

**Application Ref:** 23/00488/FUL

**Proposal:** Erection of 2no. detached dwellings with associated hard and soft landscaping

**Site:** 16 Heath Road, Helpston, Peterborough, PE6 7EG

**Applicant:** Mrs N Murray-Smith

**Agent:** Mr John Dickie  
John Dickie Associates

**Referred by:** Cllr Over and Helpston Parish Council

**Reason:** Concerns re appearance of development, drainage and impact on wildlife

**Site visit:** 23.06.2023

**Case officer:** Lucy Buttery

**Telephone No.** 07551058101

**E-Mail:** Lucy.Buttery@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 lies to the north of the dwelling known as No.16 Heath Road and forms part of its domestic garden. Development along this part of Heath Road is largely confined to the western side and takes the form of frontage development. There are fields opposite and an area of ancient woodland to the rear. The site is effectively an infill plot.

### **Proposal**

The application seeks full planning permission for the erection of two detached dwellings with access from Heath Road, including associated hard and soft landscaping.

## **2 Planning History**

No relevant planning history.

## **3 Planning Policy**

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

### **National Planning Policy Framework (2023)**

- 2 - Achieving sustainable development
- 5 - Delivering a sufficient supply of homes
- 9 - Promoting sustainable transport
- 12 - Achieving well designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

## **Peterborough Local Plan 2016 to 2036 (2019)**

LP1 – Sustainable Development and the Creation of the UK’s Environment Capital  
LP2 - The Settlement Hierarchy and the Countryside  
LP3 – Spatial Strategy for the Location of Residential Development  
LP8 – Meeting Housing Needs  
LP13 - Transport  
LP16 - Urban Design and the Public Realm  
LP19 – Historic Environment  
LP17 - Amenity Provision  
LP27 - Landscape Character  
LP28 - Biodiversity and Geological Conservation  
LP29 - Trees and Woodland  
LP32 - Flood and Water Management  
LP33 – Development on Land Affected by Contamination

## **Helpston Neighbourhood Plan 2021 to 2036**

Policy A: Built Environment  
Policy B: Natural Environment

## **4 Consultations/Representations**

### **Helpston Parish Council**

14.06.2023:

1. There appeared to have been no consideration given to the historic flooding of the area, which, many years ago, persuaded the authorities to install extra drainage channels from west to east across Heath Road to carry surface water into the north/south dyke on the east side of Heath Road.
2. It appears that the buildings both extend forward of the established building line.
3. The building materials do not appear to be in keeping with the existing context.
4. There appears to have been no bio-diversity audit of the existing and extensive pond.
5. There do not appear to be any indications as to how the existing pond will be dealt with or managed or its bio-diversity preserved during the building works.

04.07.2023:

Raises concern re errors in the application form and impact on wildlife that has already occurred. Reference is made to the covenant re storm water.

08.11.2023:

From information / correspondence recorded on the Planning Portal the site boundaries appear to be in doubt and may not necessarily be in line with those shown on the application documents. If the site is indeed in doubt all consideration of any application concerning it should cease until there is a clear decision or clarification of the site area involved.

Error made re 1.5 acres of re-wilding in supporting document raises double over the quality and accuracy of whole document.

The whole application seems to have ignored Helpston Neighbourhood Plan policies.

The drawings supplied do not allow us to be sure that the proposed dwellings are on or behind the “building line”.

The issues of bad drainage in this area have still not been fully addressed. There have been

complaints to the Parish Council only this last week about surface water flooding in the area on Heath Road.

Overall, Helpston Parish Council DOES recognise that there has been an attempt to address its and other statutory consultee comments.

However, given the doubts that the agents documents have now raised about the accuracy of all information supplied and the original Planning Officers internal note concerning their support for only one dwelling, Council do feel that this application needs to be withdrawn for a complete revamp and re-submission.

To make sense of all this material the application should be withdrawn and the applicant be invited to make a completely new submission taking all of the already received statutory consultee and pertinent public comments fully into account.

### **Welland & Deeping Internal Drainage Board**

Objection withdrawn following submission of a report from Parsons Engineers relating to a Hydraulic Assessment of the pond detailing the entry and exit of water. Advises that the re-routed and new pipework shown on the drainage drawing will require the Board's consent.

### **Lead Local Flood Authority**

After looking at the hydraulic assessment report of the existing pond that was previously thought to be a 'balancing pond', it was concluded that it was instead not a balancing pond and hence does not take part in storing and attenuating rainwater. Therefore, the removal of this pond does not change or increase surface water flood risk in the area. The final discharge will be going to an IDB ditch which has enough capacity to take the surface water discharge produced from these two homes.

The applicant has provided satisfactory information to address our concerns relating to flood risk and surface water management at the site. Therefore, we do not object to this planning application.

### **PCC Wildlife Officer**

Requested the following additional information in order to be able to make a recommendation: demonstration of biodiversity net gain; the undertaking of further ecological surveys (Great Crested Newts in respect of the pond and bat roosting features in trees); and consideration of the potential for negative impacts on the neighbouring ancient woodland and any impacts to be adequately mitigated.

