

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 27 SEPTEMBER 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. Development Control and Enforcement Matters**

4.1 16/01013/FUL - Fenvale, Crowland Road, Eye, Peterborough 3 - 22

4.2 16/01168/FUL - Land to the Rear of 37 and 39 Lincoln Road, Glinton, Peterborough 23 - 34

**5. Planning Appeals Performance January – September 2016 35 - 70**

**6. Adoption of The Model Council Members' Planning Code 71 - 80**

**Emergency Evacuation Procedure – Outside Normal Office Hours**

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*



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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

**Committee Members:**

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), J Bull, G Casey, P Hiller, J Stokes, S Martin, A Sylvester, A Bond, A Clark and C Ash

Substitutes: Councillors: R Bisby, A Iqbal, N Sandford and B Saltmarsh

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

**CASE OFFICERS:**

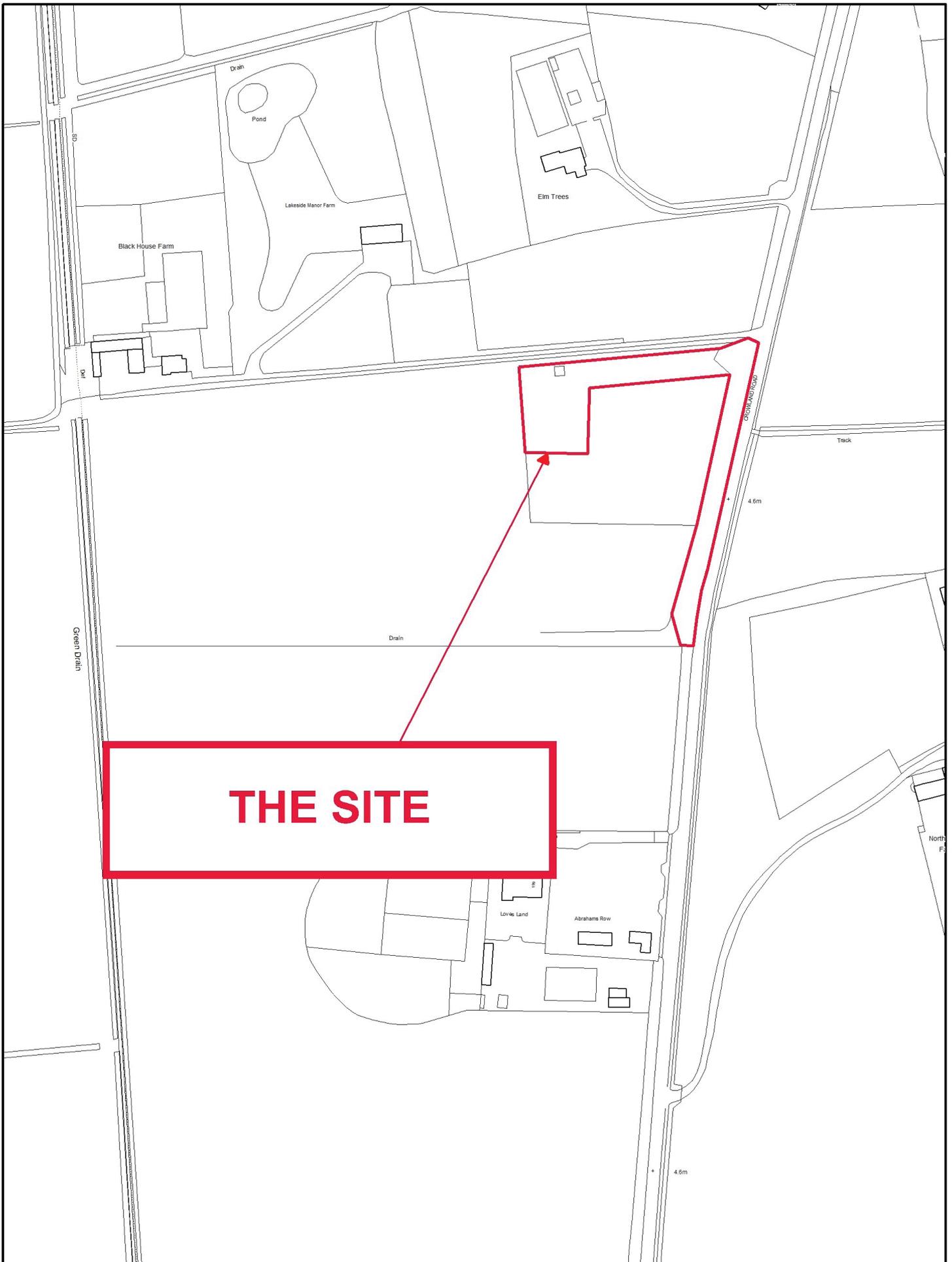
Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

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.



**LOCATION PLAN 16/01013/FUL**

Fenvale , Crowland Road, Eye, Peterborough, PE6 7TT

**Scale** NTS      **Date** 14/9/2016      **Name** AA      **Department** Planning Services



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**Application Ref:** 16/01013/FUL

**Proposal:** Change of use to one extended gypsy and traveller pitch comprising of two static caravans, two tourers and utilities on existing nursery hard standing

**Site:** Fenvale, Crowland Road, Eye, Peterborough  
**Applicant:** Mr P Maloney

**Agent:** Mr Barry Nicholls  
 Architectural & Surveying Services Limited

**Referred by:** **Cllr Allen, Brown and Sanders**  
**Reason:** Significant public interest

**Site visit:** 21.07.2016

**Case officer:** Mr M A Thomson  
**Telephone No.** 01733 453478  
**E-Mail:** matt.thomson@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site Description**

The application site forms a piece of agricultural land situated 440m north of the settlement boundary to Eye Green. The site is accessed via an existing agricultural access from Crowland Road; the access track runs north parallel to Crowland Road separated by highway verge and a row of trees, before turning west into the application site. The application site is set back some 70 metres from Crowland Road, behind two mature hedgerows. A bund has been built along the northern boundary, which stands in the region of 1m above ground floor level. To the north of the site is an access road serving two dwellings and a stable block; to the south and west is open countryside.

**Pre-amble**

In 2015 planning permission was refused for an identical scheme for the following reasons. This application has been submitted to try and overcome these reasons.

R1 The application site lies within Flood Zone 2. The Applicant has not submitted a satisfactory sequential test demonstrating that there are no sequentially preferable sites where the development could be situated, and the Environment Agency has objected to the proposal. All development located within Flood Zone 2 should adopt a sequential approach to flood risk and there has been insufficient justification for developing the application site, on the basis that the development would meet an identified need.

R2 Insufficient information has been provided which demonstrates that the proposed static caravans and service would not have an unacceptably adverse harmful impact on the character and appearance of the area.

**Proposal**

The Applicant seeks planning permission for change of use of the land to one extended gypsy and traveller pitch comprising of two static caravans, two tourers and associated utility buildings.

An amended plan has been received (Drwg FP0001 Rev A) illustrating a static caravan; this drawing has been sent out for public consultation which ends on 22<sup>nd</sup> September 2016. Should any additional letters of representation be received these will be included as part of the update report.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/01775/FUL	Change of use to one extended gypsy and traveller pitch comprising of two static caravans, two tourers and utilities on existing nursery hard standing	Refused	30/12/2015

## **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 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 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.

#### **Section 10 – Flood Risk**

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

### **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.

#### **CS09 - Gypsies and Travellers**

Sites for permanent pitches will be identified through a separate SPD document. Specific criteria will be used to identify suitable sites.

#### **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.

### **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.

### **Planning Policy for Traveller Sites (2015)**

#### **Policy H: Determining planning applications for traveller sites**

### **Peterborough Site Allocations DPD (2012)**

#### **SA04 - Village Envelopes**

These are identified on the proposals map. Land outside of the village envelope is defined as open countryside.

#### **SA07 - Gypsy and Traveller Transit Pitches**

Safeguards land adjacent to Norwood Lane for a transit site (10 pitches) unless alternative provision is made elsewhere within the district.

### **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.

#### **PP04 - Amenity Provision in New Residential Development**

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **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.

#### **PP20 - Development on Land affected by Contamination**

Development must take into account the potential environmental impacts arising from the

development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

#### **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 Enforcement Team**

No comments received

### **Eye Parish Council (29.07.16)**

Object - This proposal is outside the village envelope and in the open countryside. It does not make a positive contribution to the area in any way. There is not a safe access from the site on to the A1073 for vehicles or pedestrians and there is not a pedestrian footpath along this busy stretch of road. There are ample travellers pitches within the area.

### **Travellers Sites**

No comments received

### **PCC Transport & Engineering Services (01.08.16)**

No objection - The site is served via an existing agricultural access onto Crowland Road which is classified and subject to a 60 mph speed limit. For an intensification of use such as this, the Local Highway Authority would require visibility splays of 2.4 x 215m to be provided at the site access.

There is an existing sign to the south of the site that shall impede the available vehicle to vehicle visibility from the access. The sign shall therefore need to be re located/raised in height etc. so as not to impede the inter-visibility between motorists. To modify the sign the Applicant will be required to enter into a Section 278 agreement.

Conditions with respect to parking and turning, and visibility splays have also been sought.

### **PCC Pollution Team**

No comments received

### **Environment Agency (28.07.16)**

Comments - The Local Planning Authority needs to assess the appropriateness of the proposed development in this location from a flood risk perspective by applying the Sequential and Exception Tests.

The proposed development site lies partly within Flood Zone 2 and is classified as highly vulnerable. Such uses should only be permitted in Flood Zone 2 if the Sequential and Exception Tests are passed.

Should the proposed development meet the requirements of the Sequential and Exception tests, the Environment Agency would have no objection to the application, as submitted, subject to attaching a condition with respect to the development being carried out in accordance with the submitted Flood Risk Assessment (GCB/ASS Ltd, October 2015).

An informative with respect to Pollution Prevention has also been recommended.

### **Newborough & Borough Fen Parish Council**

No comments received

### **North Level District Internal Drainage Board (29.07.16)**

No objection

### **Local Residents/Interested Parties**

Initial consultations: 10

Total number of responses: 12

Total number of objections: 4

Total number in support: 8

Four letters of objection and 8 letters of support have been received raising the following matters;

4 letters of objection and 8 letters of support have been received raising the following matters;

### **Objections**

- The revised Planning Policy for Traveller Sites (PPTS, 2015) requires that applications for a permanent site (including caravan sites) by persons who do not travel will be considered in the same way as an application from the settled population, as opposed to being considered under policies relating to travellers;
- Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan;
- Paragraph 9 of the National Planning Policy Framework (NPPF, 2012) states that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system;
- Paragraph 17 of the NPPF (2012) states that planning should recognise the intrinsic character and beauty of the countryside. The application site is located in the Countryside ... away from the existing settlement of Eye. The proposal is therefore contrary to Policy H of the PPTS (2015);
- The proposed development is situated within Flood Zone 2 therefore the development is required to pass the Sequential and Exception Tests;
- The development is in conflict with the Policies CS1, CS2, CS9, CS20, CS22 and PP2 as it is situated within the open countryside, conflicts with other plan policies, does not have a safe vehicle or pedestrian access, has an unacceptable visual impact on the open countryside and does not constitute sustainable development.
- It is unclear how foul waste will be disposed of;
- Noise from generators;
- Light pollution from flood lights;
- Harm to neighbour amenity
- There are 5 permanent Gypsy sites within 3 miles of the site and 3 transit sites within the ward;
- The site has been occupied already and has been a nuisance to the surrounding area;
- A large concrete pad has been laid;
- Loss of Grade A Agricultural land;
- There are better suited Gypsy and Traveller sites located within a mile and a half;
- Highway Safety
- A nursery has never existed on site, the name was changed when seeking planning permission for a dwelling;
- History of refusals on the site;
- Power was recently illegally rerouted from the mains power into the application site;
- Advertising of the application
- Dumping of rubbish on and adjacent to the site

- Land ownership;
- Devaluation of property;
- Previous occupiers of the site were arrested due to a number of offences;

### **Support**

- The Applicant is an honest and upstanding member of the Traveller community, very professional, kind and an overall good man;
- The Applicant is a very family orientated and trustworthy person;
- The land is not visible from the road; and
- The family require a fixed abode for their children's education and wellbeing.

Letters of support were received from residents of Eye as well as Fengate, Parson Drove and Peterborough.

*As stated above an amended plan is currently out for consultation and the consultation expiry date is 22 September 2016. Should any additional letters of representation be received these will be noted within the update report.*

## **5 Assessment of the planning issues**

The main issues associated with this proposal are:

1. Flood Risk;
2. The development's effect on the on the character and appearance of the area;
3. Agricultural Land;
4. Amenity of Existing and Future Occupiers;
5. Whether the site is in a sustainable location;
6. Whether there is a need for additional gypsy and Traveller sites in the area;
7. The Applicants personal circumstances & Human Rights; and
8. Other Matters

### **1. Flood Risk, the Sequential Test and Exceptions Test.**

As advised by the Environment Agency the site lies within Flood Zone 2 and has a high probability of flooding. A caravan site is identified as being a highly vulnerable use therefore a sequential test must be satisfied. If it is found that there are no sequentially preferable sites then an Exceptions test is required to be satisfied.

Further to the revised scheme a sequential assessment has been submitted as part of this application. As the application site is situated within a rural area, the Applicant is required to assess alternative sites situated in an area with a lesser risk of flooding (i.e. Flood Zone 1) within the rural area of the district.

The application site has a site area of 0.4ha; alternative sites can be 20% larger or smaller, however the Applicant has decided to look at sites that are 600% larger or smaller (0.01ha to 3ha).

The applicant has reviewed sites that have been allocated, land and property that are being marketed by estate and land agents, as well as sites that have been rejected during site allocation processes. There are no sites allocated within the current Site Allocations DPD (2014), however the application site has been put forward for consideration as part of the Council's review of the Site Allocations DPD. To confirm the site has not yet been considered as part of this process.

