

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 17 SEPTEMBER 2013 AT 1.30PM

	Page No:
1. Procedure for Speaking	1
2. List of Persons Wishing to Speak	3
3. Briefing Update	5
Item 4.1 – Photographs of High Trees – Appendix A	21
Item 4.1 – Submission from Mr Bob Seery	29

**UPDATE REPORT &
ADDITIONAL INFORMATION**

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PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.

MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Objectors.
2. Applicant or agent or supporters.

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 17 SEPTEMBER 2013 AT 1.30PM
LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent/ Supporters/Parish Council/Town Council/Neighbourhood Representatives
4.1	3	13/00660/FUL – 270 EASTFIELD ROAD, PETERBOROUGH, PE1 4BE	Councillor John Peach Councillor John Shearman Mr Stewart Jackson MP Mr Rex Gibson Mr Bob Seery Mr Michel Kerrou	Ward Councillor Ward Councillor MP for Peterborough Objector For Applicant For Applicant
4.2	23	13/00765/HHFUL – 26 APSLEY WAY, LONGTHORPE, PETERBOROUGH, PE3 9NE	Councillor Dalton (Provisional) Mr David Leedham Mr Alex Macdonald Mr Usman Arif	Ward Councillor Objector Objector Applicant

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BRIEFING UPDATE

P & EP Committee 17 September 2013

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	13/00660/FUL	270 Eastfield Road, Eastfield, Peterborough, PE1 4BE, Demolition of existing office building and erection of 2 blocks of student accommodation incorporating 8 flats and 31 studios.

- A. The Applicant has submitted the following statement questioning the suitability of the building for protection as a 'building of local importance' (photographs are also attached at Appendix A):**

Introduction

Following an application for the development of the site at 270 Eastfield Road, an Article 4 Direction supported by an Assessment of the building as a Building of Local Importance has been made by the Peterborough City Council. This prevents the demolition of the buildings until such time as formal consideration can be given and a judgement made as to whether the public benefits of a scheme for redevelopment outweigh the loss of the main building of High Trees, 270 Eastfield Road. During the pre-application correspondence, it was established that the building was neither listed, in a conservation area, nor on the Local List of Buildings of Local Importance. This enquiry as to its status was made after three earlier extensive surveys of Buildings of Local Interest in Peterborough had, with the support of the Peterborough Civic Society and Parish Councils, been completed. These were undertaken in 2005, 2009 and 2011, the latter having been subject to public prior to adoption in 2012. Nevertheless, it would appear that throughout that period High Trees was not considered to be of sufficient importance to be included in the 340 buildings that were short-listed for consideration as a Building of Local Importance.

However, following the submission of a planning application for the redevelopment of the site and the demolition of the building, it was subsequently added to the list as a Building of Local Importance, supported by an Assessment undertaken by the City Council. Consequently, whether it fully meets the criteria for a Building of Local Importance and the extent to which this building is considered to have a "degree of significance" will inform the judgement as to the scale of any harm of its proposed demolition, it is important to ensure that the assessment is an accurate reflection of the building as it currently stands.

Chronology of the private, commercial and community uses of High Trees.

The following is a summary of the changes in ownership:

1851 Census shows the Pawlett family at Manor Farm, Barnack (over 300 acres) This suggests that the Pawlett family moved to 270 Eastfield Road somewhere between 1851 and 1857.

Consequently, it may be assumed that the mid 1850s was the date of its construction

1862 house is shown on the Rating map for the Parish of Peterborough St John

1886 OS series map shows it as "The Limes", standing in substantial grounds

1871 Census shows it as occupied by William Pawlett and his wife Mary

1881 Census shows it as occupied by William and Ruth Pawlett and two servants

1894 – 27th July 1924 Mrs W Pawlett died aged 88, widow of William Pawlett, farmer.