Following the submission of the requested information and the introduction of a 15m buffer / ecotone to the ancient woodland as a mitigation / compensation scheme, they no longer raise an objection subject to conditions to secure:

- Construction Environmental Management Plan to protect biodiversity
- Ecological Design Strategy for the creation and management of the ecotone area
- Hedgehog gaps in any boundary treatment
- Development to be carried out in accordance with approved soft landscaping scheme
- Ecotone / '15m buffer' to be implemented in accordance with the approved details – area to remain fenced off at all times and not used for any purpose other than ecotone / buffer zone. No structures to be erected and no other plants or animals to be introduced other than specified on the approved drawing
- Development to be carried out in strict accordance with recommendations set out in the Biodiversity Mitigation and Enhancement Plan and the mitigation measures for Great Crested Newts set out in the document Arbtech File Note: GCN at 16 Heath Road
- Development to be carried out in strict accordance with the approved plans and arboricultural report
- Development to be carried out in accordance with the approved external lighting drawing

The negative impacts on habitats of the proposed development can be summarized as the loss of mature trees, the loss of garden grassland and the loss of a garden pond. The recommended mitigation of the creation of naturally developing scrub/woodland with successional biodiversity ponds (the 'ecotone') I believe overall will result in a net positive overall impact. The total area will be smaller, however the management will result in a collection of habitats which result in an overall more biodiverse area. The success of this area will be ensured through the conditions outlined above. Ensuring that this area is left relatively undisturbed is vital not just for the biodiversity of the ecotone but also to ensure that the ancient woodland receives no new net negative impact, as the ecotone will function as a buffer for the woodland.

The ecotone will remain in perpetuity with a 30 year management plan in place. This management plan will aim to ensure that the area develops into wet woodland over time, with a varied structure through selective removal and replanting of trees and an understory which creates a new habitat for the wider woodland through being wetter than average. The creation of the ecotone will be completed in such a way as to create no new net negative impacts on the existing ancient woodland. Any digging will avoid the Root Protection Areas of the trees within the ancient woodland.

Without mitigation and compensation the new development presents the following potential negative impacts to the woodland; a change in hydrology, an increase in light pollution, and an increase in noise disturbance. The ecotone not only functions as an ecological improvement but also as a buffer area to absorb these impacts from the ancient woodland as to ensure no new negative impacts reach the existing boarder.

The potential negative impact on protected species is adequately compensated for through the creation of the new habitats and the methods statements outlined within the ecological documentation.

#### **Historic England**

No advice offered in this instances and suggests views are sought of PCC's specialist conservation and archaeological advisers.

#### **PCC Landscape Officer**

The proposal falls below the threshold for the requirement of off-site public open space and does not affect any existing public open space.

#### **PCC Archaeological Officer**

Initially advised that the pond located on site may have been part of the western arm of what appears to be a moated site, with earthworks extending northwards, now under modern houses, and turning eastwards where they were marked by a track (later boundary) associated with a field on the eastern side of Heath Road.

However, following the undertaking of further archaeological investigation on site they are satisfied that the pond did not previously form part of a moat, but rather forms part of a historic drainage system. They no longer raise an objection and advise that no further archaeological work is required.

#### **PCC Conservation Officer**

Initially made reference to PCC's Archaeological Officer's comments and requested a Heritage Statement to address the matter. This has now been submitted and is considered sufficient to comply with the NPPF requirements and there is agreement that the proposals do not materially impact any relevant heritage assessments in terms of conservation.

#### **PCC Peterborough Highways Services**

No objection subject to conditions being imposed relating to construction management, site access construction, visibility splays, parking and turning, and wheel washing.

### **PCC Pollution Team**

No objection subject to the imposition of a condition to secure details of the location and specification of the air source heat pumps.

### **PCC Tree Officer**

Initially raised concerns over the potential for impact to the adjacent ancient woodland and loss of willow trees considered to be of visual amenity and biodiversity value. However, following the submission of additional tree related information, their revised position is one of no objection subject to a condition requiring the development to be carried out in accordance with the submitted plans and the arboricultural report - BS5837:2012 -Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at St 16 Heath Road, Helpston from East Midlands Tree Surveys Ltd dated 30th June 2023 (amended), to avoid any tree damage during the development period on site.

### **The Woodland Trust**

Objects on the basis of potential deterioration of Rice Wood, designated as a Plantation on Ancient Woodland Site on Natural England's Ancient Woodland Inventory (AWI). Main concerns relate to root encroachment of ancient woodland boundary trees and possible adverse hydrological impacts. The development should allow for a buffer zone of at least 15 metres to ensure avoidance of root damage.

