated to be reduced by an additional 4-7dB [Acoustic Associates Feb 2014]. The level of barrier reduction that would be achieved in reality has been questioned [MAS Environmental April 2014].

The separation distances for the currently proposed site [15/02104/FUL] are greater than those for the previous application site [13/01585/WCPP] for most neighbouring properties, therefore there will be a small reduction in the predicted noise levels.

The applicant's consultants have provided noise contours indicating predicted noise levels for the currently proposed application site. From the noise contour map it is predicted that residential locations will have noise levels (LAeq) similar to, or less than, that projected for Thorney Rugby Club. However, the property indicated as most impacted from the above contour map is Sparrow Barn, Old Hall Farm. It can be seen from the contour map that although there are a number of buildings affording protection to this property, the gaps in those buildings allows noise to "leak" through to the garden area of the premises. It is recommended that further steps be taken to consider the opportunity to mitigate this noise impact from the development.

From observations of the noise character indicated above, it is however the maximum noise levels that require particular consideration. "Max" noise levels associated with the facility were measured as in the order of 70dBA at approximately 80 metres [Acoustic Associates Feb 2014]. (These levels are considerably greater than other author's measurements for other sporting leisure activities). Bluebell House is approximately 400 metres from the proposed site. Therefore "max" noise levels at Bluebell House may be predicted to be approximately 56dBA. "Max" noise levels measured by an objector's consultant [MAS Environmental April 2014] at this location appear to be of a similar order of magnitude [Figures 3 and 4]. These "max" levels can be compared to the predicted "max" levels in Table 1.

The Officer considers that the noise levels associated with the proposed activity are therefore indicated as likely to be of a similar magnitude for other leisure activities which have not given rise to complaint. Each person is entitled to a view as to whether these activities are comparable because of their location, nature of use, frequency of use, etc. In the absence of a Standard for such uses, different views on acceptability are possible, there not being a right or a wrong way to come to any conclusion in these respects. This response has therefore focused on a comparison of noise levels between this activity and similar (albeit not exactly equivalent) activities, to help those form their own view of the acceptability of the proposal.

The comparison to the site to a football/rugby pitch has been refuted by neighbouring occupiers as they are played in winter and last for shorter period. The Officer was merely trying to place the facility within a similar noise category, the similarity has been explained and they are both competitive sports. This was to help those form their own view of the acceptability of the proposal. In the absence of a Standard for such uses, different views on acceptability are possible, there not being a right or a wrong way to come to any conclusion in these respects. There is no particular issue with either of the consultant's acoustic reports. Each comes to a different conclusion, which is not unexpected for the reasons detailed above. The same would apply to any recreational activity located close to residential properties.

The applicant has responded to the appeal decision regarding the living conditions of neighbouring occupiers. The applicant states that residents were asked to record logs for consideration, comment

made and that logs were not kept because of insufficient noise to record. - Complaint levels were very low during operation so no Council investigation deemed appropriate. There is was no evidence of noise nuisance produced. One resident commissioned report shows very limited noise generation (75 seconds over 12 days). Of 11 residents, only 3 complaints received. The most popular months are June, July, Oct & Nov. August is less busy because families are on holiday and furthermore the site was not open on public holidays. The site has been reduced by almost 50% and moved to the furthest point away from residents. The acoustic barrier siting has moved and will be shorter in length than the original suggestion. Less intrusive. - The playing area will be enclosed to the north and east, therefore the new plan allows control over the area used. Our acoustic engineer confirms the acoustic barrier will achieve a significant reduction in noise emissions.

The application currently under consideration has again resulted in a number of objections from neighbouring occupiers regarding the noise implications of the facility. The neighbouring occupiers do not consider that the proposed mitigation measures would adequately reduce the noise levels with resultant impact on quality of life and health implications.

By virtue of the current application compared to the refused scheme it is considered that the applicant has attempted to address the noise implications of the facility by the relocation of the gaming area and the erection of the acoustic fence. However, as with the former scheme it is not the noise level of the activity but the noise character, sudden, 'can be intrusive and annoying. The distance the noise carries is affected by the weather especially the prevailing wind.' The Inspector contended that 'subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected'. She stated that due to the low background noise level 'the likelihood is that new noise sources, which would not normally be expected to be heard in the countryside, would be very noticeable'.

Part of the existing barn is proposed to be used for a reception/briefing area. The adjoining neighbouring property, who has objected to the proposal due to the impact of noise is located approximately 80m from the site. The Noise Pollution Officer has advised that noise mitigation measures would be required to address the impact of noise on the occupiers of this property. The applicant has suggested that the fence to the north is extended to connect to the barn thus avoidance and noise leakage, however no detailed proposal for this has been submitted.

The neighbour has also raised concerns regarding the windows within the west elevation of the barn and the potential for overlooking. The applicant has advised that the windows are high level and there is no public access to this area of the barn which is not included within the application.

Comments have been made regarding the absence of a new, comprehensive noise assessment providing support for the proposed noise mitigation measures. This would be difficult as the facility is not currently operating. However, given the information provided above, the officer does not consider that any further noise assessment would add any additional information. As stated above it is not the level of noise that is the constraint but the noise character given the location.

The application has attempted to address the noise implications of the proposal. The benefit of the acoustic fence was considered at the appeal stage resulting in a 4dB to 7dB reduction of noise. Both the acoustic reports agree that whilst a greater separation distance between the site and some residential properties has been delivered by the new application this would not result in a material change to the former siting of the gaming area. On balance the proposal does not materially change or address the concerns raised by the Inspector regarding the adverse impacts on the health and quality of life of the neighbouring residents. The proposal therefore would not comply with policy CS18 of the Adopted Peterborough Core Strategy DPD, policies PP3 and PP8 of the Adopted Peterborough Planning Policies DPD and para 123 of the NPPF.

c) Visual Amenity

The gaming area has been repositioned and would be located 275m from French Drove and 305m

from Bell Drove. An acoustic fence is proposed along the northern and eastern boundaries. It is proposed to plant a double row of native trees/shrubs along these boundaries which would be maintained at a height of 3m.

As with the previous scheme the layout of the site includes a number of wooden structures which are painted green/brown and some are covered by a green netting. It is considered that the structures required for the gaming are temporary by nature and the area is seen against the backdrop of the farm buildings and converted barns. The Inspector considered that the loss of openness was limited to a small area and *'a perceived sense of remoteness has not been significantly eroded due to the small scale of the facility'*. Any identified harm was considered to be limited to a small area.

The Inspector considered facility and structures required for the use would detract from the appearance of the open countryside to a limited degree. However concern was raised regarding the provision of the acoustic fence. The Inspector noted that the proposed acoustic fence would comprise a dense, solid construction that would be particularly visible from views along French Drove to the east. The Inspector describes such a type of treatment *'would be an alien feature within the open landscape and be visually intrusive'*.

The applicant considers that the revisions address the concerns raised by the Inspector. The applicant argues that the site area has been reduced by almost 50%, the site covers only 2 acres of land, the proposed acoustic fence runs directly from an existing fence adjoining the grain store, which will now be shorter in length and cover a smaller area than the original. It will appear as a natural extension of the existing fenced yard in front of the grain store and will incorporate mature hedging to further minimise the impact and aid in the screening of the proposed site. From a distance of 400 plus metres the visual impact of the screening will be minimal as seen from the 3D images. The planting will also improve the habitat for wildlife surrounding the application site.

The acoustic fence now proposed would be positioned further into the site and would extend approximately 90m along the eastern boundary. The site would be positioned 275m from French Drove. Many of the views into the site from French Drove are restricted by hedgerow. However the fence would be positioned approximately 290m from Bell Drove to the east which is the same distance as the former proposal. It is therefore not considered that this would be materially different to that considered at appeal. The applicant has proposed a double planted native hedge, however, this would take a significant amount of time to establish and to serve its function as an effective screen. The proposal therefore is not materially different to the proposed mitigation measures considered by the Planning Inspector.

Therefore the inclusion of the acoustic fence would be visually intrusive and would be contrary to policy PP2 of the Adopted Peterborough Planning Policies DPD and Policy CS20 of the Adopted Peterborough Core Strategy DPD.

d) Highway implications

There is an existing access to the site from French Drove which is considered to be appropriate for the proposed use. Car parking is provided within the site for up to 20 cars and 1 coach space with 5 designated disabled spaces.

The submitted traffic data shows that vehicle trips associated with the former use were below the threshold which would require a transport assessment. An assessment of the accident data within the vicinity of the site access has shown that there have been no highway safety issues associated with vehicles using the site previously. The Local Highways Authority raises no objections to the proposal.