2

1924 - 2nd December the "The Limes" is renamed "High Trees" and occupied by a Mr Philip J Fairweather, a partner in coal merchants Messrs Fairweather

House bought at Auction 28th January 1931 by William Beecroft Buckle, a partner in the solicitors Messrs Buckle, and occupied by him until 19th December 1954 House bought for Baker Perkins at auction on the 27th April 1955 and used as a hostel for apprentices until February 1964

The following additional information is included on the Baker Perkins website at

<http://www.westwoodworks.net/HowItWas/TrainingAtWestwoodWorks/TrainingFacilities/index.htm> :

"High Trees" closed in February 1964 and it is thought that it was sold to Lincolnshire Education Authority, it being known that at least during the period 1973 to 1976, it was used by Kesteven College - the main teacher training establishment in Stoke Rochford Hall just outside Grantham - as a hostel for its female students on teaching practice in the Peterborough area. "High Trees" was later taken over by Peterborough Technical College. It had been understood that High Trees was soon to be demolished as part of the development of the "University Centre" collaboration with

Anglia Ruskin University on the site of the Technical College but we (Baker Perkins) have been contacted by 'Family Care in Peterborough' - a voluntary agency working in risk assessment of vulnerable families and community support for children and families - who have bought the premises. High Trees became part of Peterborough Technical College when sold by Baker Perkins and we understand it to be in a fairly sorry state of repair. The new owners plan to refurbish it to its former glory. The site was further developed in the 1960s with the two storey flat roofed extension to the rear."

Comment on this information

The purchase of High Trees by Baker Perkins in 1955 marked an important change in its use from its original function as a private dwelling to that of a hostel for apprentices from Baker Perkins. Some of the photos on the Baker Perkins website (see pages i and ii of the Photographs of High Trees taken in the 1950a, appended to this report) show the student's study, dining and bedroom accommodation and are dated 1954. However, these would have predated the purchase of the property, suggesting that the photographs were actually taken at a date that was post 1955. Other photographs, apparently taken at the same, or a similar time, are of the front and rear elevations of the property. They show that, shortly after 1955 the original building had gained a single storey extension, which was used as a dining room by the apprentices, and two, flat-roofed two storey extensions to the rear, one of which was to provide accommodation for a housekeeper. The dating of these extensions will be considered more fully later in this report. Subsequently, the building was further altered and extended part of its transition to a wider community and institutional use in the 1960s, at which time it gained the red brick two storey flat roofed extensions to the rear, which enclose the former dining room and the house keeper's flat of the Baker Perkins hostel. Since then, the building has been completely institutionalised with, apart from the shutters and staircase, all original internal features having been removed. Consequently, it can be seen that since 1955, High Trees has been in commercial and community use for the last 49 years, practically a third of its lifetime. Information from the Baker Perkins website relating to the chronological development of The Limes/High Trees notes that in the 1960s, the building was already in a poor state of repair. Demolition of 270 Eastfield Road had been proposed with the site having already been identified as a suitable location to support the growing educational need is of the City. However, the subsequent sale and use of the building by Family Care in Peterborough appear to have deferred its demolition and intended educational use of the site. In considering the significance of the building, as set in the City Council's Assessment, it should also be noted that in addition to the changes that have taken place to the building over time, development has also taken place around and adjacent to High Trees, which has had a significant impact in its setting and contribution to the street scene.

Consideration of Assessment as a Building of Local Interest

The City Council's Assessment report of fourteen pages includes a description of the assessment criteria and a series of photographs of buildings both included and excluded from the Local List. This detailed description of the building identifies it as a *"bespoke individual Villa for a wealthy owner of the mid 19th century"*, describing it as *"a large house where the builder and owner had a great deal of licence in design and detailing"*. This generalised preamble is also used in the description of other Victorian Villas on the Buildings of Local Interest list and in many of those cases the buildings are, indeed, a physical expression of the wealth and good taste of their owners. However, the building it is not attributed to an architect, well known or otherwise, nor does it display a clarity, consistency or continuity of style or detailing that would be expected of a bespoke design intended to demonstrate the wealth or taste of a member of the professional class. Instead, the building's asymmetric plan and detailing appear to have either been selected from pattern books or constructed by a speculative builder and, apart from its projecting verge, the austerity and general lack of ornamentation suggest that it was built to minimise costs.

Prior to its consideration against the criteria, the Assessment states that: *"The building has a historic architectural style and retains much original external fabric. It has artistic interest in terms of workmanship and materials used and a style notable in the area"*. In this respect, the description seeks to reinforce the extent to which the building has characteristic details of its *"part classical and slight Italianate manner"*, although in some case, these simply do not exist. For example, whilst the building has a shallow pitched slate roof and over-sailing eaves, it does not have characteristic associated Italianate features such as suggested by the incorrect identification of a 'dentil course', which is actually an oversailing course of two rows of bricks, nor is there any evidence of it having had the typically associated paired brackets or modillions on the plain boarded soffit of the overhanging eaves.