### **Forestry Commission**

The Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. As a Government department we neither support nor object to planning applications but endeavour to supply the necessary information to help inform your decision on the application. We note the plans include a buffer zone and biodiversity ponds. However, the distance between the biodiversity ponds and the Ancient woodland is unclear. For ancient woodlands, there should be a buffer zone of at least 15 metres to avoid root damage. Buffer zones should consist of semi natural habitats and be planted with local and appropriate native species, sustainable drainage schemes should be avoided unless they respect the root protection areas. We note the use of fencing to protect existing trees on site and directional lighting to avoid illuminating the ancient woodland. Measures to reduce dust during construction would also be beneficial as dust from construction can have a negative effect on ancient woodland.

### **Natural England - Consultation Service**

General standard guidance provided. No site specific advice.

### **Shailesh Vara MP**

Shares the concerns of constituents and objects for the following reasons:

- Contravenes the Helpston Neighbourhood Plan.
- Policy A2b of the Plan states that "Development proposals for 2 or more new dwellings (whether through new build or conversion) should provide a range of dwelling sizes in terms of bedrooms." Considering that both proposed dwellings are nearly identical, it appears that this criterion has not been followed.
- Policy B2 stipulates that "adverse impact on existing biodiversity and geodiversity features must be avoided as the first principle. Where avoidance cannot be achieved, the applicant must demonstrate that all reasonable alternatives to the proposal have been carefully considered. Where adverse impacts are unavoidable, they must be adequately and proportionally mitigated." The Application does not sufficiently meet this requirement, as it neither addresses the proposed development's impact on the habitat of many key butterfly species, nor its impact on the over 400 moth species observed in the area by a neighbouring resident.
- Land is of potential archaeological significance.
- Conflicts with Peterborough City Council's endorsement of the "John Clare Countryside" vision — which aims to foster "an ambitious and accessible nature recovery area across the landscape areas west of Peterborough."
- The Application asserts that there are no trees or hedges close to the site that may "be

part of the local landscape or character.” Rice Wood, an established ancient wood, borders the property.

- The Application says that the area is not at risk of flooding. However, residents have reported that there have been floods on Heath Road and that toilets and drains in the area sometimes do not work due to the amount of surface water that goes down them following heavy rain.

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

Initial consultations: 10

Total number of responses: 54

Total number of objections: 53

Total number in support: 1

Objections received during first round of public consultation:

- Concern re ecological impact; Potential for Great Crested Newts
- Trees have been removed from site subsequent to submission of application and pond is being drained
- Potential for adverse impact on adjacent woods
- Concern re loss of pond in terms of impact on wildlife and loss of historic asset
- Pond is part of a long-established drainage system for the area and will have an adverse impact on surface water drainage
- Pond is a balancing pond used to help manage surface water from Rice Wood
- Proposed mitigation to address loss of pond is unacceptable
- There are legal covenants relating to the pond and pipes preventing anything taking place within the garden which might interfere with or make less effective said pipe and pond as a means of drainage storm water
- Heath Road floods considerably on carriageway and footway during heavy downpours and takes a long time to disperse
- Concern re highway safety due to position of pedestrian crossing and bus stops will cause further congestion
- Development of gardens is happening too much in Helpston
- No benefit to houses in this location
- Houses will only appeal to the wealthy
- Land has high water table, thus pile driving will be required which may damage neighbouring properties
- Lack of information provided by applicant to support application
- Garages are further forward than other properties, blocking view of road and would set precedent for others to build in this position
- Materials are not in keeping with other properties along Heath Road
- Properties appear cramped and will adversely impact the appearance of Heath Road
- Development will adversely impact John Clare countryside
- Village does not have the infrastructure to support further properties
- Does not comply with Built Environment and Natural Environment policies of the Helpston Local Plan
- Proposed development offers no community value
- Location Plan does not show site in surrounding context and there is no north arrow
- Block Plan is insufficient, not showing features on or adjoining site

Objections received during second round of public consultation in response to revised plans and additional information:

- Great Crested Newts are present at the properties either side of 16 Heath Road and also other properties in the village
- Query re proposed rewilding of 1.5 acres east of the site referred to in the Planning Statement
- Anglian Water system overwhelmed during Storm Babet causing flooding of road and adjoining driveway