The Inspector agreed with the LPA that there are no objections on grounds of highway safety or traffic generation.

There have been a number of concerns raised regarding the likely increase in road traffic and subsequent highway safety issues however, there is no evidence to substantiate this concern.

The Inspector acknowledged that due to the site's location approximately 2.5m from the villages of Thorney and Crowland it was highly likely that most people would travel to the site by car. The Inspector did however, acknowledge that there is the potential for car sharing and use of minibuses for groups.

The proposal would therefore accord with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD and policy CS14 of the Adopted Peterborough Core Strategy DPD.

e) Landscaping

The site currently contains no trees or landscaping and is open in nature. The site is not within a Conservation Area nor are there any Tree Preservation Orders. The site is typical fenland arable land with no hedgerow boundary trees on the application site. Although there are number on trees close to the access drive which are unlikely to be affected by the proposal.

The gaming area would be enclosed with an acoustic fence to the northern and eastern boundaries with screening provided by mature natural hedge comprising of double staggered rows, consisting of 40% Hawthorn, 30% Hazel, 10% Blackthorn, 10% Field maple and 10% Holly.

The Tree Officer raises no objections to the proposed screening feature as it comprises of appropriate species and would easily blend into the landscape and recommends a condition regarding the details of the species to be agreed in writing by the Local Planning Authority.

The proposal would provide benefits to the biodiversity of the site and accords with policy PP16 of the Adopted Peterborough Planning Policies DPD.

f) Biodiversity

An ecology survey has been submitted in support of the application. Evidence of water voles was found in the ditch along the eastern site boundary. However, provided that a minimum five metre undisturbed habitat buffer is maintained alongside this ditch, and that the proposed hedgerow and acoustic fencing is installed, the Officer is satisfied that water voles are unlikely to be affected by the proposal.

The barn proposed for development has been adequately surveyed for the presence of protected species, and that no evidence of current use by bats, barn owls or other birds was found.

The proposed hedgerow is acceptable and provided as per the above specification, would help ensure that the eastern boundary ditch containing water voles is protected from disturbance, as well as providing wider wildlife habitat benefits. This could be secured by a condition. It is considered that the proposal would result in no net loss to biodiversity.

The proposal would provide an enhancement to biodiversity within the site through the provision of native trees and shrubs in accordance with policy PP16 of the Adopted Peterborough Planning Policies DPD.

g) Mineral Safeguarding

The site lies within a Minerals Safeguarding Area (MSA), designated due to the presence of reserves of sand and gravel which are considered to be of current or future economic importance. As such, any application, which is not on land allocated for development in other adopted DPDs, would need to be considered against Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS26 – Mineral Safeguarding Areas. Although not creating a presumption that resources will be worked, MSAs are defined in order that proven resources are not needlessly sterilised by non-mineral development; this policy is in accordance with the National Planning Policy Framework, Chapter 13.

The proposals do not include the provision of permanent structures which would sterilise the underlying mineral and the development in its current form cannot be viewed as incompatible. Any future applications for the site, particularly those that may include permanent structures, will also need to be assessed against policy CS26.

h) Archaeology

The applicant has advised that all the structures are free standing supported by their own weight. There are no foundations and they are not secured to the ground. There are also no trenches. Fences are secured by posts, 18ins below ground and smaller barricades are secured by posts 12ins below ground. The Archaeological Officer considers that it is unlikely that there would be an adverse impact on buried remains and/or deposits and no archaeological conditions are required. The proposal therefore accords with section 12 of the National Planning Policy Framework.

i) Flood risk

The site sits within Flood Zone 3 of the Environment Agencies flood map and the client will sign up to Flood Line and will provide 24 hour activity cancelling if required. The Environment Agency raises no objection to the proposal as submitted, as the proposal would not result in an increase to the flood risk vulnerability classification of the development. The recommendation that owners will register with the Environment Agency's free Floodline warnings direct service, to receive advance warning of flood alerts is supported. The proposal is therefore in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD.

j) Misc

Comments have been raised by a neighbouring occupier regarding the provision of toilet facilities for the participants of the facility, which are located within the existing barn. The toilets are linked to a shared treatment system. The neighbour has advised that the system has to be unblocked 2-3 times a week when the events are on. The neighbour states that the system is being overloaded and discharging into the Dyke illegally. The applicant has disputed this and has agreed that should planning permission be granted a separate unit would be installed. It is considered that these details could be secured by condition.

A neighbour has advised that there is a restrictive covenant on the site that prevents additional dwellings and any commercial activity. However this is a civil matter between the land owners.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

R1 The site is located in a flat, open and sparsely vegetated open countryside location where background noise levels are low. The proposal will result in noise of a nature which is not compatible with the open countryside character of the area. The proposed noise mitigation measures do not address the concerns raised by the Planning Inspector with regard to noise implications for neighbouring occupiers and the subsequent impact on quality of life. The proposal is therefore contrary to the provisions of: Paras 122 and 123 of the NPPF, Policy CS18 of the Peterborough City Council Core Strategy 2011 and Policy PP3 and PP8 of the Peterborough City Council Planning Policies DPD 2012

R2 The proposed 2m high acoustic fence would be located within an area comprising an open flat landscape and would be clearly visible from the wider area and in particular, from French Drove to the east. The fence would be an alien feature within the open landscape and be visually intrusive. Whilst landscaping could be provided in mitigation, this would take many years to become established and it could not be guaranteed to be maintained at a height where the fence would be suitably hidden from view. The proposal is therefore contrary to the provisions of: para 109 of the NPPF, Policy CS20 of the Peterborough City Council Core Strategy 2011 Policy PP2, Policy PP8 of the Peterborough City Council Planning Policies DPD 2012.

Copy to Councillors Brown and Sanders

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Appeal Decisions

Site visits made on 20 January and 7 February 2015

by Diane Lewis BA(Hons) MCD MA LL M MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 April 2015

Land at Old Hall Farm, French Drove, Thorney, Peterborough PE6 OPE

Appeal A Ref: APP/J0540/C/14/2215066

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Nigel Simons against an enforcement notice issued by Peterborough City Council.
- The Council's reference is 13/00438/ENFACC.
- The notice was issued on 12 February 2014.
- The breach of planning control as alleged in the notice is: "Without planning permission there has been a material change of the use of the land from agricultural land to use of the land as an outdoor activity centre. On 25 July 2011 a temporary Planning Permission ('The Permission') was granted (ref. 11/00950/FUL) for two years until 28 October 2013. Condition C1 of that Permission states: 'The permission is temporary and shall end 2 years after the date of grant of planning permission. On the date the permission ends the use shall stop and the land shall be returned to its original state'."
- The requirements of the notice are:
 - i. Cease the use of the land as an outdoor activity centre.
 - ii. Remove from the land all equipment associated with the outdoor activity centre.
 - iii. Remove all temporary structures purpose built for the outdoor activity centre.
 - iv. Remove from the land all debris, equipment and materials associated with compliance of (i), (ii) and (iii).
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.

Appeal B Ref: APP/J0540/A/14/2215067

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 for change of use from agricultural to Battlefield Live Outdoor Activity for which a previous planning permission was granted for a limited period.
- The appeal is made by Mr Nigel Simons against the decision of Peterborough City Council.
- The application Ref 13/01585/WCPP is dated 27 October 2013.
- The application sought planning permission for change of use from agricultural to Battlefield Live Outdoor Activity granted planning permission for a limited period Ref 11/00950/FUL, dated 28 October 2011.
- The permission is subject to a condition requiring the end of the use and the restoration of the land to its original state at the end of 2 years after the date of the grant of permission.

- The reason given for the condition is: To enable the impact of the development to be assessed and in accordance with policy LT12 of the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Guidance Note 24.

Summary of Decision: The appeal is dismissed.

The enforcement notice

1. As worded the notice indicates that the breach of planning control is a material change in the use of the land. I consider that the description is incorrect. A time-limited planning permission was granted for the use of the land as a Battlefield Live outdoor activity centre. The date of the permission was 28 October 2011, not 25 July 2011 as stated in the notice. The continuation of the use after the expiry of the permission does not amount to development. Therefore the notice should allege a breach of the condition that required the use to end after a two year period. It follows that in the introductory paragraph of the notice the correct paragraph of section 171A(1) of the Act should be (b) and not (a).
2. The appellant and the local planning authority were consulted on these proposed corrections and I am satisfied that no injustice will be caused by amending the notice as described. The notice will be corrected and the terms of the deemed application will be clarified. Therefore the deemed planning application under section 177(5), by analogy with section 73A(3)(b), is for the development originally permitted but without the condition breached. The permission, if granted, would be with effect from the day following the date when the limited period expired.