The Applicant has however reviewed a number of sites within the rural and urban area of the district, and are included as Appendix A. These sites have, however, been discounted either due to them being situated within Flood Zone 3, or the fact the land has permission for residential development and/or are situated next to existing residential properties within the urban area of the City.

As such there does not appear to be any sites which are of a similar size that are available, or indeed 600% larger or smaller, that are at a lesser flood risk, and in this instance the Sequential Test is considered to be passed.

Turning to the exceptions test, the development must be safe in flood terms AND provide wider sustainability benefits to the community that outweigh flood risk.

A Flood Risk Assessment has been submitted as part of the application (GCB/ASS October 2015), which states that the site is situated on a passive floodplain, the site would drain into the existing drainage ditch and minimum floor levels would be 400mm above ground with mobile homes fixed to ground anchors. This is considered to be acceptable to both Officers and the Environment Agency.

The matter of need is discussed in detail below, however the proposed development if approved would go towards providing a pitch for a Gypsy and Traveller family, building community cohesion through integration and building pride in Peterborough by taking pride in its diverse culture. The proposal would also provide better access to education and health facilities to the family, which cumulatively are considered to be a community benefit that outweighs flood risk.

Further to letters of representation it is understood that there may be a large expanse of concrete laid historically however it is not clear from the submitted information the extent of the hardstanding. A condition shall be attached securing details of the concrete pad, and the Local Planning Authority would review whether any surface water drainage is required.

Therefore subject to conditions securing details of any hardstanding and a surface water drainage scheme if required, as well as the securing the principles of the Flood Risk Assessment, the proposal would accord with Policies CS9 and CS22 of the Peterborough Core Strategy DPD (2011) and PP4 of the Peterborough Policies DPD (2012). A pollution prevention informative shall also be attached as requested by the Environment Agency.

For the avoidance of doubt if the application site was situated within Flood Zone 3, and no other sequentially preferable sites were identified to be available, Officers would not support such a proposal as caravans are identified as Highly Vulnerable development, and the National Planning Policy Guidance states highly vulnerable development would not be permitted within Flood Zone 3.

## **2. The development's effect on the on the character and appearance of the area**

The application site is situated within the open countryside some 440m north of Eye Green. The landscape is generally flat demarcated by boundary hedges and drainage ditches, and is typical of the Fen landscape. There is a scattering of residential properties, farms and agricultural buildings along Crowland Road.

The access to the site runs parallel to Crowland Road however the mobile home and caravans would be situated some 70 metres to the west, which would be screened by two established rows of hedges and trees that run north/south. The site itself is also bounded by a mature hedge, tree row and bund.

The proposed static caravans would be positioned at 400mm above ground level and given the established landscaping around the site and its distance from the road it is not considered that the proposed development would harm the landscape character of the area.

The proposed utility building proposes to stand at 3.4m in height; this has been reduced in height from 3.8m and is considered to be of an acceptable size and scale given the established boundary treatment.

The submitted site plan (Drwg OS0002) illustrates a service shed and septic tank however details of these have not been provided. These details should be secured by planning condition, should permission be granted.

A letter of representation has advised that there are a number of permanent and transit sites within 3 miles of the application site; the nearest site is a single pitch situated 200m south adjacent to an existing bungalow. Given the topography of the land and natural screening of the site if this site were granted planning permission it is not considered to result in an adverse proliferation of sites that would cumulatively harm the landscape character of the area.

Given the established landscaping that surrounds the application site the proposed static caravans, touring caravans and utility building would not have a harmful impact on the landscape character of the area, and details of the proposed service shed and septic tank can be secured by planning condition. Subject to this condition the proposal would accord with policies CS9, CS16 and CS20 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Policies DPD (2012) and Policy H of the PPTS (2012).

### **3. Agricultural Land**

Referring to the Agricultural Land Classifications Map (Natural England, 2011) it identifies the application site as being Grade 2. The NPPF identified this as the best and most versatile agricultural land, and both Policy CS9 and Paragraph 112 of the NPPF (2012) seek to protect agricultural land; where significant development is proposed it should be directed to lower quality land. Whilst it is acknowledged that an area of hardstanding may have been laid historically the proposed plans indicate that the proposed caravans would be situated on two concrete pads with an area of 15m x 4m. The scale of development is considered to be small and whilst the Applicants have not justified the loss of agricultural land it is considered at this scale that the land could revert back to agriculture in the future.

### **4. Amenity of Existing and Future Occupiers**

The nearest residential properties are situated between 80m and 100m to the north and west; given the distances involved, intervening trees and hedge rows and given that a bund has been constructed along the northern boundary it is not considered that the proposal would harm the amenity of nearby properties by virtue of day to day activities. Letters of representation have advised concerns of generators and noise, as well as light pollution from flood lighting. Details of generators and flood lights have not accompanied this application, however details could be secured by condition should planning permission be granted to ensure that any generators accord with a set noise limits, and any flood light system be sensitive to this countryside location.

The caravans would benefit from a communal area which is surrounded by open countryside; as such future occupiers would have sufficient amenity space.

A letter of representation has raised that chemicals in relation to a previous use that occurred on the site may be harmful to existing and future occupiers. In the interests of safety it is therefore considered reasonable to secure a Phase 1 contaminated land assessment prior to the occupation of the site. This would inform whether any additional survey work and/or mitigation would be required.

The proposed development is not considered to impact on neighbouring occupiers and would provide a sufficient amenity space for future occupiers, and details of generators and flood lighting could be secured by condition were this application recommended for approval. The proposal would accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 and PP4 of the Peterborough Policies DPD (2012).

### **5. Whether the site is in a sustainable location**

Eye Green is identified as a Key Service Centre by Policy CS1 of the Peterborough Core Strategy DPD (2011); these settlements contain a wide range of services and facilities to meet people's daily needs, including a primary school, doctor's surgery and a range of shops and services. It also provides employment opportunities and has good access to Peterborough by car and public transport.

The Application site is situated some 450m from the edge of settlement, whilst there is no pedestrian footpath along this section of Crowland road and there would be a heavy reliance on car-borne trips, the application site is not considered to be in an unsustainable location.

#### 6. Whether there is a need for additional gypsy and Traveller sites in the area

The development plans for the District consists of the Peterborough Core Strategy DPD (2011) and the Peterborough Site Allocations DPD (2014).

The Planning Policy Traveller Sites (PPTS, 2015) and the Gypsy and Traveller Needs Assessment (GTANA, 2011) are also relevant.

Paragraph 4 of the PPTS (2015) states that Local Authorities are to develop fair and effective strategies to meet needs; promoting more private site provision; increasing the number of sites in appropriate locations; addressing under-provision and maintaining an appropriate level of supply, and enabling the provision of accommodation from which travellers can access education, health and other services.

Paragraph 10 of the PPTS (2015) requires Local Authorities to provide a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets and identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.

Policy CS9 states that '... in Peterborough there are currently 2 Council owned sites and 9 private sites. The Council owned sites are located at Oxney Road and Paston Ridings on the eastern side of the City and are large in size. The private sites are located in the urban and rural areas to the north and east of the City and the number of pitches on each site varies, with the largest site accommodating an extended family on eight pitches'.

Peterborough City Council own the following sites;

Address	No. of Pitches	Application Ref.	Distance to Application Site
Oxney Road	22 x permanent pitches and 4 x long stay	91/P0292	4km
Paston Ridings	50 permanent pitches and 2x long stay	90/P0632	3.5km

Policy SA7 of the Peterborough Site Allocations DPD (2014) has safeguarded an extension to Paston Ridings for 10 additional permanent pitches, however it is understood by Officers that this is no longer going to be delivered.

The following planning applications have either been granted by the Local Planning Authority or allowed at appeal since the Core Strategy was adopted in 2011;

Address	No. of Pitches	Application Ref.	Distance to Application Site
Hurn Road, Werrington	2 x static caravans and 1 x touring caravan	11/01704/FUL	7.2km
Northey Road, Peterborough	1 x residential caravan, 2 x ancillary caravans, 2 portacabins	12/01565/FUL	5.5km
Northey Road, Peterborough	1 x static caravan and 2 x touring caravans	13/00384/FUL	5.5km
Crowland Road, Eye	1x static caravan	14/01242/FUL	200 metres

Northey Road, Peterborough	2 x touring caravans	14/01375/FUL	5.5km
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For the avoidance of doubt the sites on Northey Road are all separate application sites.

Taking the above into account and Table 5 (pg 20) of the Peterborough Gypsy and Traveller Accommodation Needs Assessment 12 pitches are still required to be provided within Peterborough District by 2021. As the district is unable to deliver its current identified need for this plan period the principle of development is accepted. However, in accordance with Paragraph 11 of the PPTS (2015) criteria-based policies should be included to provide a basis for decisions if applications come forward. Policy CS9 of the Peterborough Core Strategy (2011) is therefore relevant. Policy CS9 states the criteria which will be used to assess suitable new Gypsy and Traveller sites are;

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality;
- (b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school;
- (c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing;
- (d) the site should be served, or be capable of being served, by adequate mains water and sewerage connections; and
- (e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

It is a requirement to meet all of these criteria. As set out within Section 1 (Flood Risk) above it has been demonstrated that there are no other sequentially preferable sites within the Authority situated in an area with a lesser risk of flooding, and it is not considered that the proposal would harm the character and appearance of the area, therefore the proposal is considered to accord with Policy CS9(a) and Paragraphs 100-104 of the NPPF (2012).

Eye Green is identified as Key Service Centre and benefits from a primary school, a library, doctor's surgery and other main services. The application site is located 450m from the edge of this settlement and whilst most trips would be car borne the site is not considered to be situated within an unsustainable location.

The Local Highways Authority have raised no objection subject to a condition securing a road sign be raised situated south of the vehicle access at the Applicant's cost, which would achieve satisfactory visibility splays for a 60 mph road. There would be sufficient space to park and turn on site. Subject to securing these matters the proposal would not result in an adverse highway safety risk.

The nearest residential properties are located in excess of 80m north and north-west, as such it is not considered that the proposal would harm the amenity of nearby properties, however as outlined within Section 2 details of any generators and external illumination would be required by way of condition should planning permission be granted, as well as a contaminated land survey.

Finally, the site could be served by water services, bin collection and waste is proposed to be dealt with by a septic tank located on site; details could be secured by planning condition.

When assessed against these policies it has been identified that there is a need for additional

pitches, and this revised scheme has demonstrated that there are no sequentially preferably sites with a lesser risk of flooding, and the proposal would not have an adverse impact on the character of the area. The proposal therefore is considered to accord with Policy CS9(a-e) of the Peterborough Core Strategy DPD (2011).

## **7. The Applicants personal circumstances & Human Rights**

With respect to personal circumstances a letter of support from the Peterborough City Council's Gypsy, Roma, Traveller Family Liaison Officer has been submitted advising that the Applicant and his family wish to live on site, to live close to family and for their children to attend school and for their health wellbeing. This letter of support advises that it is vital for the family and children be provided an opportunity to settle. 7 letters of support have also been submitted advising that the Applicant is an honest and upstanding member of the traveller community. The Agent has orally stated that the applicants would not reside on the site permanently and would continue to travel seasonally.

The Human Rights Act 1998 means that it is now, subject to certain circumstances, directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.

When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.

The Applicant, his wife and four children (aged 3-12 years) would reside on site when they are not travelling seasonally for work. It is understood that the family have relatives within the area and the children attend school and nursery here in Peterborough when the family are not travelling. It is understood that the family have resided on the roadside when they have been in the Peterborough area.

The scheme is for one pitch comprising two static caravans and two touring caravans. It is reasonable to have two static caravans for a large family given the age and gender of the children. It is understood that the second touring caravan space may be used by the Applicants brother or sister in law when visiting; given that there are no known available transit pitches within Peterborough if permission is granted it would be reasonable to condition that the pitch is only used by the Applicant's family and for persons that meet the Gypsy and Traveller definition. For the avoidance of doubt any further pitches would require planning permission, as this application has been considered for the Applicant's personal circumstances only.

Based on the information submitted it is considered that the applicant meets the definition of a Gypsy and Traveller, as set out under the Annex 1 of the Planning Policy for Traveller Sites (August 2015) and there is sufficient evidence of personal circumstances to support this revised application.

## **8. Other Matters**

Site is already occupied - The Case Officer made three separate visits in 2015 and further visits in 2016 where activity was observed on only one occasion, however the site did not appear to be occupied.

The site is not a nursery, it never has been - Each application is considered on its own merit. The planning history of the site can be found at the top of the Case Officer report.

Power illegally diverted into the site - Should planning permission be granted the future occupiers would need to secure infrastructure into the site from the relevant utility companies.

Advertising of the application - A letter of representation raised concern with the siting of the site notice. The site notice was sufficient to notify members of the public that a planning application had been made within the area, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Neighbours to the application site and members of the public that expressed interest in the previous application were notified by letter.

Devaluation of property - This is not a planning matter and cannot be legally considered by the Local Planning Authority.

Previous occupiers of the site were arrested due to a number of offences - This is not a planning matter.

## **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:

- It has been demonstrated that there are no sequentially preferable sites that are available situated within a location with a lesser risk of flooding, the development would be resilient to flooding and it has been demonstrated there would be a community benefit, therefore the proposal would accord with Policies CS9 and CS22 of the Peterborough Core Strategy DPD (2011) and Paragraphs 100-104 of the National Planning Policy Framework (2012)
- the proposed development would not have an unacceptable impact on the amenities of neighbouring properties, that the site is within a reasonable distance of local services and facilities, that there is sufficient parking and has a safe vehicular access, and would therefore accord with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and PP12 and PP13 of the Peterborough Policies DPD (2012).
- the proposed development would not have an unacceptable impact on the landscape character of the area, nor would it result in an unacceptable cumulative impact with other developments of a similar type within the locality, and would therefore accord with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

## **7 Recommendation**

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

**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 development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref GCB/ASS Ltd) dated October 2015 and the following mitigation measures detailed within the FRA:**

**Finished floor levels are set no lower than 400mm above the existing ground levels.**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.**

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy C22 of the Peterborough Core Strategy DPD (2011) and PP4 of the Peterborough Policies DPD (2012).