- Concern that the impacts of the recent storm events have not been adequately taken into account by consultees
- Covenant states: "not to do upon the garden anything which might interfere with or make less effective the said pipe and pond as a means of draining storm water"
- Hydraulic assessment of pond report is not correct - the pond acts as a key part of Heath Road's flood mitigation and is a balancing pond. During Storm Babet, large volumes of water flowed from the outlet pipe into Noltons Drain (continuing for two days) with little water being seen flowing into the pond from the culvert at the rear
- Lack of measures proposed to address drainage issues
- Flood Risk Assessment states that "there does not appear to be any record of flooding to this site in recent years" and "discussions with the current and previous owners of the property (no 16 Heath Road) confirm no history of flooding from 1978 to this time". Extensive flooding occurred on Heath Road in the early 1970s
- Hydraulic Assessment of Pond was prepared with too restrictive a brief and without reference to the drainage deed / covenant
- Application is premature due to the ongoing adverse possession claim made by the applicant in respect of a strip of land along the northern side of the site that is included within the red line boundary of the site plan
- Proposal does not comply with Policy A2b of the Helpston Neighbourhood Plan as the dwellings do not offer a variety of bedroom sizes or Policy B2 or B3 in terms of adequately addressing its impact on habitats / creating Biodiversity Net Gain
- Policy C1 of the Neighbourhood Plan states that "The defined views to open countryside are to be maintained. Gaps in built up frontages allowing key views in and out of the village shall be protected from in-fill. Developments will not be permitted which would significantly restrict these views to open countryside or restrict views out of the village from these gaps. The proposed development contravenes this policy by blocking the last remaining views from Heath Road through to the woodland.
- Conflicts with John Clare Countryside vision
- Biodiversity Net Gain Matrix does not take into account the already lost habitat through removal of willow trees and draining of pond
- Concern re the level of input applicant has had into the ArbTech Great Crested Newts document – potential conflict of interest
- No eDNA certificate has been submitted which brings into question the validity and credibility of parts of the eDNA survey
- No evidence that bat survey was carried out prior to felling of the two mature willow trees
- Two new ponds are unlikely to be successful long term mitigation
- Query how the ecotones will be managed
- Natural England, Woodland Trust and Forestry Commission all state that at least 15m should be left between the development and ancient woodland to ensure avoidance of root damage – the submitted plans do not show this
- Draining existing pond will result in a net gain in carbon in atmosphere contrary to Paragraph 180 of the NPPF.
- Concerns over highway safety, traffic flow and parking
- Proposals do not reduce the need to travel by car
- Proposed dwellings are sited forward of the prevalent building line of properties along Heath Road; development appears cramped; potential terracing effect
- Street scene plan exaggerates the space between properties depicted; does not include the proposed inclusion of a garage to the side of no. 16
- Concern re overlooking, loss of privacy and overshadowing
- Development is contrary to the interests of the community
- Query if the applicant has acted procedurally correctly in terms of submitting additional information / making provisions
- Plethora of difficult information is difficult to understand with no version control
- Extent of site on block plan conflicts with location plan and location plan does not show all surrounding buildings or land, or the pond on site
- Online mapping shows a larger site area than the submitted plan
- Application form still contains errors

Comments in support:

- In keeping with current housing policy and within the village envelope
- Proposal does not detract from its environment
- Environmentally efficient and attractive dwellings

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

The main considerations are:

- Principle of the development
- The impact of the proposal on the character of the area
- Occupier and neighbour amenity
- Highway safety and parking provision
- Historic environment and archaeology
- Flooding and surface water drainage
- Trees
- Ecological impact

### **a) Principle of development**

Although a narrow strip of land to the rear of the garden lies outside of the village envelope, there is no objection in principle under Policy LP2 since a significant part of the plot sits within the village envelope and the dwellings erected along this side of Heath Road create an existing ribbon development which the application site would comfortably fall within.

Consequently, the principle of residential development is considered acceptable subject to satisfactory assessment against the following matters.

### **b) The impact of the proposal on the character of the area**

The application site is situated between two existing two-storey detached dwellings. The proposed design of the dwellings has been amended during the course of the application to remove two incongruous link attached garages from the front of each plot. The dwellings as now proposed only include a slight front projection at ground floor, which only projects marginally beyond the front elevation of neighbouring dwellings. The positioning within the plot, separation distances and size of the footprint of the dwellings, as indicated on the submitted site plan, generally accords with the existing pattern of development on the western side of Heath Road.

In terms of the visual appearance of the properties, the proposal is to utilise limestone walling and Spanish slate roof tiles, and details such as quoins and stone appearance lintels would be included. The design would be of a high quality and not out of keeping with the character of this part of Heath Road, which is characterised by properties of very varied appearance.

It is noted that the previous case officer had suggested that only one dwelling would be supported on site. However officers have since carefully considered the amended plans for the 2 dwellings with a reduced footprint and concluded that this amendment has satisfactorily addressed the concerns raised.

In light of the above, it is considered that the proposal satisfactorily accords with Policy LP16 of the Peterborough Local Plan (2019) and Policy A (A4) of the Helpston Local Plan (2021 to 2036).

### **c) Occupier and neighbour amenity**

There are no properties to the front or rear of the proposed dwellings to be impacted.



The only side facing windows proposed would serve bathrooms (and would therefore be obscured glazed) or belong to the small bay window at ground floor, from which views would be limited. The only southern side elevation windows to no. 14a that sit in line with the proposed dwellings are either secondary windows or would serve non-habitable spaces. The proposed development would not therefore have a material adverse impact in terms of being overbearing or causing loss of light in that relationship. Concern has been raised over overlooking from the full-length doors at first floor – Juliet balconies such as this are considered less intrusive than full balconies and normally fall under Permitted Development Rights. On that basis, it would be unreasonable to request that this element be removed from the scheme.

No. 16 has a number of side facing windows on the northern elevation, however the owner is also the applicant and is accepting of this arrangement. Generous external amenity space would be provided to the rear notwithstanding the 15m ecotone / buffer zone.