Main Issues

3. In both Appeal A and B the matter at issue is whether permission should be granted for the use of the land as an outdoor activity centre without a condition that requires the use to cease and the removal of all equipment and structures associated with the use after a specified time period. In order to inform a conclusion, the main issues for consideration concern the effect of the outdoor activity centre on:
 - the living conditions of nearby residents, having particular regard to noise and disturbance,
 - the character and appearance of the site and surrounding rural area,
 - the rural economy, and
 - the provision of outdoor recreation facilities in the area.
4. In terms of the policy context for assessing these issues, the development plan for the area includes the Peterborough Core Strategy (the CS) and the Peterborough Planning Policies Development Plan Document (the DPD). The National Planning Policy Framework (the Framework) is an important consideration.

Reasons

5. The Battlefield Live outdoor activity centre is a competitive team-oriented combat game. The activity primarily takes place in an enclosed area where

there are low level structures. Typically a group of competitors form into two teams who 'battle' over one of two sites. The teams fire at each other with custom built guns that emit and detect infra-red beams. A condition on the 2011 permission limited the hours of game play to between 1000 and 1700 hours. As operated, there are two sessions a day, one in the morning and one in the afternoon. Each game lasts about 90 minutes. The appellant reported that in 2013 the average number of participants was 20 per session. The site identified for the use is approximately 1.68 hectares (ha) within a total area of some 4.8 ha of land owned by the appellant, although the area currently occupied for game play is some 0.75 ha.

Living conditions

6. Old Hall Farm is in the open countryside where built development is sparse within the flat fenland landscape. The activity area is sited to the south of French Drove, set back away from the highway and to the east of a group of farm buildings. Two barns have been converted to dwellings, one of which is occupied by the appellant. Otherwise, the nearby residential development comprises the cottages fronting French Drove. Oak Lodge is estimated to be some 140 metres (m) away and Old Hall Cottages some 520 m away. On Bell Drove, the road to the east, Bluebell House and Bluebell Cottage lie 310/315 m from the site.
7. The test set in Core Strategy Policy CS18, and Policies PP3 and PP8 of the DPD, is that the development must not have an unacceptable adverse impact on the occupiers of nearby properties. The evidence is that the impact through noise and disturbance is the key factor for consideration. The Framework states that the aim should be to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The surrounding area is described as a quiet location associated with the open countryside character. However, the Council has not identified it for protection as an area of tranquillity, which because of lack of noise disturbance, is prized for its recreation and amenity value.
8. The temporary permission was an opportunity for a trial run and for sufficient evidence to be gathered to give greater certainty over the character and effect of a use that may be potentially detrimental to existing uses nearby. No detailed logs were kept by residents, the appellant has not provided detailed information on the frequency and attendance at events and there is no record of a series of visits by Council officers. Therefore the evidence base is less comprehensive than it could have been.
9. Nevertheless, the representations from the appellant and interested parties include a lot of detailed comment on a range of matters, including the nature of the noise disturbance, the issue of complaints and the noise assessments that have been carried out. The majority of residents living near the site have objected to continuation of the use because of the noise and disturbance they have experienced. As may be anticipated, the effect is localised, with a lack of objections due to noise from the wider community. Based on the policy context, the issue is whether any adverse impact would be unacceptable and would significantly affect health and the quality of life of residents.
10. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. I made an unaccompanied visit when a session was taking place to gain some idea of the

effect. Having considered all the evidence, I regard the following factors to be the most relevant.

11. The background noise level is low¹. Identified noise sources include tractors and farm vehicles, aircraft flying overhead, shotgun blasts, passing cars and distant traffic and birdsong. Even so, the prevailing character is of a very quiet rural area, mainly because of the open fenland landscape, the lack of commercial or industrial premises and the low levels of traffic on the minor rural roads. The likelihood is that new noise sources, which would not normally be expected to be heard in the countryside, would be very noticeable.
12. The permission has allowed the activity to take place every day of the week, throughout the year. In practice, the venue is most popular at weekends, public holidays and when the weather is better. These times of the week and year are when residents are most likely to be outside in their gardens. The representations indicate that in the first year of operation, the bad weather contributed to a low number of bookings and therefore it was the second year when most impact was experienced.
13. Noise from the use is not sustained throughout the day. Its occurrence is for short periods and on current practice a total period of 3 hours is the maximum from two sessions. The main noise source resulting from the activity is from the participants rather than the use of the equipment. This noise is of competitors shouting, interacting and so on. The levels of noise vary during a session and are affected by the number of competitors and whether they are children or adults. Children participating generally cause greater disturbance than adults. These impact sounds are not constant or consistent and by their nature and character can be intrusive and annoying. The distance the noise carries is affected by the weather especially the prevailing wind.
14. The standards BS4142 and BS8233 and the World Health Organisation Guidelines² are based on average noise levels and are not directly applicable to the circumstances of the development by reason its nature and location. Consequently they provide only an indication of the possible response from receptors to the type of noise associated with the outdoor activity centre. The Council's Pollution Control Officer was of the opinion a more subjective assessment is required. I have viewed the results of the noise assessment submitted by the appellant within this context.
15. The appropriate approach is set out in the Framework and which is more fully explained in the Noise Policy Statement for England (the NPSE) and the Planning Practice Guidance. The appellant's acoustic report, using the NPSE impact criteria, concluded that the impact is at either the No Observed Effect Level or Lowest Observed Adverse Effect Level (LOAEL) in the noise exposure hierarchy. With mitigation in place in the form of an acoustic fence the impact was considered to be more likely the former. However, these conclusions were derived from a comparison of the predicted noise levels at residential properties against the chosen BS and WHO guidance, rather than a

¹ The Acoustic Report submitted by the appellant gave the average background noise level as L_{a90T} 34 dB(A). The residents' noise consultant argued that the lowest measured level of 32 dB(A) should have been used in assessing impact.

² World Health Organisation Noise Guidance levels, British Standard BS4142:1997 Method for Rating Noise affecting mixed use residential/industrial areas, British Standard BS8233:1999 Sound Insulation and Noise Reduction for Buildings – A Design Guide.

- consideration of the perceived change in the quality of life and the degree of change in the behaviour and/or attitude of residents.
16. Neighbours have stated that they have been unable to enjoy the peace and quiet when in their gardens because of the annoying and intrusive noise, which was likened to a football game or playground noise with screaming and shouting. More specifically, one resident stated they tended to go away at weekends to avoid the noise. Another family described how on warm days when windows are open the noise interferes with concentration and so windows have been closed. Valued rest and relaxation when at home from work has been affected. Visitors have preferred to sit inside with windows closed. The occupiers of the nearest house said they couldn't sit outside and relax due to the noise from the battlefield and that they still were able to hear the noise with windows shut. The noise from the guns was audible. Another resident stated that the home was chosen for the quiet and isolation. Having been ill, the home was a sanctuary and the resident was concerned that hearing the sounds of warfare would impact on their mental health.
 17. There is inconsistency between residents' experience and the appellant's description of the activity. Mr Simons maintained that noisiest moments were very short lived, such as at the end of a game when there were cheers from the winning team. Otherwise participants were encouraged to use stealth and not to shout because that gave their position away to the opposing team. He also made the point that noise is not concentrated in the playing area and Battlefield Live is not a spectator activity. On his evidence noise above ambient level would be concentrated and very short lived. Even allowing for the fact that the occurrence and impact of the activity centre on living conditions are much affected by several variables, the evidence of residents' indicates that at the least there has been a perceived adverse change in the quality of life and a change in certain behaviours. The use falls within the LOAEL and at times the boundary is crossed to a significant observed adverse effect level (SOAEL). The policy implication is that the use should be avoided, unless mitigation would be able to reduce adverse effects to a minimum.
 18. The appellant's noise assessment recommended an acoustic fence as the most effective mitigation measure. The barrier was estimated to reduce levels by between 4dB and 7dB. The appellant drew attention to a 50 m length of close boarded fencing 2 m high that was erected along the northern boundary between the site and Oak Lodge. No objections were received from the occupiers of that property. However, the Council considered that such a scheme would not adequately address the noise impacts arising from the use. The residents' noise consultant also maintained that a barrier would have limited effectiveness due to the spatial relationship to the participants within the playing area. The noise evidence is inclusive. Furthermore, the acoustic barrier is indicated to be erected along the boundaries to the gaming areas rather than the site. As a result the north eastern part of the site would be outside the barrier. No condition excluding the area from future use was proposed. This raises issues about the siting of the proposed barrier and its effectiveness over the long term and the reasonableness of imposing a condition limiting the extent of the activity area. The visual impact of an acoustic fence also raises concern, as explained below.
 19. A second form of mitigation recommended by the acoustic report was based on management of the activity, whereby competitors would be asked to refrain

from bad language and to keep their voices at a reasonable level when the games are not in progress. This control measure could not be attached as a planning condition because it would not be reasonable or enforceable. Therefore this mitigation measure has no weight.