- C 3 Prior to the occupation of the development hereby approved a plan illustrating the extent of existing and proposed hard standing and any necessary drainage details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the hardstanding and any necessary drainage shall be implemented in accordance with the approved details, and thereafter maintained as such in perpetuity.**

Reason: In the interest of protecting the character and appearance of the area and managing surface water drainage, in accordance with Policies CS16 and CS22 of the Peterborough Policies DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

- C 4 Notwithstanding the submitted details prior to the occupation of the site details of the proposed service shed and septic tank, as well as any generators and flood lighting, shall be submitted to and approved in writing by the Local Planning Authority.**

**Any lighting installed/erected at the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E1 in the Institution of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.**

**In the event of any reasonable complaint to the Local Planning Authority in respect of light intrusion to neighbouring properties, the Applicant (or their successors in title) will be required to demonstrate compliance with these limits.**

**For the avoidance of doubt no foul water shall be disposed of on-site unless in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.**

**Thereafter these features shall be implemented in accordance with the approved details and retained as such thereafter.**

Reason: In the interest of protecting the character and appearance of the area, in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011) and PP2 and PP3 of the Peterborough Policies DPD (2012).

- C 5 Prior to the occupation of development hereby permitted vehicle to vehicle visibility splays of the following dimensions 2.4m x 215m shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2.4m x 215m measured from and along respectively the channel line of the carriageway.**

Reason: In the interest of highway safety, in accordance with Policy PP12 of the Peterborough Policies DPD (2012).

- C 6 Notwithstanding the submitted information and prior to the occupation of development hereby permitted adequate space for 2x vehicles to park and turn clear of the public highway shall provided on site and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.**

Reason: In the interest of ensuring that satisfactory parking and turning is provided, in accordance with Policy PP12 and PP13 of the Peterborough Policies DPD (2012).

- C 7 The site shall be limited to one pitch containing no more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. At any one time two shall be static caravans.**

Reason: In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011).

- C 8 This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined by as set out in Annex 1 of the Planning Policy for Traveller Sites (2015).**

Reason: In order to control development in the open countryside, in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011).

- C 9 No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5tonnes shall be stationed, parked or stored on this site.**

Reason: The impact on amenity, the landscape and highway safety of such activity has not been considered as part of this application and such activity may be found to be unacceptable.

- C10 The development or occupation of the site shall not occur or commence until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:**

**a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.**

**b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.**

**This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.**

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012). This is a pre-

commencement condition because contamination must be adequately remediated prior to occupation or development commences on site.

- C11 **Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.**

**This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because contamination must be adequately remediated prior to occupation or development commences on site.

- C12 **On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.**

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C13 **The development hereby permitted shall be carried out in accordance with the following approved plans and reports:**

- **OS003 - Location Plan**
- **OS0001(1) - Existing Site Plan**
- **OS0002(1) – Proposed Site Plan**
- **FP0001A – Static/Tourer and Service Building Proposed elevations and floor plans**

Reason: For the avoidance of doubt and in the interest of proper planning.

### **Additional Information**

Appendix 1 – ‘Appendix 2 – Sequential Test – Evaluation of Similar Sized Sites’

Copies sent to Cllr Allen, Cllr Brown, and Cllr Sanders

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## APPENDIX 2

### SEQUENTIAL TEST - EVALUATION OF SIMILAR SIZED SITES

Developable area of site 0.4257

Search parameters +/- 600% = site area search of 0.01 to 3 ha within LPA District area

#### KEY

Within search range = LPA area of operation

Available = Within LPA District Wide

#### Sites of similar size by open market research within LPA area

Search engine name	Site area HA	Within search range	Reasonably available	Agent / Notes
<b>Newsnow.co.uk</b>				
Peakirk (Bletsoe) Peakirk	2.23	NO		Amenity Land FZ3
<b>Rightmove</b>				
William H Brown Forrest Drive	0.02	NO		House plots Residential area
Jolliffe Stamford Walk Netherton	0.01	NO		House plot Residential area
<b>Zooplaa</b>				
Sharman & Quiney - Lincoln Rd Glington	1	NO		Arable Farm Land Green Belt next residential Houses
Connels	0.012	NO		House Plots
Connels - Werrington	0.12	NO		House plot backland surrounded by residential
City & County 318 Oundle Road	0.12	NO		House plot backland surrounded by residential

**Elp-Ltd.com**

Virginia Close, Longthorpe	0.047	NO		Dense Residential area
Northey Road Fengate	3	NO		SAM area
Werrington Bridge Road Newborough	1.5	YES	YES	Refused Planning for G&T site
Northey Road Fengate	1	YES	NO	Sold



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**Application Ref:** 16/01168/FUL

**Proposal:** Proposed two bedroom bungalow

**Site:** Land To Rear Of, 37 And 39 Lincoln Road, Glington, Peterborough

**Applicant:** Mr & Mrs P Breslin

**Agent:** Mr John Hartley

**Referred by:** **Glington Parish Council**

**Reason:** The Parish Council object to this application as the site is too small for such a development and this application increases the footprint of the dwelling. Furthermore it is considered detrimental to the amenity of residents of the adjacent retirement home.

**Site visit:** 28.07.2016

**Case officer:** Mr M A Thomson

**Telephone No.** 01733 453478

**E-Mail:** matt.thomson@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### **Site Description**

The application site forms part of two rear gardens, serving no's 37 and 39 Lincoln Road, a detached bungalow and two storey dwelling respectively, and has a site area of 400 square metres.

Both No's 37 and 39 Lincoln Road front onto and have direct vehicular access to Lincoln Road; No.37 has two off street parking spaces, and No.39 could accommodate up to 4 off-street parking spaces to front. The application site is set back some 50 metres from Lincoln Road and is surrounded by a two metre high close board fence. There are a number of trees within and immediately adjacent to the site, which include a willow and lime tree, several fruit trees and a leylandii hedge.

To the north of the site is the rear garden to No.41 Lincoln Road, to the west is a Residential Care Home (Garden Lodge), to the south-west is a detached bungalow (No. 35A Lincoln Road), to the south is a recently built detached bungalow (No.35B Lincoln Road) approved under 09/01550/FUL, and to the south-east is the former site of a detached bungalow (No.35 Lincoln Road) which has recently been demolished. No's 37 and 39 Lincoln Road are to the immediate east.

The application site would be accessed by an existing access from Lincoln Road, which serves No's 35A, 37 and the Residential Care Home. It is understood that there are a maximum of 10 people residing at the Care Home.

### **Proposal**

In 2015 planning permission was granted for the erection of a detached bungalow by the Planning and Environmental Protection Committee under App Ref: 15/00621/FUL.

This scheme proposes the following amendments;

- On the east elevation the chimney has been repositioned, as have two roof lights and side

- window;
- On the west elevation a utility room is proposed, two roof lights have been added and a side door;
- On the south elevation the porch canopy has been amended, and two bay windows introduced; and
- On the north elevation a set of patio doors have been replaced with a window.

An amended site plan has been submitted which reflects the layout of the 2015 approved scheme. This change specifically relates to No 37's southern boundary to facilitate a wider vehicle access.

The dwelling would have a footprint of 11.8m x 10.3m respectively, and would stand at 2.3m to eaves and 5.3m to ridge. The utility room extension would have a floor area of 2m x 3.6m, standing at 2.3m to eaves and 3.6m to ridge.

Materials proposed are Hanson Seville Antique walling, slate colour roofing, cream upvc openings and black rainwater goods. Corbels, lintels, chimney capping etc. would be Warrick reconstituted stone.

The position and height of the dwelling is unchanged; with the exception of the utility room addition the footprint is also otherwise unchanged.

These works could not be undertaken without planning permission as permitted development rights were restricted by planning condition under the 2015 approval. The reason for this was to ensure that any additions could be reviewed by the Local Planning Authority and to protect the amenity of the area.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/00621/FUL	Erection of detached bungalow with access	Permitted	14/07/2015
12/00297/FUL	Construction of 1 x 2 bed bungalow	Refused	30/04/2012

## **3 Planning Policy**

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

### **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.

#### **CS13 - Development Contributions to Infrastructure Provision**

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

#### **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.

### **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.

#### **PP04 - Amenity Provision in New Residential Development**

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **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.

#### **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.

### **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 Transport & Engineering Services (05.07.16)**

No objection – subject to conditions with respect to parking and turning, provision of access and

driveway, wheel wash and temporary facilities for construction traffic.

**Archaeological Officer (06.07.16)**

No objection - The available evidence would indicate that the application site has the potential to contain archaeological remains of all periods. If present, these are expected to survive in good conditions of preservation.

Given the known historic and archaeological background to the site, it is recommend that archaeological monitoring of all groundwork.

All archaeological work should be carried out in accordance with a written scheme of investigation which is expected to fulfil the conditions specified in a 'brief' issued by this office.

**Cambridgeshire Fire & Rescue Service**

No comments received

**PCC Pollution Team**

No comments received

**Waste Management**

No comments received

**Welland & Deeping Internal Drainage Board**

No comments received

**Glinton Parish Council (21.07.16)**

Object - The current application seeks approval to a larger bungalow, extended further towards the western boundary which adjoins a retirement home.

The Parish Council object to the application and remain of the view, previously held, that the site is too small for such a development and this application increases the footprint of the bungalow even further. Furthermore it is considered detrimental to the amenity of residential of the adjacent retirement home.

The Parish Council ask that this be referred to the Planning and Environmental Protection Committee if Officers are minded to recommend approval.

**Local Residents/Interested Parties**

Initial consultations: 3

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

A letter of representation has been received raising the following concerns. The second letter of representation relates to Parish comments stated above.

- Design has changed to the previous approval;
- The access does not replicate the previous approval;
- Concerns of accessibility during construction works;
- The dwelling should be situated closed to No's 37 and 39 Lincoln Road; and
- Query whether the application is valid and concerns raised over certificates.

**5 Assessment of the planning issues**

**Principle of Development**

The principle of development is accepted given that there is an extant planning permission for a

detached dwelling on the application site, which was approved under 15/00621/FUL. The only question for this application is whether the proposed changes are acceptable or not.

### **Design and Layout**

Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012) state 'new development should respond appropriately to the particular character of the site and its surroundings ... [and] should not result in unacceptable impact on the amenities of occupiers of any nearby properties'. This is consistent with the Villages SPD (2011) for Glinton, which states 'the design of new buildings should be sympathetic to neighbouring buildings and in keeping with the village environment'.

Given the juxtaposition of the proposed dwelling to the road, the intervening dwellings and natural and manmade boundary treatments, the proposed external alterations and proposed utility room extension it is not considered would have an adverse impact on the character or appearance of this section of Lincoln Road.

The height of the dwelling would be unchanged, and the height of the proposed utility room would be 3.6m to ridge, therefore given the extant planning permission the proposed changes are not considered to harm the visual amenity of the area.

Subject to conditions being in accordance with 2015 approval, which include seeking samples of walling and roofing, levels and hard and soft boundary treatments, the proposal would accord with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

### **Access, Parking and Highway Safety**

The Local Highway Authority has not objected to the access arrangement as it is not considered that the proposal would give rise to a Highway safety hazard. Highways have however requested details of vehicle to pedestrian visibility splays, which could be secured by condition should planning permission be granted. As per the previous approval details of the access surface shall be secured by condition; due to issues of noise and neighbour amenity it shall be hard bound.

A letter of representation has been received advising that the plans as originally submitted did not represent the vehicle access as originally approved; as such a revised plan (Site Plan Rev A) has been submitted and now reflect the previous approval, and are accepted.

This development is therefore considered to accord with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

### **Neighbour Amenity**

The dwelling would be slightly larger and the proposed utility room extension would be situated closer to the care home by 3m, however it would only stand at 3.6m to ridge, and given that there would be a 1.8m high close board fence and there is a separation of some 6-8m from the boundary fence to the care home, this extension is not considered to be overbearing, or result in a loss of privacy or outlook.

A letter of representation and comments from the Parish Council have raised concerns that the proposed extension would have a harmful impact upon the residential care home. For the reasons set out above the impact is considered to be acceptable.

The scheme does propose roof lights on three elevations, however these would be within the roof of the dwelling, presumably vaulted, and would not be to serve first floor accommodation. They are therefore considered acceptable.

It is recommended that conditions consistent with the previous approval for the site be attached, which shall include ensuring a satisfactory surface for the access road. Subject to these conditions the proposal would accord with Policy CS16 of the Peterborough Core Strategy (2011) and PP3 of

the Peterborough Policies DPD (2012).

### **Amenity of Future Occupiers of the proposed Dwelling**

Notwithstanding the proposed utility room extension the proposed dwelling would be served by a satisfactory garden and principal rooms would be served by sufficient levels of natural light and outlook. As per the previous approval however should permission be granted the Local Planning Authority would seek to restrict permitted development rights for extensions and outbuildings for the avoidance of doubt. Subject to this condition the proposal would accord with Policy PP4 of the Peterborough Policies DPD (2012).

### **Biodiversity**

To facilitate the proposed development a Willow Tree, a number of fruit trees and conifer hedges would be removed. With the exception of the utility room extension, there is no material change to the previous application.

The Willow Tree appears to be a healthy specimen however it is not visually prominent from the public realm, as such it would not be eligible for a Tree Preservation Order. The proposal would result in the loss of a number of trees and a conifer hedgerow. Therefore if planning permission was granted, an informative shall be attached advising no works to trees during bird breeding season as well as securing biodiversity enhancements for the site, such as bird and bat boxes. Subject to this condition the proposal would accord with PP16 of the Peterborough Policies DPD (2012).

### **Flood Risk**

The site of application is not within a Flood Risk Zone. The Drainage Board previously responded, stating there is a lack of information on how surface water would be disposed of, nor are there any foul sewers in the immediate vicinity. Matters of foul and surface water disposal can be secured by way of planning condition as per the original consent.