In view of the above, the proposal accords with Policy LP17 of the Peterborough Local Plan (2019).

#### **d) Highway safety and parking provision**

The existing vehicular access to no. 6 would be relocated slightly further south and two new single accesses would be created to serve the new dwellings. The Local Highway Authority have been consulted on the application and have raised no objection to the proposed access arrangements on highway grounds subject to the imposition of standard highway conditions. As such, the provisions of LP13 of the Peterborough Local Plan (2019) are adequately complied with.

Furthermore, the parking provision on-site accords with the standards set out within Appendix C of the Local Plan.

#### **e) Historic environment and archaeology**

PCC's Archaeology Officer and Conservation Officer have been consulted as part of the application process. The site is not within a Conservation Area nor is it in close proximity to any designated heritage assets, however the Archaeology Officer in their initial comments highlighted that the Ordnance Survey Map of 1886 shows that the pond on site may have been part of the western arm of what appears to be a moated site, with earthworks extending northwards, now under modern houses, and turning eastwards where they were marked by a track (later boundary) associated with a field on the eastern side of Heath Road. This concern was shared by the PC and objectors. Given the historic potential of the site, the Archaeology Officer requested a topographic survey and site evaluation by trial trenching to determine the origin of the pond, and a Heritage Statement was sought by the Conservation Officer. The evaluation by trial trenching has been undertaken and has confirmed that the pond and ditch are part of a historic drainage system and do not form part of an historic moat. PCC's Archaeology Officer therefore no longer raises an objection and advises that no further archaeological work is required.

As such, it is the opinion of officers that the matter of the historic potential of the pond on site has been satisfactorily addressed in line with Policy LP19 of the Peterborough Local Plan (2019) and Policy A (A8) of the Helpston Local Plan (2021 to 2036).

#### **f) Flooding and surface water drainage**

##### Drainage

Significant concern has been raised through the consultation process regarding the proposed loss of the pond on site. These concerns centre around the role the pond plays in the local drainage system and that its removal would have an adverse impact on the functioning of surface water drainage along Heath Road. Some objectors have commented that the pond acts as a balancing pond to help manage surface water draining away from Rice Wood and also that the Heath Road

carriageway and footway already floods during heaving downpours of rain.

A number of objectors have also highlighted the existence of a legal covenant, part of which appears to preclude any works taking place within the garden to no. 16 Heath Road which might interfere with or make less effective the pond and associated pipe as a means of drainage for storm water.

In terms of the above point, covenants are a separate legal matter (only enforceable through the Civil Courts) and neither invalidates nor can it be a reason for refusal of an application. Those party to the covenant are required to seek their own legal advice.

Notwithstanding that, the technical drainage concerns raised within the objections are a material planning consideration and, following on from the concerns raised by local residents (in terms of the perceived role that the existing pond plays in the local drainage system) and objections from the Lead Local Flood Authority (LLFA) and Welland and Deepings IDB, further supporting information has been provided by the applicant.

This is in the form of a revised drainage plan (indicating a change from infiltration of surface water to connection to existing surface water drain), a site-specific flood risk assessment and a report relating to a Hydraulic Assessment of the pond. This Hydraulic Assessment explains that the pond on the application site forms part of a culverted watercourse through the garden of 16 Heath Road. To provide further context, at the edge of the woodland to the west of the application site is a shallow ditch (that intercepts run off from said woodland) that, in turn, connects to a 300mm culvert that then traverses under the garden to no. 16 and discharges into the pond in that garden. The discharge point to that culvert is estimated to be circa 750mm higher than the outlet of the pond. The outlet of the pond is a 450mm diameter pipe, which ultimately connects to the Anglian Water storm water sewer in Heath Road without any observable flow control or restriction. The sewer pipe crosses Heath Road and discharges into the watercourse that runs southwards along the eastern side of Heath Road. The Assessment goes on to calculate the estimated run off rate from the woodland adjacent, which is both below the capacity of the culvert pipe between the woodland edge ditch and the pond, as well as the pipe through which water exits the pond. It is therefore concluded that given the outlet pipe capacity of the pond is greater than the inlet pipe capacity, the pond cannot be providing attenuation of the water flowing from the woodland. Furthermore, the site-specific flood risk assessment identifies that the surface water flood risk for the site is very low to low.

The LLFA and the Welland and Deepings IDB have reviewed the above submitted drainage information, with the LLFA also having undertaken a site visit. The LLFA have provided further comments that they have concluded that the pond present on site does not act as a balancing pond and therefore does not take part in storing and attenuating rainwater. Therefore, the removal of this pond will not change or increase surface water flood risk in the area. They further comment that the final discharge will be going to an IDB ditch which has enough capacity to take the surface water discharge produced from these two homes. Considering those points, the LLFA no longer raise any objection. The Welland and Deepings IDB also have no objection following the consideration of the additional information.