20. The 2011 permission imposed two conditions to minimise the risk of noise disturbance. Condition 3 required the game play weapons to be electronic in nature, not to fire physical objects and the use of pyrotechnics on the site was not permitted. Apart from the nearest residence, the use of gaming equipment was not a significant contributor to noise intrusion and therefore little additional mitigation would be provided. Condition 5 limited the hours of game play to between 1000 and 1700 hours. The Council has proposed the number of games be restricted to a maximum of two per day within that time period and that the number of participants at any one time should not exceed 30. These controls would prevent intensification of the activity but would not significantly reduce the existing effects.
21. No condition has been proposed on the days of operation. Consequently the activity would be able to take place seven days a week. More frequent use than has occurred to date could be expected with expansion and success of the business. The evidence indicates that the weekend is the most popular time with visitors. Therefore to exclude use on a Sunday, when residents could reasonably expect to enjoy quiet, would not be compatible with the nature of the activity and the opportunity offered to the community for recreation.
22. I conclude that the use would cause significant adverse impacts on health and quality of life. It has not been demonstrated that the harm to living conditions would be satisfactorily mitigated. The development fails to comply with Policy PP3 (criterion (c)). There is conflict with an objective of national policy that aims to avoid such an adverse impact.

Character and appearance

23. The site is located in the Peterborough Fens. The distinctive characteristics are a flat extensive and open landscape with wide views beneath a large sky. The arable farmland has a rectilinear field pattern that reflects the artificial drainage systems. Tree cover is limited and away from the settlements built development is sparse.
24. The activity area has been developed within a field to the east of a cluster of farm buildings. A number of structures were introduced, mainly formed of timber and recycled materials to serve as mock buildings and to create such features known as the octagon, the village and a compound. There is a hard surfaced area for car parking and a metal, flat roofed container-like structure is used for changing facilities. At first one of the barns was used. The games area is now partly enclosed by a close boarded fence, with post and rail fencing along the remainder of the perimeter. Planting with a mix of native species has been carried out to create a hedge along the boundary.
25. The landscape is a valued resource. The development has not had an impact on individual landscape elements, the field or settlement pattern and the sense of enclosure. Boundary planting with appropriate species has the potential to improve biodiversity. The change of land use relies on an outdoor setting and has not introduced permanent buildings. The loss of openness, a characteristic associated with the arable farmland, is limited to a small area. A perceived

- sense of remoteness has not been significantly eroded due to the small scale of the facility, although the activity occasionally interrupts the calm and peaceful surroundings. Overall, the development has not modified key characteristics of the landscape and the identified harm is slight and confined to a small area.
26. The activity area is functional and has no visual merit. Nevertheless the small scale structures are low in height and camouflaged, which reduces their visual presence within their surroundings. When viewed from the surrounding roads the structures interrupt the level field surface but individual features are not apparent, the layout is permeable and they are seen against a backdrop of buildings, including a grain store and barn. Views from French Drove are interrupted by roadside hedging. The visitor facilities provided are minimal. The portable structure housing the basic changing facilities is not of a standard sought for a permanent use. The presence of parked vehicles would be confined to the duration of the sessions and would be viewed in the context of the farm buildings.
 27. Groups of people, or receptors, would probably respond to the visual effect differently. Residents of the nearby dwellings, who would have a high degree of sensitivity, consider the visual amenity of their surroundings has been harmed, more particularly by the appearance of the structures in the activity area. In contrast visitors to the centre would be less sensitive and probably would not be bothered. It appears that Thorney Parish Council did not receive adverse comments from villagers or the wider community. My conclusion is that the activity area detracts from the appearance of the countryside to a limited degree.
 28. These considerations indicate that the development would not significantly harm the landscape character of the surrounding area, although it would not make a positive contribution to the visual amenity of the local area. There would be no conflict with the requirements of Policy CS20 and in terms of Policy PP2, the effect would be neutral. However, this preliminary conclusion is subject to the effect of the proposed acoustic barrier being taken into account.
 29. The appellant emphasised in his supporting planning statement that the fencing and natural materials used around the site conformed with existing landscape features and did not intrude into the flat fenland landscape. He stated great care was taken to retain traditional post and rail fencing but with adequate screening from the main access road. The October 2013 noise statement identified control measures as some fencing, a natural planting regime and a margin of arable land between local neighbours and the activity. An acoustic barrier, as now proposed, is contrary to those objectives.
 30. The current position is that the amount of existing solid fencing is limited to the northern boundary. The close boarded fencing appeared not to be of the standard recommended in the acoustic report. In contrast the recommended acoustic barrier would be a dense solid overlapping form of construction that would extend along a much longer length of boundary. It would be particularly visible in views from the east. Such a type of boundary treatment would be an alien feature within the open landscape and be visually intrusive. The inclusion of the barrier would result in the proposal being contrary to Policy PP2 and lead to a conflict with Policy CS20 in that the design would not be sensitive to its landscape setting.

Rural economy

31. The Framework supports a prosperous rural economy, including sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. Policy PP8 of the DPD recognises the important benefits that development for leisure uses may bring to villages and the countryside.
32. The appellant has stated that the business has shown profitable trading over the two years that it has been established. It has created three new part time jobs, including two youth employment positions and another two part time roles could be created within 12 months. The business has the capacity to be viable on a long term basis. Demand for the facility has been good and is growing – there is no similar venture within a 50 mile radius. Additional visitor numbers are able to be accommodated without further site development. The centre allows access to the Fens and has attracted tourist revenue.
33. These statements have not been substantiated by detailed information. The information available on visitors and user groups suggests that the facility is used by people, educational establishments and community groups based and living in the wider area, rather than being a tourist attraction. For instance, the majority of visitors are said to come from within a 30 minute driving distance. There is nothing to suggest that the business is a form of diversification or that it contributes to the overall viability of a farming concern. There is no business plan to illustrate the numbers of visitors and level of use to support the viability of the business in the longer term. The new employment is a benefit. Overall the evident contribution to the rural economy is limited.

Recreation

34. The centre provides an outdoor recreation facility for use by adults, families and children. It has been popular with schools, youth groups and sports clubs for team building. Sessions have also been run for students from a pupil referral unit that have found it difficult to source alternative outdoor activities. The appellant has confirmed that the flat physical terrain enables participation by people with disabilities and the partially sighted and that the game play is highly suitable for anyone on the autistic spectrum. The representations show that visitors find the sessions very enjoyable and regard Battlefield Live as an excellent opportunity for outdoor exercise.
35. The Framework acknowledges that opportunities for recreation can make an important contribution to the health and well-being of communities. The outdoor activity centre is such an opportunity serving the area around Peterborough and this consideration provides support for the facility.

Other matters

36. The access to the site via French Drove is adequate to cater for the amount of traffic likely to be generated by the activity centre. The development would not result in an unacceptable impact on any element of the transportation network including highway safety. In those respects there is compliance with Policy PP12. On-site parking provision is sufficient to meet the requirements of Policy PP13. Having considered the concerns of local residents, I agree with

the Council there are no objections on grounds of highway safety or traffic generation.

37. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This is reflected in the criterion in Policy PP8 of the DPD where the objective is for the location to be easily accessible, preferably by public transport. This is the relevant criterion because it is specific to leisure development in the rural area, as opposed to the criterion in Policy CS18³ which applies across the whole of the Peterborough area. In view of its location off the main highway network some 4 km (2.5 miles) from the nearest settlements of Thorney and Crowland, the probability is that most people would travel by car. There is no evidence to demonstrate that visitors use the option of a combination of public transport and taxi, as described by the appellant. However, because pre-booking is encouraged there is the potential for car sharing and use of minibuses for groups. On balance there is no significant objection on the grounds of accessibility, a conclusion that is consistent with the Council's decisions.

Conclusions

38. Policy CS1 allows for development in the countryside which is demonstrably essential to the effective operation of outdoor recreation. Policy CS18 and Policy PP8 encourages the development of new leisure and tourism facilities, provided certain criteria are met. The activity centre is a small scale development that improves the range of outdoor recreation facilities on offer in the Peterborough area. Balanced against this positive factor is the unacceptable adverse impact on the occupiers of nearby residential properties. It has not been demonstrated that the impact is able to be overcome satisfactorily by the use of planning conditions. There is no clear support from the development plan.
39. At the heart of the Framework is a presumption in favour of sustainable development. On the available evidence, the economic contribution of the development is limited. More significant is the social role and the opportunity for recreation through provision of an outdoor activity that caters for people of all ages and ability. However, the location of the facility is in a generally very quiet rural area. This is an important constraint and the use significantly reduces the quality of life for local residents. Reasonable and acceptable forms of mitigation would not adequately reduce the adverse effects.
40. The Framework and the NPSE emphasise that noise impact should not be treated in isolation in any particular situation and that the economic social and other environmental dimensions must be taken into account. My conclusion in this case is that the overall balance is against the development.