### **Other Matters**

Archaeology - The Council's Archaeologist has raised no objection, however has advised that the application site has the potential to contain archaeological remains of all periods. Therefore it is recommend that there is archaeological monitoring during all groundwork (and not an evaluation by trial trenching), to be carried out in accordance with a written scheme of investigation.

Construction noise and traffic - Should permission be granted the Local Planning Authority would seek to secure a Construction Management Plan for the site, which would limit hours of construction.

Access for emergency vehicles during the construction period would be a site management matter and would be the responsibility of the site manager.

A letter of representation queried whether the ownership certificate was correct; the Agent has confirmed that Certificate A is correct.

## **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:

- The principle of residential development in this limited growth village has been found to be acceptable under a previous extant application, and remains in accordance with Policies CS1 and CS2 of the Peterborough Core Strategy DPD (2011);
- The siting, scale and design of the proposed dwelling is considered to be acceptable with no adverse visual impact on the site, or surrounding area, and is in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP17 of the

- Peterborough Policies DPD (2012);
- There would not be any unacceptable harm to neighbouring amenity, and the dwelling would provide satisfactory amenity for future occupiers, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP3 and PP4 of the Peterborough Policies DPD (2012); and
- There are no Highway safety concerns and parking and turning can be accommodated on site, in accordance with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- 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 No development shall take place above slab level until samples of materials, including roof and wall materials, details of the type, design and external finish of all windows, external doors, boundary and access road treatments and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. 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 and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.**

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

- C 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), planning permission will be required for extensions, outbuildings, openings and dormer windows, porches, chimneys, flues or soil and vent pipes.**

Reason: In order to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C 4 Notwithstanding the submitted information no land raising is permitted and the finished floor levels of the dwelling hereby approved shall be no more than 100mm above existing ground floor level.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012)

- C 5 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. The Scheme shall thereafter be implemented as agreed.**

Reason: to secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Policy CS17 of the adopted Peterborough Core Strategy DPD

(2011) and Policy PP17 of the Peterborough Policies DPD (2012). This is a pre-commencement application as the details need to be agreed before development can commence on site.

- C 6 Notwithstanding the submitted information no development shall take place above slab level until details of the vehicles to pedestrian visibility splays have been submitted to and approved in writing by the Local Planning Authority. Thereafter these visibility splays shall be implemented in accordance with the approved details prior to occupation of development hereby permitted and these areas shall be maintained free from any obstruction over a height of 600mm.**

Reason: In the interests of Highway safety and to accord with Policy PP12 of the Peterborough Policies DPD (2012).

- C 7 Prior to first occupation of the dwelling the areas shown as parking and turning on Drwg Site Plan 1/500 Rev A shall be drained and surfaced in accordance with the submitted details and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the dwelling.**

Reason: In the interests of Highway safety and to provide satisfactory parking, in accordance with Policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD (2012).

- C 8 The access road/driveway to the new dwelling shall be constructed in accordance with the approved plans Site Plan 1/500 Rev A and shall be un gated. The access road/driveway shall be made available prior to the occupation of the dwelling.**

Reason: In the interests of Highway safety and to accord with Policy PP12 of the Peterborough Policies DPD (2012).

- C 9 Prior to the commencement of development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full and up-to-date design details of the proposed drainage systems, including existing runoff rates and how the impact of the development can be mitigated. The scheme shall be implemented in accordance with the approved details prior to first occupation.**

Reason: In order to prevent surface water flooding, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011). This is a pre-commencement application as the details need to be agreed before development can commence on site.

- C10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner in accordance with Policy PP20 of the Peterborough Policies DPD (2012) and paragraph 109 and 121 of the NPPF (2012).

- C11 Prior to the commencement of any development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include (but not exclusively the following):-**

- **a scheme of chassis and wheel cleaning for construction and demolition vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;**
- **hours of construction;**
- **a scheme of working hours for construction and other site works;**
- **a scheme for parking, turning and loading of contractors vehicles;**

**Thereafter the details shall be implemented in accordance with the approved details.**

Reason: In the interest of highway safety and to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3, PP12 and PP13 of the Peterborough Policies DPD (2012).

**C12 The development hereby permitted shall be carried out in accordance with the following approved plans and reports:**

- **4501/1 - Proposed floor plan, elevations, block and site plan**
- **Site Plan 1/500 Rev A - Proposed access arrangement**

Reason: For the avoidance of doubt and in the interest of proper planning.

Copies sent to Cllr Hiller, and Cllr Holdich

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<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 5</b>
<b>27 SEPTEMBER 2016</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer:	Nick Harding, Head of Development and Construction	Tel. 454441
Reporting Officer:	Louise Lovegrove, Senior Development Management Officer	Tel. 454439

**PLANNING APPEAL PERFORMANCE JANUARY – SEPTEMBER 2016**

RECOMMENDATIONS	
<b>FROM :</b> Director of Growth and Regeneration	<b>Deadline date :</b> September 2016
That Committee notes past performance and outcomes.	

**1. PURPOSE AND REASON FOR REPORT**

- 1.1 It is useful for Committee to look at the Planning Service’s appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs. This report is presented under the terms of the Council’s constitution Part 3, delegations section 2 para 2.6.1.4. This represents the first report for some years, which hereafter shall be produced quarterly.
- 1.2 This report covers the period from 1 January 2016 to 31 August 2016 and a list of all appeal decisions received can be found at Appendix 1.
- 1.3 For the purposes of ‘lesson learning’, each report will cover a selected number of cases in detail whereby the Local Planning Authority (LPA) has lost its case. Attention will be paid to the difference in assessment of the selected schemes between the LPA and Planning Inspector.

**2. TIMESCALE.**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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**3. BACKGROUND**

3.1 Appeal Performance

3.1.1 In the calendar year to date, a total of 17 appeal decisions have been received. This number is considerably lower than the corresponding period in 2015, whereby 32 appeal decisions were received. All of the appeals except one, related to the refusal of planning permission or a Certificate of Lawful Development. One appeal challenged the imposition of a condition applied to a planning permission.

3.1.2 Of the 17 decisions received, 11 were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government (65%) and 6 were allowed (35%). This represents a similar level of performance when compared to the corresponding period in 2015, whereby 20 were dismissed (63%) and 11 allowed (34%). The similarity in

data suggests that the quality of decision-making has remained consistent over the past 2 years.

- 3.1.3 The only government assessment of appeals performance relates to planning applications which fall within the 'major' threshold. Of the appeal decisions received, none fall within this category and as such, there is no implications in terms of managing performance of the Local Planning Authority.
- 3.1.4 Of the planning application decisions appealed, 14 resulted from Officer delegated decisions, and 3 from decisions made by the Planning and Environmental Protection Committee. This split is broadly in line with the proportion of overall planning application decisions which are referred for determination by Members.
- 3.1.5 With regards to the decisions made by Officers, 10 of the appeals were dismissed (71%) and 4 were allowed (29%). One of these allowed appeals is to be considered in more detail below.
- 3.1.6 Turning to the decisions made by Members, 1 of the appeals was dismissed (33%) whilst 2 were allowed (67%). Both of the allowed appeals resulted from Committee decisions contrary to Officer recommendation. One of these decisions, which was subject to an award of costs, is to be considered in more detail below.

### 3.2 Case Study 1 – 15/01289/HHFUL

- 3.2.1 In October 2015, planning permission (under delegated authority) was granted for the installation of a timber garden shed at No.3 The Nook, Helpston. As the development had already taken place, the application was retrospective. A copy of the Officer's Delegated Report is attached at Appendix 2 which details the justification for the granting of planning permission.
- 3.2.2 The appeal related to the imposition of condition C1, which required that the top-most 1 metre of the rear (northern) elevation of the shed be painted in dark green within 3 months of the date of the decision notice.
- 3.2.3 This condition was imposed because, in the opinion of the Officer, the painting of the shed would reduce its visual impact to passers-by along the Glinton Road and the character and appearance of the Glinton Conservation Area. It should be noted that the City Council's Conservation Officer did not request that the condition be imposed, and was instead content that the existing materials were appropriate so as to preserve the character of the Conservation Area.
- 3.2.4 The condition was appealed and, in March 2016, the Inspector allowed the appeal and deleted condition C1 from the planning permission. In coming to this decision (which is attached at Appendix 3), the Inspector concluded that the shed is not particularly prominent feature from the available viewpoints along adjacent roads and that it is not uncommon for sheds (and other outbuildings) to be seen within the context of rear gardens, whether located in a Conservation Area or not. It was considered that the constructed shed was a neutral feature within the Conservation Area and that there was no necessity for it to be partially painted dark green. As such, without the condition the proposal preserved the character and appearance of the Conservation Area and was in line with national and local planning policies.
- 3.2.5 This appeal decision highlights the importance of ensuring that the expert advice of professional consultees is followed, and that any conditions imposed upon a planning permission meet the six key tests set out in paragraph 206 of the National Planning Policy Framework (2012). Planning conditions should only be imposed where they are:
  - 1. necessary to make the development acceptable (i.e. without the condition the development would be refused);

2. relevant to planning (i.e. they cannot control matters that are subject to specific control elsewhere in planning legislation);
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects (i.e. they must be justifiable and proportionate) .

### 3.3 Case Study 2 – 15/01129/FUL

- 3.3.1 At the Planning and Environmental Protection Committee meeting of 13 October 2015, Members refused planning permission for the erection of a House in Multiple Occupation providing 6 bedsitting rooms with shared kitchen and dining facilities at Cranford Drive Boiler House, Hartwell Court, Westwood. The reason for refusal stated:

*The proposed development, by virtue of the intensity of the use of the site in terms of occupation, would result in an unacceptable vulnerability to and fear of crime, and level of general disturbance to the detriment of the amenities of neighbouring occupants. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).*

- 3.3.2 It should be noted that this refusal was contrary to the recommendation from Officers and a copy of the Committee Report can be found at Appendix 4.

- 3.3.3 The decision was appealed and in June 2016, the Inspector allowed the appeal and granted planning permission for the development. In coming to this decision (which is attached at Appendix 5), the Inspector paid significant regard to the ‘fall-back position’ which included the granting of planning permission in 2011 for the construction of 2no. 3 bed semi-detached residential dwellings. It was commented that this could allow for residential occupancy with a minimum rate of six persons and as such, it would seem likely that the proposed HMO would not result in any significant increase in intensity of use.

- 3.3.4 With regards to fear of crime, it was noted that there is no firm evidence that increased crime and anti-social behaviour resulted from HMOs and that this was not an inevitable consequence of multiple occupation. Furthermore, it was noted that the Police Architectural Liaison Officer had not objected to the proposal. Accordingly, it was concluded that the proposal would not result in an increase of criminal activity or anti-social behaviour.

- 3.3.5 It should also be noted that the appeal was subject to an award of costs against the Council. In reaching this conclusion, the Inspector concluded that the expressed fear of crime was a vague and generalised assertion, unsupported by objective analysis and not supported evidentially. Accordingly, it was found that the Council had acted unreasonably.

- 3.3.6 This appeal decision highlights: the need to ensure that reasons for refusal are clearly defined, specific and unambiguous; and that where Officer recommendation is overturned, reasons for refusal are substantiated through objective analysis and supported evidentially.

## 4. **IMPLICATIONS**

- 4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the planning/appeal processes themselves must have due regard to legal considerations and requirements.

- 4.2 **Financial Implications** – This report itself does not have any financial implications

- 4.3 **Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.

- 4.4 **Human Resources** – This report itself has no human resources implications.

- 4.5 **ICT** – This report itself has no ICT implications.
- 4.6 **Property** – This report itself has no Property implications.
- 4.7 **Contract Services** – This report itself has no Contract Services implications.
- 4.8 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

**Appendix 1 – Appeals Performance from 01.01.2016 to 31.08.2016**

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
14/01833/FUL	21 Castle End Road Maxey Peterborough PE6 9EP	Demolition of existing garage and outbuilding and construction of three detached dwellings and garages	Approval	Refused 07.04.2015	<p>1. Proposal is out of keeping with the character of the Conservation Area – contrary to CS16, CS17, PP3, PP17, paragraphs 61 and 133 of the NPPF and the Maxey Conservation Area Appraisal.</p> <p>2. Plot 1 represents subdivision of the frontage which would harm the character of the Conservation Area – as above.</p> <p>3. Unacceptable loss of privacy and overbearing impact to neighbour amenity – contrary to PP3.</p> <p>4. Unsafe access – contrary to PP12.</p>	Written Representations	Allowed 11.01.2016	N/A	<ul style="list-style-type: none"> <li>- Development would be contrary to the Conservation Area Appraisal however the site already has a wide frontage compared to others in the street. As such, its subdivision would result in frontage plots of similar width to those surrounding. This would not be incongruous.</li> <li>- Similar development has occurred further south and the proposal wouldn't be unique or out of place.</li> <li>- Dwellings have a pleasing design with attention to detail.</li> <li>- The loss of the boundary wall and hedge would be limited and result in a similar appearance to other accesses in the street.</li> <li>- The proposal would not be harmful and would preserve the Conservation Area.</li> </ul>
14/01573/FUL	Land On The South West Side Of Northey Road Northey Place Peterborough	Change of use for one extended gypsy family for one static, one touring caravan and associated facilities block	Refusal	N/A	<p>1. Proposal would be highly visible and detract from the setting and significance of Flag Fen heritage asset.</p> <p>2. Groundworks and landscaping associated with development, would detrimentally affect buried archaeological remains.</p>	Written Representations	Dismissed 28.01.2016	N/A	<ul style="list-style-type: none"> <li>- Insufficient evidence that associated operational development could be done without unduly disturbing existing ground.</li> <li>- Development would be at odds with the landscape context within which the SAM is experienced. That harm could not be effectively mitigated.</li> <li>- The proposed development would result in material harm to the SAM which is of national importance and worthy of the highest levels of protection. Whilst benefit would result, this is not outweighed by the harm.</li> <li>- Proposal would not have an unacceptable loss of privacy for occupiers of any nearby property or overbearing impact.</li> <li>- There is no footway and the visibility splays would be within highway verge. This verge is narrow or non-existing along the street and it is unlikely that pedestrians would use them as a footway. Therefore the access would not be unsafe.</li> </ul>
15/00863/FUL	52 Huntly Grove Peterborough PE1 2QN	1 x dwelling	Refusal	N/A	<p>1. Overdevelopment resulting in cramped form of development, contrary to established character. Failure to preserve the setting of the Conservation Area – contrary to CS16, CS17, PP2 and PP17.</p> <p>2. Proposed balcony would result in loss of privacy to neighbours; development would provide</p>	Written Representations	Dismissed 01.02.2016	N/A	<ul style="list-style-type: none"> <li>- Limitations of the access, and inadequate space available for parking and manoeuvring of vehicles would not be in the interests of highway safety.</li> <li>- A dwelling on this very small site, positioned alongside the rear gardens of adjoining houses, would be incongruous with the established built form of the area.</li> <li>- The balcony would overlook the private</li> </ul>