Concern has been raised that the local impact of recent storm events (localised surface water flooding to Heath Road) have not been adequately taken into account by technical consultees when considering this application. The impacts of these storms have been brought to the attention of consultees, with one of PCC's Drainage Engineers confirming they in fact visited Heath Road in the aftermath of one such event. The lowest point of Heath Road was found to be suffering localised surface water flooding due to the surface water drainage network reaching capacity during Storm Babet. For the purposes of planning applications, consultees base their responses on the typical baseline situation for an area and, given these storm events are exceptional in nature, they are not in a position to be able to object on the grounds of the impact of such storms.

### Flood risk

The application site is located within Environment Agency Flood Zone 1 and is therefore in a sequentially preferable location in flood risk terms.

In view of the above, it is the opinion of officers that it would not be reasonable to withhold permission on drainage or flood risk grounds and that the proposal satisfactorily accords with Policy LP32 of the Peterborough Local Plan (2019).

#### **h) Ecological impact**

Rice Wood is an ancient woodland sited to the rear of the application site and stretches north to south to the rear of the linear stretch of development along the western side of Heath Road, covering an area of 0.16 sq.km, stretching up to Broad Wheel Road and abutting the village on its south. The site also contains a pond to the north of no. 16. Ecological considerations are therefore pertinent to this application.

PCC's Wildlife Officer has been consulted on the application and requested further information in order to be able to make a recommendation. This information included demonstration of biodiversity net gain, the undertaking of further ecological surveys (Great Crested Newts in respect of the pond and bat roosting features in trees), consideration of the potential for negative impacts on the neighbouring ancient woodland and any impacts to be adequately mitigated.

Further survey work has been undertaken and it has been concluded that the existing pond does not support Great Crested Newts. However, as they are known to be present close by, the potential for them to be impacted by the proposals remains present and a mitigation / safeguarding strategy is required. A number of mitigation measures have been proposed by the applicant's ecologist (Arbtech letter dated 29<sup>th</sup> August 2023) and this document has been reviewed by PCC's Wildlife Officer. They are content that there will be no detrimental impact to Great Crested Newts provided these mitigation measures are strictly followed/implemented – this requirement should be conditioned if permission were to be granted.

In addition to the above, a Preliminary Roost Assessment was also undertaken. This identified that the willow trees adjacent to the pond (T1 and T2) could hold some value for roosting bats – T1 (low value) had no visible roost features but it is possible that ivy could be obscuring potential roost features and T2 (identified as having moderate to high value) exhibited a roost feature on the trunk. All other trees were determined to have negligible or low value. It is indicated in this assessment that the development would necessitate the removal of all those trees surveyed.

However, notwithstanding the application remaining pending, it has become apparent that these trees have already now been removed from site following the survey being undertaken. This is an unfortunate situation. The application site is not within a Conservation Area and the trees do not benefit from Tree Preservation Order and, as such, the Local Planning Authority does not have the power to intervene in the owner's decision to remove the trees. However, local residents were advised at the time of the LPA being made aware of the removal of said trees that the correct procedure to report these activities would be as possible wildlife crime via the Wildlife Police. This is clearly outside of the planning process and no further comment will be made by officers on this matter.

In terms of the site's relationship with the adjacent Rice Wood (ancient woodland), the proposed site layout has been amended during the course of the application, in discussion with PCC's Wildlife Officer, to secure a 15m buffer at the west/rear of the application site (also called an 'ecotone'). This would extend across both gardens of the new dwellings and will contain two ponds, as well as tree and hedge planting. It will be separated from the remainder of the garden by post and rail fencing and it will be conditioned such that it shall not be used for domestic purposes. Officers are satisfied that this is an acceptable arrangement. The Forestry Commission and Woodland Trust comments are discussed further in the tree section below.

In regard to Biodiversity Net Gain (BNG), a BNG Matrix 4.0 has been submitted in support of the application and this demonstrates that there will be a significant overall net gain in biodiversity.

Concern has also been raised regarding the existing pond on site being drained and aerated – PCC’s Wildlife Officer has confirmed that these measures are common practice for maintenance of such ponds.

In view of the above and the mitigation that would be secured, it is considered that the proposal, on balance, satisfactorily accords with Policy LP28 of the Peterborough Local Plan (2019) and Policy B of the Helpston Local Plan (2021 to 2036).

### **g) Trees**

As discussed previously, the application site abuts an area of ancient woodland to the west. PCC’s Tree Officer originally objected to the application, requesting that the applicant submit a full tree survey, in addition to a topographical survey. It was also commented that the willow trees on site have visual amenity value and contribute greatly to the biodiversity of the site given the significant pond. As per the previous section, these trees have now been removed and the Local Planning Authority does not have the power to intervene given their lack of protection.

Subsequent to the receipt of the above objections, an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan and Tree Constraints report have subsequently been provided and reviewed by PCC’s Tree Officer. Following further revision resulting from consultation with the Tree Officer (to include an appropriate 15m buffer to the woodland), they are satisfied that the development would not have an adverse impact on the adjoining ancient woodland and their objection is not maintained. This is subject to a condition requiring the development to be carried out in accordance with the submitted plans and the arboricultural report - BS5837:2012 -Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at St 16 Heath Road, Helpston from East Midlands Tree Surveys Ltd dated 30th June 2023 (amended), to avoid any tree damage during the development period on site.