DECISIONS

Appeal A Ref: APP/J0540/C/14/2215066

41. It is directed that the enforcement notice is corrected by:
- In paragraph 1 of the notice delete 'within paragraph (a) of Section 171A(1)' and substitute 'within paragraph (b) of Section 171A(1)'

³ The criterion is 'Be accessible by a choice of sustainable transport modes'.

- In paragraph 3 delete the descriptive text and substitute "On 28 October 2011 Planning Permission was granted for a change of use from agricultural to Battlefield Live Outdoor Activity (ref. 11/00950/FUL). Condition C1 of that permission required the use to cease at the end of 2 years after the date of grant of planning permission and the land to be returned to its original state. It appears to the Council that the condition has not been complied with in that the use of the land as an outdoor activity centre continues."

42. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/J0540/A/14/2215067

43. The appeal is dismissed.

Diane Lewis

Inspector



LOCATION PLAN 16/0042/FUL

85 Mayors Walk, West Town

Scale NTS

Date 10/3/2016

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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Application Ref: 16/00042/FUL

Proposal: Proposed extension to 3 shop units - resubmission

Site: 85 Mayors Walk, West Town, Peterborough, PE3 6EY
Applicant: Mr Shokat Ali

Agent: Mr N P Branston

Referred by: Director of Growth and Regeneration
Reason: Previous history of the site and Councillor involvement
Site visit: 18.01.2016

Case officer: Miss Louise Lovegrove
Telephone No. 01733 454439
E-Mail: louise.lovegrove@peterborough.gov.uk

Recommendation: REFUSE

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site comprises the former Westwood Public House located at the junction of Mayors Walk, Alderman's Drive and Nicholl's Avenue. The property has been undergoing extensive renovation, extension and conversion to create Class A1 (retail), A2 (professional services), A3 (cafe/restaurant), A4 (drinking establishment) and A5 (hot food takeaway) units at ground floor. The conversion will also create residential units at first and second floors comprising 3 no. 2-bed apartments, 1 no. 3-bed apartment and 1 no. studio apartment. To accommodate this, a two storey side extension to the premises (fronting Alderman's Drive) has been constructed with dormer windows in the roof space. These works were initially unauthorised however they were later regularised through planning permission reference 13/00530/FUL.

The above works have been almost completed however the frontages to the ground floor retail units along Alderman's Drive have not yet been installed.

Parking associated with the property is located to the rear, accessed via an enclosed drive through from Alderman's Drive, situated adjacent to the shared boundary with No.167.

The site is situated within the identified West Town Local Centre with a variety of A1 retail and other main 'town centre' uses. The wider area surrounding this is predominantly residential.

Proposal

The application seeks planning permission for the construction of a single storey front extension to the Alderman's Drive frontage of the property. The proposal would project approximately 2.2 metres towards the public highway and extend to a height of approximately 3.2 metres with a flat roof design.

2 Planning History

Reference	Proposal	Decision	Date
12/01119/FUL	Erection of single storey front extension to public house and external alterations to create shop fronts. Change of use of ground floor to form A1 retail and A5 takeaway units, including the installation of extraction equipment. Change of use of existing hotel rooms, raising the existing public house roof and installation of dormer windows to form three residential dwellings. Erection of first and second floor extension to side to form two residential dwellings. Change of use of garden area to parking, and reinstatement of parking provision at front - part-retrospective.	Refused	22/02/2013
13/00530/FUL	Construction of a single storey front extension and external alterations to create new shop fronts; Change of use of ground floor to form A1 retail and A5 takeaway unit, including the installation of extraction equipment; Change of use of existing hotel rooms and construction of a first and second floor side extension, including the installation of dormer windows, to form 3 no. 2 x bed apartments, 1 no. 3 x bed apartment, 1 no. studio apartment and commercial unit; and change of use of the garden area to provide car parking and reinstatement of parking provision to the front	Permitted	01/07/2013
14/01842/NONMAT	Non-material amendment to planning permission 13/00530/FUL - Construction of a single storey front extension and external alterations to create new shop fronts; Change of use of ground floor to form A1 retail and A5 takeaway unit, including the installation of extraction equipment; Change of use of existing hotel rooms and construction of a first and second floor side extension, including the installation of dormer windows, to form 3 no. 2 x bed apartments, 1 no. 3 x bed apartment, 1 no. studio apartment and commercial unit; and change of use of the garden area to provide car parking and reinstatement of parking provision to the front	Determined	27/10/2014
15/01967/FUL	Proposed extension to 3 shop units	Withdrawn	08/01/2016

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 7 - Good Design

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

Peterborough Core Strategy DPD (2011)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP11A - (a) Shop Frontages (including signage)

Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the polices cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

Building Control Manager

No comments received.

PCC Transport & Engineering Services (21.01.16)

No objections – The proposal shall have no impact upon the adjacent public highway.

Local Residents/Interested Parties

Initial consultations: 10

Total number of responses: 0

Total number of objections: 1

Total number in support: 1

No neighbour/public representations have been received.

Councillor Murphy

I would like to state my objections to the proposals for the former public house on Mayors Walk submitted by the owner. The proposals for the extension along Alderman's Drive would not be in fitting with the character and style of the area and in my view would be an overdevelopment of the current premises. I also am aware that there have been a number of enforcement issues at this development where the developer has encroached upon the pavement and caused nuisance to neighbours and residents.

Councillor Maqbool

The increase of each unit size slightly would allow the applicant to find a better calibre of tenant and would certainly benefit to the look of the area and amenities for the local residents.

The whole of West Town area is undergoing a well needed makeover with Midland road, hospital, Waitrose and others sites being development, I feel by supporting this application would benefit the residents in the long run.

I support the applicant's vision for the end product at this site.

I recently spoke with some local residents who are in agreement that although the property to begin with had a number of issues, the end product is of a high quality and pleasant to look at.

5 Assessment of the planning issues

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking, access and highway implications

a) Design and impact upon the character and appearance of the surrounding area

It is noted that the application property is not a designated heritage asset or contained within the City Council's list of 'Buildings of Local Importance' however, it is considered that it is a building of local prominence occupying a key position at the junction of Mayors Walk, Alderman's Drive and Nicholl's Avenue. The building is of unique design, demonstrating many of the key architectural features of its period, and appears as a building of stature within the

streetscene.

Following the earlier unauthorised works to the building, Officers undertook extensive discussions with the applicant in order to achieve a final scheme which respected the character and appearance of the original building, and reflected the built form of the locality. Planning permission reference 13/00530/FUL, which has been almost completed, represents the scheme which was agreed with Officers (approved by Members of the Committee). The approved plans allowed for a large two storey extension to the Alderman's Drive frontage and smaller single storey extensions to the corner and Mayors Walk elevations. With regards to the Alderman's Drive frontage, it was a requirement that the front elevation be set back from the remaining bulk of the building to respect the original subservience of this part of the building prior to development. In setting this elevation back, it draws greater attention and gives more prominence to the remaining mass of the building which contains the historic features of the former Public House.

The current proposal seeks to construct a single storey front extension to the Alderman's Drive frontage. This would extend to a depth of approximately 2.2 metres which would bring the ground floor to be in line with the building line of the remainder of the building. The proposal is of flat roof design and would only extend to the width of the approved shop frontages, therefore it would not extend the existing driveway into the rear car park. Whilst it is noted that the flat roof design would mirror those front extensions which have already been approved, it is considered that it would detract from the overall composition of the building. It would reduce the subservience of the Alderman's Drive frontage and appear an incongruous feature within the streetscene. The width of the proposed extension is far larger than those which have already been constructed on the property and of greater depth. This would be at odds with the locality.

On this basis, it is considered that the proposal would result in an unacceptable impact upon the character, appearance and visual amenity of the streetscene which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

b) Neighbour amenity

As detailed above, the proposal would not extend across the existing vehicular access which lies adjacent to the shared boundary with No.167 Alderman's Drive. Accordingly, the proposal would be sited approximately 3 metres from the adjacent residential dwelling. It is considered that this distance is sufficient so as to prevent an unacceptably overbearing impact or loss of natural daylight to primary habitable windows. Accordingly, the proposal would not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

c) Parking, access and highway implications

The Local Highway Authority (LHA) has not raised any objections to the proposal. The proposed front extension would be set back from the back edge of the public highway and therefore would have no detrimental impact. Furthermore, it would be set back a sufficient distance to ensure that the pedestrian visibility splay to the existing vehicular access (2 metres x 2 metres) would be maintained. This will still allow users of the access to see oncoming pedestrians before entering the public highway.