**Appendix 1 – Appeals Performance from 01.01.2016 to 31.08.2016**

					<p>substandard outdoor amenity space; principal rooms would have a reliance on artificial light; access via a narrow unlit passageway which would result in fear of crime – contrary to CS16, PP3 and PP4.</p> <p>3. Insufficient manoeuvring in site to detriment of highway safety – contrary to CS14 and PP12.</p> <p>4. Insufficient on-site parking – contrary to CS14 and PP12.</p>				spaces of neighbouring dwellings and result in unacceptable loss of privacy to occupiers.
14/02163/OUT	Rear Of 162-164 Crown Street New England Peterborough PE1 3HZ	2no semi-detached houses and 4no parking spaces	Refusal	N/A	<p>1. Inadequate area for the turning of vehicles would be provided, to the detriment of amenities of dwelling No.10 – contrary to CS14 and PP12.</p> <p>2. Increase in vehicle movements would have detrimental impact on amenities of neighbouring occupants – contrary to PP3.</p> <p>3. Unacceptable overbearing impact to neighbouring occupants – contrary to PP3.</p> <p>4. Harm to the visual amenity of the locality – contrary to PP2.</p>	Written Representations	Allowed 10.02.2016	N/A	<ul style="list-style-type: none"> <li>- The neighbouring gardens accommodate a range of outbuildings and semi-mature vegetation. The bottom of these gardens are not likely to be intensively use. As such, the proposal would not have an overbearing impact or result in unreasonable loss of privacy.</li> <li>- Additional vehicle movements generated by two extra properties would not lead to significant additional noise and disturbance.</li> <li>- Degree of manoeuvring within parking area is not unreasonable and the associated noise is not likely to be significant.</li> <li>- Parking in a more visually prominent position would not represent a visual intrusion.</li> </ul>
15/01289/HHFUL	3 The Nook Helpston Peterborough PE6 7DN	Timber garden shed - retrospective	Approve (appeal relates to a condition)	N/A	Condition: Notwithstanding the submitted information, the top 1m of the rear side elevation of the shed shall be painted dark green.	Written Representations	Allowed 31.03.2016	N/A	<ul style="list-style-type: none"> <li>- Without the condition, the appeal scheme preserves the character of the Conservation Area.</li> <li>- The painting of the top part of the shed would not materially change the outlook for occupiers of the neighbouring property.</li> <li>- The condition is therefore unnecessary.</li> </ul>
15/01244/FUL	89 Fengate Peterborough PE1 5BA	Change of use of office to dwellinghouse (resubmission)	Refusal	N/A	1. Unacceptable level of amenity for future occupants – contrary to PP4	Written Representations	Dismissed 07.04.2016	N/A	- Proposed rear windows and outdoor amenity area would be unacceptably dominated by the adjacent approved industrial development. Future occupants would not be afforded an acceptable amenity.
15/01765/HHFUL	9 Manor Road Sutton Peterborough PE5 7XG	Demolition of existing garage and erection of two storey side extension	Refusal	N/A	1. Unacceptable overshadowing to neighbouring dwelling to detriment of amenity – contrary to CS16 and PP3	Householder Fast-track	Allowed 21.04.2016	N/A	- Proposal would not be overbearing when viewed from neighbouring windows and, whilst some loss of light would occur, it would only be for a small part of the day.
15/01200/FUL	241 Park Road Peterborough PE1 2UT	Single storey extension to provide additional childcare spaces with restricted hours of operation	Refusal	Refused 13.10.2015	<p>1. Insufficient car parking resulting in danger to users of the public highway – contrary to CS14, PP12 and PP13</p> <p>2. Harm to character, appearance and visual amenity of area – contrary to CS16 and PP2</p>	Written Representations	Dismissed 29.04.2016	N/A	<ul style="list-style-type: none"> <li>- Proposal would represent a risk to highway safety which could not be overcome by conditions.</li> <li>- Proposal would be broadly in keeping with, and not cause significant harm to, the character and appearance of the locality.</li> </ul>

**Appendix 1 – Appeals Performance from 01.01.2016 to 31.08.2016**

		from 9:30AM - 4:30PM (resubmission)			3.Harm to neighbour amenity – contrary to CS16 and PP3				- Proposal would not visually harm neighbour amenity however noise disturbance would result in unacceptable harm.
15/01582/ADV	52 Bridge Street Peterborough PE1 1DT	1 x illuminated fascia sign and 1 x illuminated hanging sign	Split Decision Approve fascia Refuse hanging	N/A	1.Scale of sign would be inconsistent feature within streetscene, to detriment of Conservation Area – contrary to CS16, PP2 and Peterborough Shop Front design Guide.	Written Representations	Allowed 04.05.2016	N/A	- Bearing in mind the variety of handing signs in the vicinity of the site, the appeal signage would not harm the amenity of the area or the Conservation Area.
15/00658/FUL	Land At Central Square Stanground Peterborough	Construction of A1 class shop	Refusal	N/A	2.Potential conflict between vehicles and pedestrians owing to the proposed new access. Failure to demonstrate that the proposed layout would be safe for large service vehicles – contrary to CS14 and PP12	Written Representations	Dismissed 09.05.2016	N/A	- Proposed pedestrian access relocation would result in conflict between pedestrians and vehicles manoeuvring. - Proposed new access would not be dangerous subject to the provision of the suggested signing and lining.
15/01129/FUL	Cranford Drive Boiler House Hartwell Court Westwood Peterborough	Erection of HMO providing 6 bedsitting rooms with shared kitchen and dining facilities	Approval	Refused 13.10.15	1.Unacceptable vulnerability to and fear of crime owing to the intensity of the use of the site – contrary to CS16	Written Representations	Allowed 14.06.2016	Allowed against Council	- Committee have given little weight to the information presented by the Appellant, professional officers and the consultation response received from the Police. The expressed fear was a vague and generalised assertion, unsupported by objective analysis and not supported evidentially.
15/01078/CLP	351 Fulbridge Road Peterborough PE4 6SJ	Erection of an outbuilding	Refusal	N/A	1.Proposed development is not permitted development as: building is of size and scale which is not subordinate to the host dwellinghouse; the Applicant has failed to provide evidence that the building is reasonably required for purposes incidental; or that it would remain for that purpose.	Written Representations	Dismissed 17.06.2016	Not allowed either for or against Council	- Space proposed seems very extensive and insufficient evidence has been provided to show that such extensive floorspace is required.
16/00323/HHFUL	131 Eye Road Dogsthorpe Peterborough PE1 4SG	Two storey side extension with integral garage	Refusal	N/A	2.Excessively wide, unbalanced and incongruous resultant development which harms the character of the surrounding area – contrary to CS16 and PP2	Householder Fast-track	Dismissed 30.06.2016	N/A	- Proposal would dominate and unbalance the existing house and semi-detached pairing to the detriment of their character and appearance. This would cause material harm to the character and appearance of the wider area.
15/01916/FUL	24 Chain Close Peterborough PE1 4EY	Demolition of existing garage and erection of one bed bungalow	Refusal	N/A	1.Contrived development which would not respect the general layout and character of the locality – contrary to CS16 and PP2 2.Inadequate access to detriment of highway safety – contrary to PP12 3.Overbearing impact to neighbours – contrary to CS16 and PP3 4.Noise and disturbance to neighbours – contrary to Cs16 and PP3	Written Representations	Dismissed 22.07.2016	N/A	- Proposal would result in a contrived form of development, at odds with the general character of the area. - Siting and depth of the proposal would result in unacceptable sense of enclosure to neighbouring garden and be overbearing. - Unacceptable noise and disturbance would result to neighbouring occupants. - Pragmatic approach to highway standards is needed. As the site is at the end of a cul-de-sac there are no other pedestrian linkages to the surrounding network. Only a small number of pedestrians are likely to use the footpath and vehicle speeds would be low.

**Appendix 1 – Appeals Performance from 01.01.2016 to 31.08.2016**

									As such, there is adequate visibility.
15/01009/FUL	19 Leofric Square Fengate Peterborough PE1 5TU	Use of office within unit for taxi business	Refusal	N/A	1.All of proposed parking is allocated to proposed taxi use, leaving nothing for the existing use. Proposal would result in unsafe parking and a highway safety danger – contrary to CS14, CS16, PP12 and PP13	Written Representations	Dismissed 03.08.2016	N/A	- On basis of the site visit undertaken, there is competition for existing parking spaces. There is potential for considerable traffic/parking generated by the taxi business which cannot be accommodated safely. Cannot secure by condition that taxis do not visit the site as unenforceable.
16/00322/FUL	131 Eye Road Dogsthorpe Peterborough PE1 4SG	Erection of a detached two storey three bedroom dwelling with associated car parking and alterations to vehicular access	Refusal	N/A	1.Cramped form of development out of keeping with character and context of area – contrary to CS16 and PP2 2.No arboricultural assessment provided to demonstrate that no harm would result to trees/ecology – contrary to PP16 3.Access would involve tree loss which would adversely affect the area of the locality - contrary to CS16 and PP2 4.Harm to amenity of occupants of host dwelling – contrary to CS16 and PP3 5.Insufficient space to accommodate turning area resulting in harm to highway safety – contrary to PP12 6.Insufficient parking – contrary to PP12 and PP13	Written Representations	Dismissed 17.08.2016	N/A	- Even though satisfied that the proposed access would not have an adverse impact on the streetscene, through overdevelopment of the site, and potential impact on adjacent trees, unacceptable harm to the character and appearance of the area would result. - No details of the works to the existing dwelling have been provided and as such, unsure if these would be adequate to maintain satisfactory living conditions. - No visitor parking is provided on site and it is highly probably that the proposal would regularly generate demand for on-street parking. This would significantly increase the instances for hazardous parking which would be detrimental to highway safety.
15/00941/OUT	90 Guntons Road Newborough Peterborough PE6 7RT	Erection of 2 x dwellings	Refusal	N/A	1.Applicant has failed to demonstrate, by way of a Sequential Test, that there are no more sequentially preferable sites available for the proposed development – contrary to NPPF, CS22 and the Flood and Water Management SPD (Chapter 4)	Written Representations	Dismissed 30.08.2016	N/A	- A Sequential Test has now been submitted which is accepted by the Council. However, the Exceptions Test is failed as the benefit arising from the development would be solely for the Applicant's family, and not the community.

**Delegated Report**

**Application Ref:** 15/01289/HHFUL

**Proposal:** Timber garden shed - retrospective

**Site:** 3 The Nook, Helpston, Peterborough, PE6 7DN  
**Applicant:** Mr Ian Humphrey

**Agent:**  
**Site visit:** 18.09.2015

**Case officer:** Mr M Roberts  
**Telephone No.** 01733 454410  
**E-Mail:** mike.roberts@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

**1 Description of the site and surroundings and Summary of the proposal****The Proposal**

The proposal is for the retention of a vertically boarded timber shed to the rear of the application property. It is located to the very north east area of the garden and abuts close to the southern flank boundary of the dwelling to the north. Its dimensions are 6.28m wide, 2.786m high, at its highest point i.e. the ridge of the shed and 2.86m deep. The timber elevations are bright at this time as one might expect for a brand new timber building. The roof is a mono pitch design. The roof is to be covered with sedum. The shed has just the one opening that is on its south facing elevation. The neighbours immediately to the north of the application property, no.1 have erected a trellis up against the common boundary with no.3 The Nook. The trellis is attached to the fence on the side of no.3. This trellis is over 2.2m high. The applicant agreed to allow them to do this.

**The site and the surrounding area**

The application site lies in a residential area of the village in a central location. The dwelling, No.3, is set back from main road through the village with the long garden of no.1 between. This dwelling has a stone wall along the back edge of the pavement. This wall has a height of approximately 1.4m and is of a cock and hen design. This boundary has a row of vegetation on the top for a lot of its length. This vegetation acts as a screen for much of its rear garden when walking in a west to east direction. There is a gap however in the vegetation when viewed looking from Maxey Road. A house is currently under construction immediately to the east of no.3. This will have a front elevation fronting the Ginton Road. This will be a significantly sized dwelling which will screen much of the application property when viewed whilst walking from an east direction.

The site lies immediately adjacent to a boundary of the Helpston Conservation area whereas land to the north west and north fall within the Conservation Area. The reason why the application property is not in the Conservation Area is due to it being modern. Similar to the other dwellings to the south of the application dwelling in the Nook.

**2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
13/00352/HHFUL	Proposed sun room/living room extension to existing house	Permitted	30/04/2013

### 3 Planning Policy

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

#### Peterborough Core Strategy DPD (2011)

##### **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.

### 4 Consultations/Representations

#### **PCC Conservation Officer (28.09.15)**

Site Description:

The site is host to a mid to late C20 detached dwelling within the Helpston Conservation Area. The front of the dwelling faces west, with the neighbouring property (1 The Nook) separating the north boundary of the associated garden from Glinton Road.

#### **Comments:**

Having considered the impact of the retrospective structure and viewed from the surrounding area, it would have been ideal and entirely possible for the building to have a significantly lower roof height.