Both the Woodland Trust and Forestry Commission have raised concern over ponds being sited within the proposed 15m buffer, quoting that there should be at least a 15m buffer between the ponds and the ancient woodland ‘to avoid root damage’. This appears to be a misunderstanding as National Planning Practice Guidance indicates that wetland features can form part of a buffer zone and both PCC’s Wildlife Officer and Tree Officer are comfortable that no roots of trees within Rice Wood would be adversely affected.

In view of the above and the mitigation that would be secured, it is considered that the proposal, on balance, satisfactorily accords with Policy LP32 of the Peterborough Local Plan (2019).

### **i) Other matters**

#### Adverse possession claim

It has been brought to the attention of the Council during the course of the application that a small area of land at the north of the site (within the red line boundary) is the subject of a live adverse possession claim.

An adverse possession claim is a situation where an individual can acquire the right to be the registered proprietor of registered land if they have been in adverse possession of the land for a minimum of 10 years if the title to the land is Registered at HM Land Registry or 12 years if the title is not so registered. If the claim is not opposed by the registered proprietor, the claim succeeds and the claimant becomes the new registered proprietor of that land.

As this claim is still live, the applicant cannot be said to own all of the land within the red line

boundary. Officers have sought advice from PCC's legal team and have confirmed that the Certificate A (claiming the applicant owns all the land) that was signed in the submitted application form is incorrect. The correct procedure would have been for the applicant to sign Certificate B as well as serve notice on the other landowner 21 days prior to submission of the application to inform them that they were intending to submit said application.

The applicant has been advised of their error and they have now elected to provide the correct Certificate B. Whilst this should ideally have been completed at the outset, officers are comfortable that the other landowner in question has not been unreasonably prejudiced by the 21 day notice not having been served prior to submission as they have been consulted as part of the application process and have provided comments on the application.

#### Case officer response to consultee comments not addressed elsewhere within this report

- Concern has been raised over the possible need for pile driving due to ground conditions in the area and potential for neighbouring properties to be damaged. Damage to neighbouring properties during the construction period is a civil matter and unrelated to planning.
- It is not considered that the construction of only two dwellings in this location would have an unacceptable impact upon the infrastructure / services of the village.
- The reference to proposed rewilding of 1.5 acres east of the site was an error – the document has subsequently been amended to correct this
- Officers sympathise with the concerns raised regarding the foul drainage network, however it is not the role of planning applications such as this to rectify apparent existing inadequacies of the Anglian Water system. This is because Anglian Water have an obligation to provide a system capable of accommodating new development.
- The proposed dwellings both having the same number of bedrooms would not be a strong reason in and of itself for refusing an application, particularly given the mix of dwelling types and sizes in this part of Helpston. Furthermore this part of policy A2 criterion b of the Neighbourhood Plan is worded as “should” rather than the mandatory “must” or “will” of criteria a,c and d
- The National Planning Policy Framework encourages local planning authorities to work proactively with applicants to secure developments that will improve economic, social and environmental conditions of the area. In that vein, applicants are currently allowed to make amendments to applications and are given the opportunity to provide additional information to aid consideration / determination of the important issues. It is incumbent upon residents to come to their own understanding of this information.
- Individuals and/or organisations that specialise in providing technical documents (e.g. ecology, flood risk, archaeology etc. related) have a professional duty to present facts that they consider correct given their professional capacity / knowledge. As a Local Planning Authority, we have to accept these documents in good faith i.e. that the information presented within is their professional opinion and is accurate.
- The extent of the land indicated to be developed on the block plan sits within the confines of the red line of the submitted location plan. The block plan suitably complies with the requirements of The Town and Country Planning (Development Management Procedure Order) (England) Order 2015.
- The location plan has been provided at such a scale that it does show all surrounding buildings and land and it adequately complies with the provisions of The Town and Country

Planning (Development Management Procedure) (England) Order 2015 and has been amended during the course of the application to include a north arrow

- A revised 'Existing Site Plan' has been provided to ensure the red line boundary corresponds with that of the Location Plan
- The online mapping system (Hawkeye) has been amended to reflect the correct i.e. smaller red line area. This issue came about due to an error with the originally submitted Location Plan containing an area to the rear of no. 18 not within the applicant's ownership, and a revised Location Plan was subsequently submitted. It is not considered that any resident will have been unreasonably prejudiced by this matter given that they since had the opportunity to view the up-to-date Location Plan that forms part of the formal application.
- The location of the relevant trees, on-site pond and woodland are all clearly identified in supporting information, within which the potential impacts of the development are clearly considered
- Notwithstanding whether or not the attached garage indicated to the side of no. 16 on the site plan is built (not part of this application), a satisfactory relationship and separation distance between built development would remain
- The claimed increase in carbon in the atmosphere that would be generated by draining of the existing pond does not carry significant weight in the overall planning balance

## j) Conclusion

Notwithstanding the significant local concern that has been raised over the development, it is not considered that there are any outstanding material planning concerns that should preclude permission from being granted.