With regards to parking provision, it is noted that the proposal would increase the amount of A1/A2/A3/A4/A5 floorspace which would generally require additional on-site parking provision. However, as the application site is located within the identified Local Centre, there is no requirement for additional parking to be provided. Furthermore, the additional floorspace would not materially alter the impact arising from the development which was previously permitted.

In light of the above, the proposal would not result in any unacceptable impact to the safety of the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

6 Conclusions

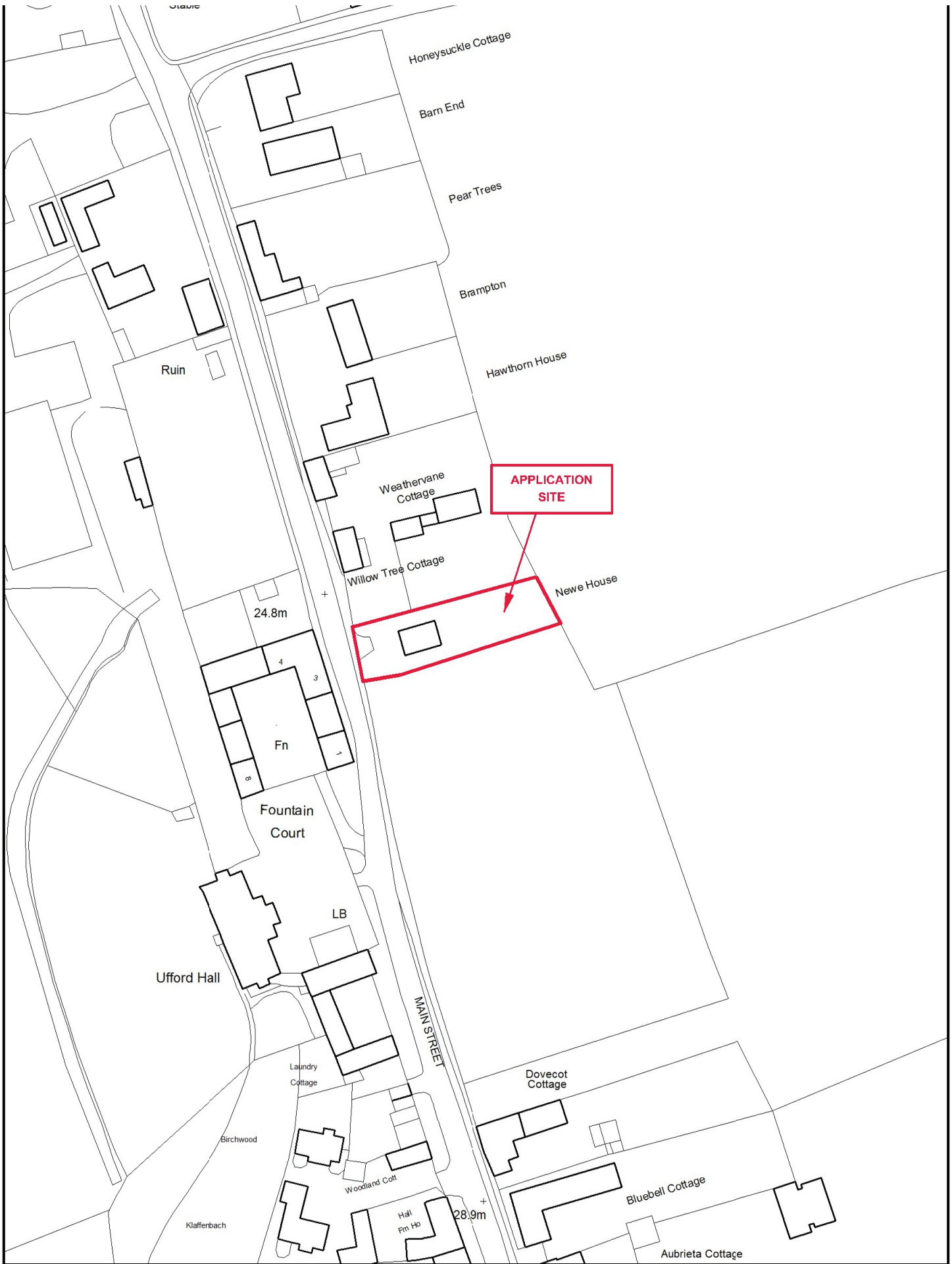
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reason given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed single storey front extension, by virtue of its flat roof design, size and siting, would detract from the overall composition of the host building. The proposal would reduce the subservience of the two storey extension to the main bulk of the property and fails to respect or reflect the architectural features and character of the building. Given the prominent position of the site within the streetscene, and its unique design within the locality which affords the property stature, the proposal would result in unacceptable harm to the character, appearance and visual amenity of the area. This is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Copies to Councillor Ayes, Fitzgerald, and Maqbool



LOCATION PLAN 15/01073/HHFUL

Newe House, Main Street, Ufford

Scale NTS Date 10/3/2016 Name AA Department Planning Services



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Application Ref: 15/01073/HHFUL

Proposal: Two storey front extension, single storey rear extension, conversion of garage and loft to create habitable space - including raising roof height and additional dormers - Re-submission

Site: Newe House, Main Street, Ufford, Stamford

Applicant: Mr Sean Gray

Reasons for referral: Ufford Parish Council on the grounds of the size of the dwelling and the impact upon the amenities of the occupier of an adjacent dwelling.

Agent: Ms Janice Kendrick

Site visit: 29.09.2016

Case officer: Mr M Roberts

Telephone No.: 01733 454410

E-Mail: mike.roberts@peterborough.gov.uk

Recommendation: Grant planning permission subject to relevant planning conditions

1 Description of the site and surroundings and Summary of the proposal

The site and surrounding area

The application dwelling dates from the 1970's and has a rectangular footprint with a gable to Main Street. It is set back 11.5m from Main Street. The rear garden has a depth of approximately 28m. The overall plot width is 14m. The south facing elevation of the dwelling has a uniform appearance. The dwelling occupies a prominent position within the immediate area and is located to the north side of a large open paddock to the east side of Main Street. There are long views of the building approaching it from the south. The application property falls within the Ufford Conservation Area.

Newe House comprises of manufactured walling and tiles. It has a very tired appearance and it makes little concession to the local character and building form.

Newe House is located opposite Fountains Court, a grade II* listed building with Willow Tree Cottage, a grade II listed building, immediately to the north of Newe House. The latter is located on slightly higher land than the aforementioned listed buildings.

Fountains Court has a position that is mostly south of Newe House. The eaves and ridge heights and the mass of Fountains Court are greater than Newe House such it is very much the dominant building.

To the north are two dwelling houses, Willow Tree Cottage, grade II listed and Weathervane Cottage. The former has a side garden to the south of the dwelling and the latter, a dwelling dating from the 1990's, has a spacious rear garden with a width of 30m and a depth of 20m. The curtilage of this dwelling is generally lower than that of Newe House. The ridge line of the cottage is also set lower than that of Newe House. The distance of the south elevation of Weathervane cottage to the flank wall of the garage of Newe House is approximately 22m.

For clarification purposes a Grade II* listed building is a particularly important building of more than special interest. A Grade II listed building is nationally important and of special interest.

The Proposal

The proposal is to extend the dwelling to its north and east elevations and to raise the ridge height of the dwelling by 1.07m. The details are:-

- A single storey extension to the rear with a depth of 7.5m a width of 5.5m and a pitched roof with a ridge height of 4.7m.
- A flank extension alongside the existing north facing elevation of the dwelling. This would have a near identical depth of that of the existing dwelling. It is to have a pitched roof to a ridge height of 7m and two small hipped roof dormer windows, one in its east facing roof slope and one in its west facing roof slope. This extension would abut the north boundary of property. As a result the garage of the dwelling would be moved forwards.
- To raise the height of the dwelling by 0.68m to enable accommodation for two further bedrooms which would give a total of 5 bedrooms for the dwelling. This requires the inclusion of two small dormer windows in the south facing elevation of the new roof. The overall height of the dwelling would therefore be 8.5m

2 Planning History

Reference	Proposal	Decision	Date
14/02235/HHFUL	2 storey front extension, single storey rear extension, conversion of garage and loft to create habitable space - including raising roof height and additional dormers	Withdrawn	11/03/2015

3 Planning Policy

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

National Planning Policy Framework (2012)

Paragraphs 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP17 - Heritage Assets

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

The Ufford Design and Development Plan

Uff 1 The design of any new building or extension to an existing building should be sympathetic to its neighbours and in keeping with the village environment.