However, the issue presented in this instance is whether the structure in its current form is of significant detriment to the setting of the wider Conservation Area to warrant refusal.

The house under construction to the north east of the site will almost entirely block views of the garden building when travelling west along Glinton Road. Once the house under construction is passed the structure becomes visible across the garden of no.1 The Nook. When travelling east along High Street, which then turns into Glinton Road, views of the structure are screened by a hedge that has grown above the wall adjacent to the highway.

In reality the structure will be most visible when emerging onto Glinton Road from Maxey Road. Taking the above into consideration, there are also a number of modern roof structures visible within this view. In addition, the neighbour has erected a tall trellis that acts to screen the majority of the building visible from the public highway, above the boundary wall.

The materials this building has been constructed with appear to be of a quality Larch. Whilst the current finish is somewhat stark, the nature of Larch is that it will silver and darken over time, thus reducing its prominence within the streetscene further.

It would be appropriate to append a condition that the structure has to be finished within a certain time period, as the unfinished roof is currently visually negative.

**PCC Tree Officer (28.09.15)**

no objections as no trees will be affected.

**The Woodland Trust**

No comments received

**Forestry Commission**

No comments received

**Helpston Parish Council**

No comments received

**Local Residents/Interested Parties**

Initial consultations: 5

Total number of responses: 1

Total number of objections: 0

Total number in support: 0

There have been no objections to the proposal. The Parish Council advised that they wanted the application to be determined by the Council having had an objection from a member of the public

## **5 Assessment of the planning issues**

### **Planning Issues**

#### **The main considerations in assessing the merits of the case are -**

The design of the shed, its impact upon the character and appearance of the Helpston Village Conservation Area and the impact upon the amenities of the occupiers of the two adjoining neighbours.

#### **The design**

The shed is of one of many designs for such buildings albeit slightly higher and of a greater mass. All elevations are to be in timber. Overall the design of the shed is considered acceptable.

#### **The impact of the shed upon the character and the appearance of the Helpston Conservation Area.**

Any development that requires planning permission in conservation areas, has to preserve/enhance the character and appearance of such areas. The proposal requires planning permission.

As it stands the shed is reasonably obvious from views directly from the north and to a degree from views from an easterly direction. The view of the shed from the west is screened by vegetation that covers a stone wall that forms the boundary with no.1.

However, the view of the shed from the east will be screened by a new dwelling. Views of the shed will still remain from the north but not to a dominant degree. Walking from west to east there will be a glimpse of the shed. However the vegetation above the stone wall of no.1 will mean that pedestrians walking in a west to east direction will not immediately gain sight of the shed.

Overall it is considered that the shed, upon weathering and by its screening from the east would have a neutral impact upon the character and appearance of the village conservation area. The Conservation Officer has no objections to the retention of the shed due to its soon to be screened from the east by a new dwelling and the choice of materials. The timber elevations should weather in time to a silver then darker shade thus reducing its prominence.

The case officer considers that it would be appropriate to stain the rear elevation of the shed in a deep green colour. This, it is considered, would have an immediate impact on reducing the impact of the shed by passers-by along the Glinton Road and therefore the impact of the sheds appearance of the character and appearance of the conservation area.

### **The impact of the shed upon the occupiers of the close by dwelling houses.**

There are just two dwellings who are likely to be affected by the retention of the shed.

**No.1 The Nook.** - This dwelling has a good sized rear/side garden. The shed is located to the very rear of this garden and as such there will be limited impact in the outlook from the rear areas of this house both from within the dwelling and close to the rear of that dwelling where there is a patio. The occupiers of this dwelling have erected a trellis feature along the southern boundary of their rear garden to screen the shed but also along the east boundary of their garden.

**No.5 The Nook** This dwelling is to the south of the rear garden of no.3. The rear garden of this dwelling is far enough away from the shed to minimise any potential for an adverse impact. The larch wood material of the fencing should weather in time which will provide an appropriate in terms of the amenities of the occupiers of no. 5

## **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:

- The shed is of a design, appearance and location that would not harm the character and appearance of the Helpston Village Conservation Area in accordance with policy CS17 of the Peterborough Core Strategy and policy PP17 of the Peterborough Planning Policies DPD.
- Whilst the shed is visible from the rear gardens of the two adjoining residential properties it is positioned in a location that is away from the rear elevations of the those dwellings such that it does not have an adverse impact upon the amenities of the occupiers of those dwellings in accordance with policies PP2 and PP3 of the Peterborough Planning Policies DPD.

## **7 Recommendation**

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 Notwithstanding the submitted information the top 1m of the rear side (north facing) elevation of the shed be painted a dark green colour within 3 months of the date of this permission.

Reason: In the interests of the amenities of the occupiers of no.1The Nook and the character and appearance of the Helpston Village Conservation Area.

C 2 The development shall be carried out in accordance with the following drawing:-

- 0A0000/0001

Reason: For the avoidance of doubt

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## Appeal Decision

Site visit made on 9 March 2016

**by D J Barnes MBA BSc(Hons) Dip TP MRTPI**

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

**Decision date: 31/03/2016**

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**Appeal Ref: APP/J0540/W/15/3138407**

**3 The Nook, Helpston, Peterborough PE6 7DN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Ian Humphrey against the decision of Peterborough City Council.
  - The application Ref 15/01289/HHFUL, dated 10 August 2015, was approved on 26 October 2015 and planning permission was granted subject to conditions.
  - The development permitted is the erection of a timber garden shed.
  - The condition in dispute is No. C1 which states that: Notwithstanding the submitted information the top 1m of the rear side (north facing) elevation of the shed be painted a dark green colour within 3 months of the date of this permission.
  - The reason given for the condition is: In the interests of the amenities of the occupiers of no. 1 The Nook and the character and appearance of the Helpston Village Conservation Area.
- 

### Decision

1. The appeal is allowed and the planning permission Ref 15/01289/HHFUL for the erection of a timber garden shed at 3 The Nook, Helpston, Peterborough PE6 7DN granted on 26 October 2015 by Peterborough City Council is varied by deleting conditions C1.

### Procedural Matters

2. For reasons of brevity and to reflect the planning permission, the description of development has been adopted from the Council's decision notice.
3. The reason for the condition refers to the Helpston Village Conservation Area but the plan provided only refers to the Helpston Conservation Area. The latter name has been adopted in this appeal decision.

### Main Issues

4. It is considered that the main issues are (a) whether the condition is necessary to preserve or enhance the character or appearance of the Helpston Conservation Area and (b) the effect of removing the condition on the living conditions of the occupiers of 1 The Nook.
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## Reasons

### *Character and Appearance*

5. The development, which has been undertaken, comprises the erection of a wooden shed within the garden of 3 The Nook. As might be expected with a recently erected outbuilding, there is a starkness about the current appearance of the Scottish larch but, as noted by the appellant, this is a temporary occurrence and will reduce overtime because of weathering. However, the disputed condition seeks the painting of the top 1 metre of the shed's rear elevation in a dark green colour.
6. Based upon the available information and map, the shed is located within, rather than adjacent to the boundary of, the Helpston Conservation Area. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The duty is echoed in Policy CS17 of the Peterborough Planning Policies Development Plan Document (DPD) and Policy PP17 of the Peterborough Core Strategy Development Plan Document (CS). The Council has referred to DPD Policy PP02 which also includes development not having a detrimental effect on the character of the area.
7. The Conservation Area is principally characterised by stone buildings which front the roads extending from a crossroads within the centre of the village. There are a mix of styles of mainly residential properties with variations in roof forms. There are views in some locations from the roads toward the rear of properties but these are limited by both boundary walls and hedges.
8. By reason of its siting, the top part of the shed protrudes above the stone wall boundary with 1 The Nook but a trellis has now been erected which limits views from Glinton Road. These views are further screened by the boundary between No. 1 and the road. The same considerations apply to views from Maxey Road. More distant views from elsewhere along Glinton Road are screened by the outbuilding within the garden of No. 1 and the dwellings which are currently being constructed on an adjacent site.
9. The top part of the shed's rear elevation is visible and would remain visible whether or not it was either painted dark green or the wood weathered overtime. However, the shed is not a particularly prominent feature from the available viewpoints along the adjacent roads. It is not uncommon for sheds and other outbuildings to be seen within the context of rear gardens, whether they are located within or adjacent to Conservation Areas. Further, the shed is viewed against the context of the adjacent outbuildings and the other residential properties. As it has been constructed, the shed is a neutral feature within the Conservation Area and there is no necessity for it to be partially painted dark green. This judgement applies whether or not the existing trellis above the boundary walls was retained or removed.
10. For the reasons given, it is concluded that the without the condition the appeal scheme preserves the character and appearance of the Helpston Conservation Area and, as such, does not conflict with CS Policy CS17 and DPD Policies PP02 and PP17 and the National Planning Policy Framework's (the Framework) heritage policies and core principle of securing high quality design.

*Living Conditions*

11. The reason for the disputed condition refers to the painting of the shed being required for the amenities of the occupiers of No. 1. However, whether or not the shed is painted the top part of the rear elevation will still be seen from part of the rear garden. From the rear windows of No. 1 and elsewhere within the rear garden, views of the appeal scheme are restricted by an existing outbuilding. The shed is not, therefore, an overbearing form of development which conflicts with DPD Policy PP03.
12. Overall, the painting of the top part of the shed green would not materially change the outlook for the occupiers of the neighbouring property. This judgement applies whether or not the existing trellis was retained or removed. Accordingly, on this matter, it is concluded that without the condition the development does not cause unacceptable harm to the living conditions of the occupiers of 1 The Nook and, as such, it does not conflict with DPD Policy PP03 and the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

**Conclusion**

13. For the reasons given, and taking into account the tests identified in the Framework and the National Planning Practice Guidance, it is concluded that condition C1 is unnecessary and this appeal should succeed.

*D J Barnes*

INSPECTOR

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Planning and EP Committee 13 October 2015

Item 3

**Application Ref:** 15/01129/FUL

**Proposal:** Erection of HMO providing 6 bedsitting rooms with shared kitchen and dining facilities

**Site:** Cranford Drive Boiler House, Hartwell Court, Westwood, Peterborough

**Applicant:** Sharman Architecture

**Agent:**

**Referred by:** Director of Growth and Regeneration

**Reason:** Significant local objection from residents and Stewart Jackson MP

**Site visit:** 05/08/15

**Case officer:** Mrs A Walker

**Telephone No.:** 01733 454418

**E-Mail:** astrid.walker@peterborough.gov.uk

**Recommendation:** GRANT subject to relevant conditions

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

### **Site Description**

The application site comprises an irregular shaped parcel of land, previously occupied by a boiler house. This has now been demolished and enclosed by herras style fencing. The ground within the fencing is uneven with grassed and planted bunds of earth and sits at a lower level than the houses further to the rear of the site. The rear part of the site is grassed and adjoins the wider open space that extends to the east. There are five mature trees located within the application site. The site is accessed via Hartwell Court.

The surrounding character is residential in nature. To the south and south west of the site are terraces of mainly two but some three storey dwellings. To the north of the site is a large two storey Residential Care complex. Open space sits to the east of the site.

### **Proposal**

Permission is sought for the construction of a detached two storey building for use as a House in Multiple Occupation (HMO) comprising of six bed sits with shared kitchen and dining facilities. The building will be positioned centrally on the site, with seven car parking spaces provided to its north side, accessed off the existing highway (Hartwell Court). An enclosed cycle store is proposed to the north east side of the building. A communal bin store and collection point are proposed to the west side of the building. A fully enclosed shared amenity space is proposed to the rear (south) side of the building. It is proposed that four of the five trees on the site are retained and new soft landscaping added to the site.

The applicant has advised that the site will be managed by a private landlord.

### **Background**

It should be noted that planning permission was granted for the construction of two three bed roomed semi-detached houses on the site in 2011. This permission has since lapsed but remains a material consideration (see principle of development in report below).

## 2 Planning History

Reference	Proposal	Decision	Date
11/01014/FUL	Demolition of boiler house and construction of two x 3 bed semi-detached residential dwelling houses	Permitted	06/09/2011

## 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)

#### **CS10 - Environment Capital**

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

#### **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)

#### **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.

#### **PP04 - Amenity Provision in New Residential Development**

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **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.

### **PP20 - Development on Land affected by Contamination**

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

## **4 Consultations/Representations**

### **PCC Tree Officer (01.09.15)**

No objection to the proposals following revisions to the layout enabling the retention of four out of the five trees on the site. Conditions should be imposed on the Decision requiring the agreement of Tree Protection Measures and an Arboricultural Method Statement prior to the commencement of the development.

### **PCC Pollution Team**

No objection. It is unclear from the submitted information what the ground conditions beneath the old boiler house are like. Recommend the imposition of a condition requiring that in the event that unsuspected contamination is found during development, works cease until appropriate remediation measures are agreed with the Local Planning Authority.

### **Environment Agency (20.07.15)**

No comment. This application falls outside the Scope of matters on which the Environment Agency is a statutory consultee.

### **Archaeological Officer (21.07.15)**

No objection. The proposed development site and surrounding area (250m radius) contain no known heritage assets. Therefore there is no need to secure a programme of archaeological work.

### **Building Control Manager**

Building Regulation Approval Required.

### **PCC Transport & Engineering Services**

No objection. Recommend conditions on the decision to secure visibility splays, provision and retention of car and cycle parking, bin collection point and temporary facilities during construction.

### **Cambridgeshire Fire & Rescue Service**

No comments received

### **Waste Management**

No objection. The applicant has indicated that they will use two Taylor type bins to serve the development which is appropriate. The location and size of the bin collection point is acceptable.

### **Police Architectural Liaison Officer**

No objection.