The above is subject to no new issues being raised during the current reconsultation process (expires 10<sup>th</sup> November) that warrant further investigation.

## 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.

## 7 Recommendation

The Executive Director of Place and Economy 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 hereby permitted shall only be carried out in accordance with the following approved plans and documents:

Plans:

Site Location Plan - JDA/2022/820.LOCATION.001A  
Proposed Site Plan - JDA/2023/820.SITE.001C  
Proposed Drainage Strategy - JDA/2022/820.DRAINAGE 001E  
Proposed Soft Landscaping - JDA/2023/820.LS.001C  
Proposed Lighting - JDA/2023/820.LIGHTING.001A  
Proposed Elevations and Floor Plans - JDA/2023/820.LAYS.001  
Bird and Bat Boxes - JDA/2022/820.BOXES.001

Documents:

Schedule of Renewable Energy Assets (March 2023)  
Biodiversity Mitigation and Enhancement Plan (March 2023)  
Preliminary Ecological Appraisal and Preliminary Roost Assessment (31st May 2023)  
Flood Risk Assessment (July 2023, Version 2)  
Arbtech File Note: GCN at 16 Heath Road (27th October 2023)  
Landscaping Specification (V5, dated March 2023)

Reason: In the interests of proper planning.

C 3 No development shall take place until an ecological design strategy (EDS) addressing the creation and management of the ecotone area as an area of natural woodland being a habitat extension to the existing rice wood. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. The EDS should cover a period of at least 30 years.

Reason: In the interests of protected species in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C 4 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C 5 Prior to the occupation of each individual dwelling, the 'ecotone' / 15m buffer in the garden of that particular dwelling (as indicated on dwg. no. JDA/2023/820.SITE.001C) shall be implemented in accordance with the approved details. It shall remain fenced off at all times and shall not be used for any purpose other than an ecotone / buffer zone. No structures whatsoever shall be erected in this area. No plant or animal not indicated on dwg. no. JDA/2023/820.SITE.001C shall be introduced to the ecotone / 15m buffer. The site shall be colonised naturally from the neighbouring woodland over the period of the management plan.

Any trees, shrubs or hedges forming part of the approved ecotone die, are removed or become diseased within five years of the implementation of this scheme, these 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 biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C 6 The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the Biodiversity Mitigation and Enhancement Plan (March 2023), as well as the mitigation measures for Great Crested Newts set out in the document entitled Arbtech File Note: GCN at 16 Heath Road (27th October 2023).

Reason: In the interests of protected species in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C 7 The soft landscaping scheme indicated on dwg. no. JDA/2023/820.LS.001C (with the exception of the planting required by Condition 5) shall be completed during the first available planting season following completion of the development.

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 Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019).



- C 8 The development hereby permitted shall be carried out in strict accordance with the approved plans and arboricultural report - BS5837:2012 -Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at St 16 Heath Road, Helpston from East Midlands Tree Surveys Ltd dated 30th June 2023 (as amended).

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 of the Peterborough Local Plan (2019).

- C 9 The development shall be carried out in accordance with the external lighting details shown on dwg. no. JDA/2023/820/LIGHTING.001A and no other external lighting shall be erected other than that so approved.

Reason: In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C10 Prior to its installation, details of the height of any proposed closeboard fencing shall be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall include 13cm x 13cm holes at the base of the fence in order to facilitate the movement of hedgehogs. The fencing shall be erected in accordance with the approved details and retained as such in perpetuity.

Reason: In the interests of biodiversity and in order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policies LP17 and LP28 of the Peterborough Local Plan (2019).

- C11 No above ground development shall take place unless and until details of the proposed external materials 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.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C12 Prior to commencement of development, details of the temporary facilities that shall be provided clear of the 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 Policy LP13 of the Peterborough Local Plan (2019).

- C13 The dwellings hereby permitted shall not be occupied until a means of access for vehicles has been constructed in accordance with plans to be submitted to, and approved in writing by, the Local Planning Authority. Details should include levels, drainage and methods of construction. The accesses shall be constructed in accordance with the approved details and retained thereafter in perpetuity.

Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C14 Prior to the first occupation of any dwelling, vehicle to pedestrian visibility splays shall be provided in accordance with the details shown on the approved layout plan and kept free of any obstructions over 600mm in height above ground level.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C15 Car parking, including garages and turning, shall be provided in accordance with the approved layout plans prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: To ensure that sufficient car parking and turning remains available on site in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C16 A wheel cleansing system for construction vehicles (i.e. a portable wheel wash), including a contingency measure should this facility become inoperative, shall be installed on-site. The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of all construction vehicles that shall visit the site during the construction/demolition process.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C17 Prior to their installation, full details of the location and specification of the proposed air source heat pumps shall be submitted to, and approved in writing by, the Local Planning Authority. The air source heat pumps shall be installed in full accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors- Councillor David Over