Uff 7 All new buildings and extensions should be appropriate in size to the proportions of the space available and should not overlook or dominate existing buildings

Uff 10 Existing open spaces and views should be retained. New developments should not result in the loss of open views, in particular...the rooflines and frontages of old buildings in the Conservation Area.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

PCC Conservation Officer

The main heritage considerations in the determination of this application are the impact of development on the character and appearance of this part of the Ufford Conservation Area and on the setting of listed buildings in the locality.

The proposal will affect the character and appearance of the Ufford Conservation Area. Planning policy guidance and section 72 of the Town and Country Planning Act places a duty on the LPA to pay 'special regard' to the desirability of preserving or enhancing the special character or appearance of conservation areas. Special regard should be paid to such matters as: height; scale, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and detailed design. It is further confirmed that: "There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be."

In terms of heritage issues the application will be considered principally against the policies set out in paras. 132 and 134 of the National Planning Policy Framework, policies CS16 and CS17 of the

Peterborough Core Strategy (2011), the Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012)

The site is located opposite Fountains Court (Grade II*) with Willow Tree Cottage (Grade II) and Little Oak Barn (Grade II) in views to the north on Main Street. Newe House is located on slightly higher ground than the listed buildings to the north which occupy a back of pavement location. The building has a degree of prominence in the conservation area from its position in views from the south across the paddock to the east side of Main Street.

Fountains Court forms a prominent focal point in views along Main Street approaching from the south due to the scale of the building and the changed alignment of the road. A visual 'pinch point' is added by the buildings and walls to the east side of the street as built forms to the north of the open paddock.

Increasing the ridge height of the building will give it more prominence given its location, especially in views from the south. Harm to the appearance of the conservation area would be caused if as a result of the work New House became an over dominant building in the street scene

The revised proposal would not create a building that would be over dominant in the street scene. The increase in the ridge height has been reduced, the dormers now follow the traditional appearance of dormer design in the village. This together with the change of external materials to the walls and roof will be the key features of change.

The traditional type of dormers now provide the correct hierarchy of widow size found in elevation composition.

Fountains Court has a position mostly south of New House in the street and after allowing for the slightly higher position of Newe House from Main Street the eaves and ridge of Fountains Court and its larger mass than Newe House will continue its presence as the dominant building in the street scene.

A 45 degree roof pitch is more the norm in the traditional designed dwellings in the village and the roof design has been altered to respect this.

The proposed rear extension now has a lower ridge height below the eaves level of the house so giving a subservience. This building would largely replace the current view from Main Street of the roof of Weathervane Cottage in the background. Precise size of rooflights and their detail should be conditioned. The existing trees to the rear garden would continue to have a strong visual presence and provide some counterpoint to the extension.

Should planning permission be given the following details should be secured by conditions.

- Materials, including windows
- Dormer roof construction
- Set back of windows in their reveals
- Rooflights
- Removal of the permitted development rights for further rooflights should be considered for design implications.

Ufford Parish Council

The following were the initial comments of the Ufford Parish Council with regards to the originally submitted proposals to extend the dwelling. In summary this original submission included:-

- A rise of the ridge height of the dwelling from 7.45m to 9.2m
- Parapets to the roof edges of the dwelling

- Catslide dormer windows within the principle south facing roof and within the proposed roof to the north facing flank elevation
- A two storey threshing barn type opening to the south facing elevation of the existing dwelling
- A single storey rear extension
-

The Parish Council was pleased to note that the proposals included the use of natural stone to replace the existing Bradstone and that the roofing material would be a replica Collyweston slate.

Ufford Parish Council's main objection was to the height of the proposed house. This proposed a rise in the ridge height by 1.75m that would mean that the dwelling would be 9.2m in height as opposed to 7.45m as existing.

1. The additional height would make it too dominant to blend in with the other houses. Apart from The Roost and the Old Rectory at the top of Ufford Hill and Ufford Hall, there are no three storey buildings in Main Street.

2. Newe House is almost opposite Ufford Hall at a very sensitive point in the centre of Ufford's Conservation Area. An additional storey would make it roughly the same height as Fountain Court, the former stable block of Ufford Hall, a Grade 1 Listed Building and one of the most significant buildings in the village streetscape. Newe House should remain subservient.

3. Looking down the village from Dovecot Cottage, the open view across the field with its dry-stone wall is a heritage asset and one of Ufford's most valued and distinctive features. This field, known as Dovecot Close, has been in existence at least since the 17th century. The open views in and out of the village are one of the residents' priorities listed in Ufford's Design and Development Document. The additional height of the proposed roof, 1.7 metres above the existing roofline, would have a detrimental impact on these views.

4. The increase in height and mass of the dwelling would have a detrimental impact on the streetscape of Main Street. Down from the Village Hall to the abrupt twist in the road at the corner of Fountain Court most buildings are close to the footway and this sense of enclosure is continued northwards by the high wall of Ufford Park. The proposed building is not in harmony with the rest of the Conservation Area and would also have a detrimental impact on neighbouring properties.

5. The proposed lounge extension on the east side with its first floor accommodation above would be visible from Main Street and probably across the field unless the tree, a valued contributor to the conservation area, remains to shield it.

6. The ground slopes away northwards and when neighbouring Weathervane Cottage was built in the 1990s, constraints were put on the height of its roof ridge so that it harmonised with neighbouring properties. The ground had to be lowered so that it would be subservient to Fountain Court opposite.

7. The owners of Weathervane Cottage main concern is that the proposed building would be right on their boundary and they would lose sunshine and light especially in winter when the sun is low in the sky. The applicant cannot assume that permission for building work from the neighbouring garden would be granted.

8. The actual design of the extensions to the dwelling would not be in harmony with the rest of Ufford's Conservation Area, in particular:

- The faux-barn door on the south elevation does not lend the design any vernacular credibility but simply looks incongruous. The Conservation Area deserves better than this.

- A single garage, which is smaller than the existing garage, is surely inappropriate in a 5-bedroom dwelling, particularly as there will be no car port. The movement of cars on and off the site could prove difficult. On-street parking is not an option.

To conclude, the proposed building would detract from the heritage assets of Ufford's Conservation Area. The proposed third storey in particular is much too prominent and completely out of keeping with its surroundings.

The proposed third storey in particular is much too prominent and completely out of keeping with its surroundings.

Comments by the Ufford Parish Council in relation to the amended proposals

- It was pleased to note the proposed improvements of natural stone to replace the existing Bradstone; roofing material to be replica Collyweston slate; the proposed fenestration, particularly the design of the dormers would be more in keeping with the dominant design of dwellings in the Ufford's conservation area; and the proposed increase in roof heights to be less than in the previous submission. It was also recognised that the reduction in height would maintain the house's visual subservience to Fountains Court. In general the proposed improvements provide a more attractive dwelling than that of the existing dwelling.
- However they remained concern with the visual impact of the enlarged building on one of the most sensitive points of the conservation area. The extensions would prevent light reaching Weathervane Cottage to the north/north east of Weathervane cottage. This potential impact stems from Newe house's elevated site in relation to its neighbours.

PCC Tree Officer

It is noted that the application site is within the Ufford Conservation Area. Therefore, all trees over 75mm in diameter measured at 1.5m above ground level require consent before they are either felled or pruned.

There is a fully mature Contorted Willow in the rear garden which has a large crown. Given its proximity to the rear extension pruning may be required due shading implications. There are no arboricultural objections to the application if the retained trees are adequately protected during the construction of the extensions to the dwelling.

Local Residents/Interested Parties

Initial consultations: 4
 Total number of responses: 4
 Total number of objections: 1
 Total number in support: 0

The only objection that has been received is from the occupiers of Weathervane Cottage on the grounds of the scale of the extensions, the rise in the ridge height of the dwelling, the resultant loss of sunlight and an overbearing presence of the extensions to the detriment of the amenities of the occupiers of Weathervane Cottage.

5 Assessment of the planning issues

The main material considerations are:-

- **The impact of the extensions upon the character and appearance of the conservation area.**
- **The impact of the extensions upon the setting of the nearby listed buildings**
- **The impact of the extensions upon the occupiers of the neighbouring residential properties**

The impact of the extensions upon the character and appearance of the Ufford conservation area.

The most prominent alteration will be the proposed increase in the height of the dwelling. This increase would be 1.07m. The new ridge height being 8.52m. This has been dropped from the 9.2m ridge height that was originally proposed.