### **Local Residents/Interested Parties**

Initial consultations: 85  
 Total number of responses: 6  
 Total number of objections: 5 including a petition with 49 signatures  
 Total number in support: 0  
 Total number neither objecting to/or in support of: 1

Six letters of representation, including a petition with 49 signatures have been received, objecting to the development on the following grounds:

- Concerns over lack of parking in the area and the impact of this development on available car parking spaces.
- Concerns that the development is not appropriate in an area where lots of families live.
- Concerns that the development will have an adverse impact on the elderly persons home opposite the site in terms of noise, nuisance, type of person living in and attracted to the building.
- The proposal will lead to a cramped form of development and the overdevelopment of the site.
- The access road is inadequate in width and too narrow for two cars to pass.
- Increase in noise arising from the HMO.
- Concerned about increase in cars and road safety.
- The development will result in the loss of trees which should be protected by TPO.

### **Stewart Jackson MP**

Objects to the development on the grounds that the proposed HMO is out of keeping with the area, particularly given the position of the site adjacent to the elderly persons home at Hartwell Way, and will have an adverse impact on the quality of life and residential amenity of this quiet residential area.

## **5 Assessment of the planning issues**

### **Principle of development**

Planning permission for a pair of three bedroom semi-detached properties on the site was granted in September 2011. Whilst this development never commenced, and the permission has since lapsed (in September 2014) it is considered that the principle of residential development on the site has been established and that the planning history forms a material consideration in assessing the acceptability of the submitted application. The proposal although for six bedsits is not significantly different in size to the previously approved development, with a slightly smaller footprint. It would therefore be difficult for the Local Planning Authority to resist the development in principle.

### **Design and impact of the development on the character of the area**

The application site is located within a residential area. Quinton Garth and Horton Walk (to the south and south east of the site) are characterised by terraces of primarily two storey dwellings of brick construction, with gable roofs, plain frontages and very little detailing. To the north of the site, Hartwell Court is a large two storey Residential Care complex.

The proposed building is of a similar height and design to the previously approved pair of semi-detached dwellings. Slightly more interest is offered to the elevations through the change in materials and the fenestration proposed. It is considered that the proposal would integrate with the existing built character and would not be harmful to the street scene. Appropriate materials, finish to doors, windows and rainwater goods can be secured via condition.

It is therefore considered that the development is in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP02 of the Peterborough Planning Policies DPD it would not result in an unacceptable impact on the character of the area.

### **Residential amenity**

The proposed development will be positioned centrally within the site, with parking to the front and communal bin store and cycle store to each side. A fully enclosed shared amenity area will be provided to the rear of the building. It is considered that the development along with the associated

facilities can be accommodated within the site with sufficient space so as the development will not appear unduly cramped or overdeveloped.

The internal layout shows a communal kitchen and 'plant room' situated beneath a bedroom/lounge. This is not considered an ideal arrangement. The agent has advised that the plant room is required for the water storage tanks and heating manifolds and as such he does not consider that it would emit harmful noise levels or that it would be detrimental to the future occupiers' residential amenity. Notwithstanding this it is considered that noise insulation will be covered as part of the building regulations application. The bedsits are proposed for rental on the private rental market and future occupiers will be aware of the layout and chose whether the accommodation is suitable for their requirements.

For the type of accommodation that the development is, i.e. a HMO, it is considered that the proposal would afford the future occupiers a satisfactory level of residential amenity, in accordance with Policy PP04 of the Peterborough Planning Policies DPD.

### **Impact of the development on neighbour amenity**

The proposed building is set back within the site and there is approximately 22 metres between the front of the HMO and the front of the residential care home to the north of the site. To the south of the site there is approximately 8 metres (at the closest point) between the rear of the proposed HMO and the side elevation of number 53 Clipston Walk. Given that there are no windows in the side elevation of this property this relationship is considered satisfactory. The properties further to the south east and west respectively are in excess of 20 metres away. It is not therefore considered that the development would cause any undue loss of outlook/privacy/overbearing or overshadowing.

It is noted that residents have expressed concerns about the type of tenant that will be living in the HMO and whether the development is appropriate in the area given the large number of families and also elderly residents living in the residential care complex opposite the site. This is not a planning issue and cannot be controlled through the planning process. The applicant has advised that the HMO will be run by a private landlord and it will be the landlord's responsibility to ensure that the site is properly managed so as not to cause any detrimental impact to nearby neighbours. Should undue noise or disturbance arise from tenants in the future then this would be a matter for investigation by the Council's pollution control team.

It is also recognised that changes to The Town and Country (General Permitted Development Order) 2015 have made it easier for dwelling houses (C3) to be changed from a single occupancy family home to a House in Multiple Occupation (C4) with up to 6 bedsits without requiring planning permission. Therefore had the earlier dwellings been constructed they could have been changed to a 6-bed HMO without requiring planning permission.

It is not therefore considered that the development would give rise to an unacceptable impact on neighbour amenity. The development is therefore in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP03 of the Peterborough Planning Policies DPD.

### **Highways Implications**

The Local Highways Authority has not objected to the development.

It is noted that some of the objections received from neighbours relates to concerns about the lack of car parking in the area and the impact that this development will have on available spaces. For this type of development Policy PP13 of the Peterborough Planning Policies DPD requires a minimum of six car parking spaces - one for each bedroom. The development provides seven car parking spaces so exceeds the requirement and is therefore considered acceptable. The cycle parking is also in accordance with the policy requirement, with six covered and secure spaces indicated on the submitted plan.

It is recommended that conditions are imposed on the Decision requiring the provision of vehicle to

pedestrian visibility splays to the car parking bays, provision and retention of secure cycle parking, bin collection point and the provision of temporary facilities on site during the construction phase.

It is therefore considered that the development is in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD.

### **Landscaping Implications**

There are five trees located on the application site, none of which are covered by a Tree Preservation Order (TPO). However, the Tree Officer considers that given their quality and contribution to the character of the area three are worthy of TPO- the two field maple adjacent to the proposed car parking spaces and the Sycamore to the west side of the site.

The application as submitted indicated that all the trees were to be retained, however, it was not supported by any Arboricultural information showing how this would be possible. Given the ground conditions around the two field maple and the need to level this area to create the proposed car parking spaces the Tree Officer was unconvinced that it would be possible to retain these trees. Similarly from the location of the proposed building the Tree Officer considered that the proposed Sycamore would require such a significant amount of pruning that it would be better to remove the tree, which he would not support.

The previous planning approval on the site (11/01014/FUL) had a similar layout, with a private driveway/parking area shown adjacent to the two field maple. This application was accompanied with an Arboricultural Impact Assessment, and the removal of these two trees was accepted. The sycamore to the west was however retained, as the footprint of the approved dwellings was far enough away to allow for its retention. On this basis the applicant was asked to amend the layout so that the tree removals were no worse than what the Local Planning Authority agreed on the previous approval.

The applicant has now amended the layout and moved the footprint of the building away from the sycamore and indicated that this tree and the field maple closest to the road can be retained. The Tree Officer considers that the retention of these trees is feasible subject to securing an Arboricultural Method Statement and Tree Protection measures by condition.

It is therefore considered that given the planning history for the site this application will not result in an unacceptable impact on the existing landscape features of the site. The earlier approval resulted in the loss of both the field maple whereas this proposal allows for the retention of one. On balance, therefore, it is considered that the proposal is in accordance with Policy PP16 of the Peterborough Planning Policies DPD.

### **Contamination**

Pollution Control has not objected to the development. Given that a boiler house previously occupied the site it is recommended that an unsuspected contamination condition is imposed on the decision. This will ensure that in the event unsuspected contamination is discovered once development commences, works will cease until a remediation strategy is agreed with the Local Planning Authority.

## **6 Conclusions**

- The design of the development is satisfactory and will not result in a detrimental impact on the character of the area.
- The development has a satisfactory relationship to neighbouring dwellings and will not result in an unacceptable impact on neighbour amenity.
- Car and cycle parking provision is in accordance with the policy requirement for a HMO.
- The majority of the existing Trees on site will be retained, with appropriate protection and arboricultural method statement secured by condition.

The development is therefore in accordance with Policies CS14 and CS16 of the Peterborough

Core Strategy and Policies PP02, PP03, PP04, PP12, PP13 and PP16 of the Peterborough Planning Policies DPD.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is GRANTED subject to the following conditions and reasons:

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 No above ground development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- External materials
- Windows
- External doors
- Rainwater goods

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.

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 submitted information, no development shall take place above slab level until the following hard landscaping details have been submitted to and approved in writing by the Local Planning Authority

- All hard surfacing materials
- All boundary treatments
- Bin storage area, enclosure details and collection point.

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the HMOs.

Reason: In the interests of visual amenity in accordance with policy CS16 of the adopted Core Strategy and Policy PP02 of the Peterborough Planning Policies DPD.

C 4 No development shall take place above slab level until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments only)

The approved soft landscaping scheme shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved in writing by the Local Planning Authority as part of the submitted landscape scheme.

Reason: In the interests of visual amenity and then enhancement of biodiversity in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.

- C 5 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 6 No work shall take place on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and Finalised Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology has been submitted to and approved in writing by the Local Planning Authority that identifies (not exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application site;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions;
- Details of all facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Signs will be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

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 PP16 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because it is necessary to ensure that the retained trees can be adequately protected throughout the development phase and that works will be carried out in a way that will not be harmful to them.

- C 7 No work shall take place on the application site until a site meeting between the site agent/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer has been undertaken. Thereafter, the developers chosen arboriculturist will conduct site supervision as agreed during the site visit for the duration of the project to ensure that all protection measures and activities (including tree fencing, ground protection and landscaping) are being implemented and maintained as per the agreed Tree Protection Plan/Arboricultural Method Statement (pursuant to condition C6 above). A log of site supervision shall be kept in the site office for inspection by the Local Planning Authority.

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 PP16 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because it is necessary to ensure that the retained trees can be adequately protected throughout the development phase and that works will be carried out in a way that will not be harmful to them.

- C 8 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

- C 9 Prior to the first occupation of the development hereby permitted the vehicle to pedestrian visibility splays shown on drawing no. WW/05 Rev E shall be implemented on site in accordance with the approved details and shall subsequently be retained free of any obstruction over a height of 600mm in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD.

- C10 Prior to the first occupation of the development hereby approved space shall be laid out on site for 7 cars to park in accordance with the approved plan reference: Proposed Site Plan WW/05 REV E. That area shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of the building as a HMO.

Reason: In the interests of highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD.

- C11 Notwithstanding the submitted information and prior to the first occupation of the building hereby permitted details of a secure, covered cycle shelter with a minimum of six cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented on site in accordance with the approved details and subsequently retained as such.

Reason: In the interests of residential amenity and to encourage sustainable modes of transport in accordance with Policy CS10, CS14 and CS16 of the Peterborough Core Strategy and Policies PP04, PP12 and PP13 of the Peterborough Planning Policies DPD.

- C12 Prior to the commencement of development details of the temporary facilities that shall be provided clear of the nearby public highway for materials storage and for the parking/turning/loading/unloading of all vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because it is necessary to establish that suitable temporary facilities can be provided on site and the development will not result in a detrimental impact on the adjacent road network and highway safety.

- C13 No development other than ground works shall take place until details of existing and proposed levels including details of finished floor levels, road levels and levels for parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance policy CS16 of the adopted Core Strategy.

- C14 Prior to the first occupation of the HMO details of the proposed lighting scheme for the site (including the design, location, levels of luminance and a LUX plan) shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be implemented on site in accordance with the approved details before the first occupation of the HMO.

Reason: In the interests of highway safety and public amenity in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy and Policies PP03 and PP12 of the Peterborough Planning Policies DPD.

- C15 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors: E Murphy, G Nawaz

## Appeal Decision

Site visit made on 12 April 2016

**by H Cassini DipTP MRTPI**

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

**Decision date: 14 June 2016**

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**Appeal Ref: APP/J0540/W/16/3142593**

**Land at Quinton Garth, Hartwell Court, Westwood, Peterborough PE3 7EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Sharman against the decision of Peterborough City Council.
  - The application Ref 15/01129/FUL, dated 7 July 2015, was refused by notice dated 16 October 2015.
  - The development proposed is the erection of a House in Multiple Occupation providing 6 bedsitting rooms with a shared kitchen and dining facilities.
- 

### Decision

1. The appeal is allowed. Planning permission is granted for the erection of a House in Multiple Occupation (HMO) providing 6 bedsitting rooms with a shared kitchen and dining facilities at Land at Quinton Garth, Hartwell Court, Westwood, Peterborough PE3 7EL in accordance with the terms of the application, Ref 15/01129/FUL, dated 7 July 2015, subject to the conditions set out in the Schedule to this Decision.

### Application for costs

2. An application for costs was made by Mr Paul Sharman against Peterborough City Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are whether the proposed HMO would:
  - (i) lead to an over intensification of the site, resulting in vulnerability to and fear of crime; and
  - (ii) whether the living conditions of neighbouring occupants would be impacted on, with particular regards to general disturbance.

### Reasons

#### *Fear of crime*

4. Whilst the officer recommendation was one of approval, the Council contended that the proposal would represent an over-development of the site that would lead to a significant level of intensification in terms of the number of future occupiers. It was further considered that this would result in increased levels of vulnerability to and fear of crime.
-

5. The previous planning history of the site is of relevance in this instance. Permission was granted in 2011 (Council Ref 11/01014/FUL) for two, three bed semi-detached dwellings on the site. Accordingly, the proposed site is one which had previously been found acceptable for residential use with a minimum occupancy rate of six persons.
6. It would seem likely, therefore, that the proposed change of use would not result in any significant increase in intensity of use and could conceivably result in a lesser degree of intensity than that of the previous planning permission. Assuming a potential maximum occupation of six persons within the HMO, there would not, in my opinion, be sufficient intensification of use as to result in any significant harmful impact on the living conditions of the adjacent occupiers of neighbouring properties.
7. Paragraph 69 of the National Planning Policy Framework (the Framework) states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Vulnerability to and fear of crime are therefore material considerations in planning decisions, although the weight that can be attributed to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.
8. It is appreciated that local residents have genuine concerns about the potential for an increase in crime and anti-social behaviour. However there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities in specific instances, would be attributed to future occupants of the proposed HMO. Crime and disorder does not seem to me to be an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management.
9. I am also mindful that the Police Architectural Liaison Officer has not objected to the proposal. In light of this factor, and in the absence of any firm evidence before me to the contrary, I am unable to conclude that the proposal would result in an increase of criminal activity or anti-social behaviour.
10. I therefore considered that the proposal would not result in an over intensification of the site. At the same time, the vulnerability and fear of crime is not a reason in itself to demonstrate that there will be material harm to living conditions.
11. As such, the proposal would not conflict with the design aims of Policy CS16 of the Peterborough Core Strategy Development Plan Document 2011 (the DPD).