Increasing the ridge height of the building will give it more prominence, especially in views from the south. Harm to the appearance of the conservation area could be caused if, as a result of the extensions Newe House became an over dominant building in the street scene.

The existing dwelling currently detracts from the appearance of the Conservation Area chiefly as a result of its construction of wholly manufactured materials.

The proposal provides an opportunity to significantly improve the character and appearance of the dwelling. This is to be through the use of natural stone to replace the existing very tired and inappropriate Bradstone walling, the use of conservation roof tiles and the use of the dormer windows of the type common to those of many other in the village. The dormer windows would give a visual presence to the dwelling that it lacks at present.

The dormers are smaller than the windows below and form the correct hierarchy of window size found in the elevation composition.

It has been demonstrated that the ridge height of the dwelling is at its lowest to accommodate the two bedrooms in the roof space. This has a benefit of the angle of the roof slope increasing to 45 degrees. This roof slope is more the norm for the traditional dwellings in the village. This change is considered to be positive to enhance the dwelling's appearance and character within the Conservation Area.

The form and mass of the proposal, as viewed from the south and proposed materials would not be out of place in the local context.

The proposed rear extension would not dominate views from Main Street and would preserve the character of the conservation area.

Conclusion – The extensions and alterations to the dwelling will be of designs and appearance that would enhance the character and appearance of the dwelling within the Ufford Conservation Area. This application represents a good opportunity to do away with a dwelling that detracts from the character and appearance the Conservation Area.

A principal tree, a Contorted Willow, within the rear garden of Newe House is to be retained. This is a tree of size and character. The tree is clearly visible from within Main Street and is a long established feature in the conservation area.

The impact of the extensions upon the setting of the nearby listed buildings

There are 3 close by listed buildings one of which, Fountains Court, is a grade II* listed property.

Fountains Court forms a prominent focal point in views along Main Street, approaching from the south due to the scale of the building and the changed alignment of the road. A visual 'pinch point' is added by the buildings and walls to the east side of the street as built forms to the north of the open paddock.

The proposed ridge height of Newe House would be 8.5m and Fountain Court has a ridge height of 10m. The eaves height of Newe House will be 5.2m whereas Fountains Court has an eaves height of approximately 6.5m.

Fountains Court has a position mostly south of New House in the street and after allowing for the slightly higher position of Newe House from Main Street, the eaves and ridge of Fountains Court and its larger mass will continue its presence as the dominant building in the street scene.

The use of natural stone for all of the elevations of Newe House, would improve the setting of Fountains Court.

Willow Tree Cottage, grade II listed, shares its southern boundary with the northern boundary of Newe House. The proposed one and a half storey extension to Newe House would partly abut the rear boundary with Willow Tree House. This dwelling has a scattering of trees and other mature planting close to its northern boundary that would diminish any potential for harm to the setting of this listed building. However without the planting within the rear garden of Willow Tree Cottage the extension would be acceptable in terms of the setting to this listed dwelling. The use of natural stone and a quality conservation roof slate proposed for Newe House will be a benefit. Currently the view from the rear of Willow Tree Cottage is harmed by the poor quality manufactured walling material and a similarly poor roof material.

Therefore from a heritage consideration the proposed changes are acceptable. It is considered that the work will preserve the character and appearance of the Ufford Conservation Area and not harm the setting of nearby listed buildings in accordance with Section 66 and 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).

The impact of the extensions and the alterations upon the amenities of the occupiers of the two residential properties to the north of Newe House.

Physical impacts

The occupiers of Weathervane cottage have raised concerns about the increase in the ridge height of the dwelling and the increase in the mass of the dwelling that could affect sunlight into the rear of their dwelling. There is also a concern about an adversely overbearing impact.

The rear elevation of the dwelling at Weathervane Cottage is approximately 20m away from the existing dwelling of Newe House and its principal sitting out area i.e. its patio, would be approximately 18m from Newe House. Much of the garden of Weathervane Cottage is at a lower level compared to the level of Newe House.

Given the location of the dwelling and the increase in its size there could be an impact upon the amenities of Weathervane Cottage. It has to be determined whether such impacts would be harmful and detrimental to the occupiers of the dwelling.

It is considered that the main sitting out area of this dwelling would be far enough away from the proposed extensions to Newe House, such that there would be limited detrimental impact to the occupiers of Weathervane Cottage. This is the case despite the drop in levels from the curtilage of Weathervane Cottage. There could be a degree of harm when significantly closer to the extensions but these areas whilst well maintained are not seemingly areas for sitting out within. Clearly when standing close to the extension there would be an overbearing impact. This would dwindle closer to the rear area of Weathervane Cottage. The garden area towards the proposed flank elevation of Newe house is well maintained and pleasant to look at. However there were no obvious areas close to Newe House used for sitting out in. The principal areas for sitting out being closer to the patio area adjacent to the dwelling.

Weathervane has the benefit of having an expansive rear garden and open views to the south and east. These would be retained.

The occupiers of Weathervane Cottage are concerned that the extension would block sunlight to rear of their dwelling, particularly within the winter months. The Parish Council also raised a concern on this issue.

The rear of this dwelling would continue to benefit from direct sunlight for the most of the year because rear of the dwelling almost faces due south. In the winter months the dwelling would continue to have a good degree of sunlight/daylight given the width and depth of its garden including a length of its southern boundary that is free from physical obstruction. The increased height of the dwelling may reduce actual sunlight but for a very brief time during a day. This would, it is considered, be little different to the present situation. The amount of daylight to the rear of Weathervane Cottage would also be barely affected by the extensions to the dwelling.

Overlooking issues

A dormer window to the east facing roof slope of the one and a half storey extension to the north flank elevation of Newe House is to be obscure glazed preventing overlooking into the rear garden of Weathervane Cottage. There are not, it is considered, to be any other potential overlooking issues.

The rear garden of Willow Tree Cottage, to the north of Newe House faces south. It benefits from a modest sized rear garden. There would be limited loss of sunlight for a short period of time during the winter months. For the remainder of the year sunlight would remain reasonable. Physically the extensions to Newe House would not be overbearing as the extension to the north elevation is to be one and a half storey and Willow Tree Cottage is set back from the boundary it shares with Newe House.

6 Conclusions

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

- From a heritage consideration the proposal is acceptable. The extensions and their detailing will preserve and enhance the character and appearance of the Ufford Conservation Area and would not harm the setting of nearby listed buildings in accordance with Section 66 and 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).

-The extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the two adjacent residential properties known as Willow Tree Cottage and Weathervane Cottage in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD.

7 Recommendation

The case officer recommends that Planning Permission is granted

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- C 2 The existing elevations and the roof of the existing dwelling and the elevations and roofs of the extensions hereby approved shall be of a wholly natural stone construction and a Collyweston type of roof material in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 3 Notwithstanding the details hereby approved and prior to the commencement of development, details of the following external materials shall be submitted to and approved in writing by the Local Planning Authority:

- dormer roof construction
- windows and doors
- rainwater goods
- vents/flues

The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

- C 4 All windows shall be set back 50mm from the face of the masonry.

Reason: To ensure a satisfactory external appearance in accordance with policy CS16 of the Peterborough Core Strategy and policy PP2 of the Peterborough Planning Policies DPD

- C 5 Notwithstanding the submitted information the rooflights hereby approved shall accord with details to be submitted to and approved in writing by the Local Planning Authority. The rooflights shall be implemented wholly in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development in accordance with policies CS16 and CS17 of the Peterborough Core Strategy and policy PP2 of the Peterborough Planning Policies DPD

- C 6 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the flank elevations of the dwelling, including roof slopes, other than those expressly authorised by this permission or those expressly authorised by any future planning permission.

Reason: In order to protect the amenity of the adjoining occupiers and the appearance of the dwelling within its Conservation Area setting in accordance with Policy CS16 of the Peterborough Core Strategy DPD and policies PP3 and PP17 of the Peterborough Planning Policies DPD.

C 7 No development shall take place until protective tree fencing (Heras fencing with rubber feet and stabilising struts pinned into position) has been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be retained in place for the duration of the development.

Reason: In order to protect and safeguard the amenities of the area in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP14 of the Peterborough Planning Policies DPD (2012).

C 8 The development hereby approved shall be implemented in accordance with the following drawings:-

- 14.1729.11 – The ground floor layout
- 14.1729.12 – The elevations
- 14.1729.13 – The first floor layout
- 14.1729.14 - The second floor layout
- 14.1729.15 – Cross section
- 14.1729.16 – Dormer detail

Reason: For the avoidance of doubt.

Copies to Cllr Over

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