#### *Living Conditions*

12. The Council has expressed concern regarding the level of general disturbance and the effect this would have on the living conditions of neighbouring residents. The concern relating to this area by local residents is also noted. However, it has not been made clear in the Council's decision notice as to the specific area of concern with regards to disturbance.
13. The closest residential property is located approximately eight metres from the rear of the proposal at 53 Clipston Walk. However, as this is a side elevation with no window it is considered that no significant harm would occur with regards to the possibility of overlooking. In terms of the residential care home,

located to the north of the site, the front of the care home is approximately twenty metres from the front elevation of the proposal. Dwellings located to the west and east of the proposal are also approximately twenty metres away. As such, it is not considered that harm to living conditions, with particular regard to outlook, overlooking or privacy would result.

14. It is acknowledged that all construction activities result in an element of disturbance for those residing in proximity of the site. However, whilst there may be some increased disturbance during the construction of the proposal, this will be temporary in nature.
15. The introduction of six additional residents into the locality may result in an increase of general noise, from factors such as slamming of car doors or conversations. However, I find that this would be of little difference to the situation if the initial planning permission had been constructed. I have no substantive evidence before me to demonstrate otherwise.
16. I therefore find that the proposal would not cause significant harm to the living conditions of neighbouring residential occupiers as a result of general disturbance. The proposal would therefore accord with the amenity aims of Policy CS16 of the DPD.

### **Other Matters**

17. A number of local residents have raised additional concerns in relation to the effect of the proposal on car parking availability and use of the access road to the site. Consultation with the local highway authority did not result in any objection and I have not been presented with any substantive evidence that would lead me to disagree with this conclusion. However, in the interests of highway safety, vehicle to pedestrian visibility splays could be the subject of a planning condition.
18. Concern has been expressed regarding the loss of trees on site. However, further to consultation with the tree officer and subsequent amendments to the proposal, no objection was raised by the tree officer. In any case, tree protection measures can also be required by a planning condition.
19. It has been suggested that the proposal would be out of keeping with the existing character of the area. Given the proposed design and scale of the property, I consider that the proposal would be easily integrated into the both the immediate street scene and wider locality.
20. I am therefore satisfied that the above matters would not result in a level of harm which would justify the dismissal of the appeal. As such, they have not been decisive in my decision making.

### **Conditions**

21. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case, although I have amended the wording of some.
22. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. Conditions to secure appropriate external

materials, refuse disposal facilities, tree retention, slab levels and landscaping are necessary in the interests of amenity and the character and appearance of the area. Highway conditions, including visibility splays, provision of car parking and bicycle storage and temporary storage facilities are necessary to ensure highway and pedestrian safety and to encourage more sustainable forms of transport. To manage the risk of unknown contamination to humans or the wider environment, I consider the proposed contamination condition necessary.

23. Condition Nos. 3, 4, 5, 7, 8, 12 and 13 are specified as pre-commencement conditions which is justified because they cover certain fundamental aspects of the scheme which require consideration and control before any development commences.
24. I have not imposed the suggested condition in respect of the removal of hedgerows or site clearance works between March and August. I have noted the biodiversity checklist completed by the appellant and no species or features of nature conservation importance have been identified. Trees on the site will be managed via the tree protection plan. I have also not imposed the proposed condition with regard to a proposed lighting scheme as I consider it unreasonable to control domestic lighting within a residential setting.

### **Conclusion**

25. In arriving at my conclusion I am conscious that the proposal has attracted a level of local opposition. Some of the concerns raised can be addressed by planning conditions and other encompass matters germane to the main issues on which this decision turns. I have taken into account these and all other matters raised but none are sufficient to alter the overall balance of my conclusion. I therefore conclude that, subject to appropriate conditions, the appeal should be allowed.

*Helen Cassini*

INSPECTOR

**SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Site Location Plan drawing number WW/01/B, Existing Site Plan drawing number WW/04 revision A, Proposed Site Plan drawing number WW/05 revision E, Proposed Ground Floor Plan drawing number WW/06 revision C, Proposed First Floor Plan drawing number WW/06 revision D, Proposed Elevations drawing number WW/08 revision C, Proposed Roof Plan drawing number WW/10 revision D, Proposed Cycle Store Details drawing number WW/11/C.
- 3) No development shall take place until details of the materials to be used for external surfaces, windows, external doors and rainwater goods in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Details submitted shall include the name of the manufacturer, product type and where relevant, colour (using BS4800) and reference number. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until full details of a hard landscaping scheme have been submitted to and approved in writing by the local planning authority. Details submitted shall include hard surfacing materials; boundary treatments, bin storage area, enclosure details and collection point. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence until full details of a soft landscaping scheme have been submitted to and approved in writing by the local planning authority. Details submitted shall include, planting plans and an implementation programme. Development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Development shall be carried out in accordance with the approved details.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboriculture method statement) in accordance with Clause 7 of the British Standard BS 5837:2012 – Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 8) No development shall take place until the name of the contracted qualified arboriculturalist has been submitted to and approved in writing by the local planning authority. The approved contracted qualified arboriculturalist shall monitor works for the full duration of the development to ensure that all construction works are carried out in strict accordance with the tree protection plan and the arboriculture method statement.
- 9) The property hereby permitted shall not be occupied until visibility splay details have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. The splay shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway in perpetuity.
- 10) The property hereby permitted shall not be occupied until car parking arrangements for seven cars have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. The approved arrangements shall be kept available for their intended purposes thereafter.
- 11) The property hereby permitted shall not be occupied until secure, covered bicycle parking arrangements for a minimum of six bicycle spaces have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. The approved arrangements shall be kept available for their intended purposes thereafter.
- 12) No development shall take place, including any works of demolition, until details of temporary facilities, located clear of the public highway, for material storage and for parking/turning/loading/unloading of all vehicles visiting the site during the period of construction have been submitted to, and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction period.
- 13) Prior to the commencement of any works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels, the proposed slab and finished floor levels of the property and car parking facilities hereby permitted and the proposed surrounding ground levels shall be submitted to and approved in writing by the local planning authority. Such levels shall be shown in relation to a fixed datum point normally located outside of the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.
- 14) In the event that contamination on site is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately in writing to the local planning authority. No further work shall be carried out until a method statement detailing a scheme for managing the contamination has been submitted to and approved in writing by the local planning authority. Development thereafter shall be carried out in accordance with the approved details.

## Costs Decision

Site visit made on 12 April 2016

**by H Cassini DipTP MRTPI**

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

**Decision date: 14 June 2016**

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### **Costs application in relation to Appeal Ref: APP/J0540/W/16/3142593 Land at Quinton Garth, Hartwell Court, Westwood, Peterborough PE3 7EL**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Paul Sharman for a full award of costs against Peterborough City Council.
  - The appeal was against the refusal of planning permission for the erection of House in Multiple Occupation providing 6 bedsitting rooms with a shared kitchen and dining facilities.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. Planning Practice Guidance - Appeals (PPG) advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
  3. The Planning Committee decided to refuse the application contrary to the advice of their professional officers who had produced a written report analysing the effects of the proposal on a number of matters. Authorities are not bound to accept the recommendations of their officers. However, paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications. Examples of this include the failure to produce evidence to substantiate each reason for refusal and reliance on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
  4. The Planning Committee appear to have given little weight to the information presented by the appellant, their own professional officers and the consultation response received from the Police Architectural Liaison Officer. Instead the Council reached the view that the development would be incompatible with the existing residential character of the area due to the *'intensity of the use of the site in terms of occupation, would result in an unacceptable vulnerability to and fear of crime'*. Also, that the proposal would adversely affect the amenity of neighbouring occupiers due to general disturbance.
-

5. In respect of the Council's concern over the '*intensity of the use of the site*' the planning history demonstrates that the Council had previously found the site to be acceptable for residential use. The appellant confirms that the proposal is for six, single person bedsits and therefore it is anticipated that only six occupants will reside in the House in Multiple Occupation. This is of a similar density to the occupancy of the proposal previously granted permission. Notwithstanding this, even if an increase in occupancy occurred, a potentially more intensive use in itself does not necessarily result in neighbouring residents being the subject of increased disturbance.
6. The concerns of the planning committee and objections received are noted in terms of vulnerability to and fear of crime. However, there is no evidence before me to support the view that a more intensive use of the site would increase crime or other anti-social behaviour. Moreover, no objection to the proposal was received following consultation with the Police Architectural Liaison Officer.
7. Accordingly, the expressed fear of crime was a vague and generalised assertion about the proposal's impact, which was unsupported by objective analysis and not supported evidentially. The assertion that the proposal would adversely affect the amenity of neighbouring occupiers due to general disturbance was not clarified or supported evidentially.
8. By refusing the application on this basis the Council acted unreasonably as described at paragraph 049 of the PPG. The appellant should not have needed to bring these issues to appeal. He has therefore incurred unnecessary expense in doing so. Consequently, I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

### **Costs Order**

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Peterborough City Council shall pay to Mr Paul Sharman, the costs of the appeal proceedings described in the heading of this decision.
10. The applicant is now invited to submit to Peterborough City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Helen Cassini*

INSPECTOR

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>27 SEPTEMBER 2016</b>	<b>PUBLIC REPORT</b>

Director(s) responsible:	Kim Sawyer, Director of Governance	
Contact Officer(s):	Ruth Lea, Senior Lawyer (Growth and Regeneration) Philippa Turvey, Senior Democratic Services Officer	Tel: 452615 Tel: 452460

**ADOPTION OF THE MODEL COUNCIL MEMBERS' PLANNING CODE**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Director of Governance	<b>Deadline date:</b> N/A
That Committee recommends to Council that the Model Planning Code appended to this report is adopted to replace the current code in the Constitution.	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Planning and Environmental Protection Committee to recommend that Council adopts the updated Model Council Members Planning Code which has been produced by Lawyers in Local Government (LLG) and published in April 2014. A copy of the Code is attached at Appendix 1 ("the Model Code").

**2. PURPOSE AND REASON FOR REPORT**

2.1 Part 5 of Section 4 of the Council's Constitution provides the current Code of Conduct for Members and Officers Dealing with Planning Proposals. This report asks Committee to consider replacing that code of conduct.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
Date for relevant Council meeting	<b>12 OCTOBER 2016</b>	Date for submission to Government Dept.	<b>N/A</b>

**4. BACKGROUND**

4.1 The Members' Planning Code of Good Practice was originally prepared in response to a series of successful challenges concerning themselves with local planning authorities and the Members' conduct or conflicts of interests. It replaced a number of individual and sometimes haphazard approaches in individual councils at the time.

4.2 The Model Code takes into account the update to the Nolan Principles and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

4.3 This Model Code applies to Members at all times when involving themselves in the planning process.

4.4 This Model Code is simpler in format and easier to understand and apply. It also takes account of changes in the law, particularly around pre-disposition and pre-determination.

**5. CONSULTATION**

- 5.1 The drafting of the Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman and the Planning Officers Society, supported by leading planning law firms and Queens Counsel.

## **5. ANTICIPATED OUTCOMES**

- 6.1 It is anticipated that, following due process, Council will adopt to the Model Code, in turn ensuring that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way, and to ensure best practice at all times.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 The Model Code provides best practice for members at all times when involving themselves in the planning process.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 That the Model Code is not adopted.
- 8.2 It is recommended that the Model Code is adopted to ensure best practice in the planning process.

## **9. IMPLICATIONS**

### **Legal Implications**

- 9.1 The Council must act in accordance with the legislative requirements when dealing with planning matters and the Model Code provides best practice to ensure compliance. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date. Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker had or appeared to have a closed mind (to any extent) when making the decision.

### **Financial Implications**

- 9.2 There are no financial implications associated with the adoption of the Model Code.

### **Cross-service Implications**

- 9.3 The Model Code assists officers in the Planning, Governance and Legal Services to work with members within the planning process.

### **Equality Implications**

- 9.4 The code and its implementation must adhere to equality and human rights legislation under the relevant Acts. The Code will ensure that these matters are addressed in making decisions and advising upon the approach to decision making in planning applications.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- Part 5, Section 4 of the Council's Constitution

## **11. APPENDICES**

- Appendix 1 - Model Council Members Planning Code

## The Model Code



# MODEL COUNCIL MEMBERS' PLANNING CODE or PROTOCOL

## Background

The Members' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning themselves with local planning authorities and the Members' conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time.

The drafting of the model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

This 2013 update takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

For further reading please refer to 'Probity in Planning' issued by the Local Government Association.

## Introduction

**The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision

making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.**

## 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

## 2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by your Authority's Member Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on

you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

### 3. **Fettering Discretion in the Planning Process** (natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
  - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
  - the proposal does not substantially effect the well being or financial standing of the consultee body;
  - you make it clear to the consultee body that:

- your views are expressed on the limited information before you only;
- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (**where this is granted by the authority's standing orders or by the consent from the Chair and Committee**) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the seating area for members of the Committee for the duration of that item; and
  - ensure that your actions are recorded.

#### 4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the [Development Control Manager] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file [a profoma has been supplied to you for this purpose].

#### **In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation without requesting an officer to be present.

- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

## 5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your [ward][division] and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the [Development Control Manager] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary

purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the [Development Control Manager], which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section [38 of the Planning and Compulsory Purchase Act 2004][Art 4(2A) The Planning (Northern Ireland) Order 1991] and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and

understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.