Also, despite the use of natural stone for the cornice, window and door detailing, there are no quoins, an architectural feature normally used on buildings and Villas of this scale, to strengthen the appearance of the corners of the elevations and to visually contain the body of the gault bricks. The Building description notes the use of Stretcher bond on what is describes as “the rear” of the main building, but totally minimises the relevance of this in terms of the construction and dating of these flat roofed extensions. The original building is in Flemish bond, apart from the two storey buildings at the rear, which are laid in stretcher bond.

Despite using matching reclaimed gault bricks on the first of these, many of which have a significant amount of reddish colour, the use of stretcher bond indicates a modern cavity wall construction. The wall of the extension is the typical eleven inches thickness of modern c20 cavity construction and, as confirmed by the ground floor concrete lintels and brick soldier course over a steel lintel of the first floor window of the flat roofed extension, was constructed as an addition to the main building in the mid twentieth century (see page iii of the Photographs showing details of the alterations and extensions to High Trees). Nevertheless, the use of matching bricks appears to have led to the Council’s incorrect assumption that the extensions are Victorian, which justifies their retention as part of the main building.

The 1950s Baker Perkins photos clearly show the use of bricks in a stretcher bond, which confirms that the flat roofed extensions to the rear of the main hipped roof structure are mid twentieth century additions, the extension closest to the house almost certainly being built over the footprint of a Victorian structure of some sort to the rear, as shown on the 1886 OS map. It is not clear whether this would have been of one or two storeys or whether it was a conservatory or a simple garden structure. The single storey dining room, also shown in the 1950s photos, has piers built in grey brick, which, whilst hidden behind a down pipe, are as shown in the photograph of the building’s junction with the 1960s red brick extensions (see page iii of the Photographs showing details of the alterations and extensions to High Trees), toothed clumsily into the Flemish bond corner of the main building. This was clearly a twentieth century addition, as was the two-storey annex for the housekeeper, also in stretcher bond, which also has modern concrete and steel lintel details. Similarly, even the north-facing porch is a later addition (see page iv of the Photographs showing details of the alterations and extensions to High Trees), as evidenced by its lack of bonding and matching of course heights to the main building. The footprint of the original building, therefore, is confined to the largely rectangular form of the hipped roof structure, and does not include the later flat roofed additions or the porch.

Roof form and detailing

As noted in the Council’s Assessment, the chimney stacks have had their pots removed, have been capped with concrete and reduced in height. This indicates, and was confirmed by an internal inspection, that the fireplaces, shown in the Baker Perkins photos to have been previously replaced in a 1930’s style, are no longer functional and have been removed completely and blocked up. The shallow pitched roof, originally of Welsh slate, and its projecting eaves lack any evidence of supporting brackets or modillions that would normally be associated with these features in the Italianate style. The plain, boarded soffit of the projecting eaves, as shown in the 1950s photo, suggests that either these were not part of the original design, or that they had been removed at a later date. Closer inspection shows that there is no evidence of such features ever having been in place. Since the 1950s photos were taken, a series of circular ventilators has been installed to provide ventilation to the roof space, almost certainly at the time the roof was recovered in the 1950s.

The photos also show that the style of the projecting eaves on the main building was subsequently matched that on the two-storey flat roofed extension, a later addition confirmed by the existence of the cavity wall. However, the soffit of the main house on all elevations is formed of three broad sections of butted, white painted timber, which are almost certainly original, whereas that of the flat roofed extension has four narrower sections of timber (see page iii of the Photographs showing details of the alterations and extensions to High Trees), providing further evidence, if it where needed, that this is a much later build.

The original Welsh slate roof was replaced prior to the mid 1950s contemporary Baker Perkins photographs, with an asbestos-based artificial slate laid on battens over modern sarking felt. This change in material can be detected by the flat nature and patina of the slates, which display some uncharacteristic and widely variable slate widths, and the consequent laying pattern. This is particularly evident on the south elevation. The change from Welsh slate to artificial asbestos

based slates has been confirmed both by an inspection of the roof space and the underside of the roof 'slates' themselves, and has been verified by an independent asbestos survey.

As shown in the 1950's photograph, by then the roof had already been capped with the present heavy blue roll top ridge tiles on the ridge and principal hips as well as the lower hips of the two-storey and entrance bays, for which a reduced scale of detailing would have been more typical. The original hip detail would almost certainly have been the more typical lead roll, which would have lightened the appearance and been more in keeping with the detail of the overall roof and its bays. The projecting two-storey entrance bay, described in the Council's assessment as a "tower", falls short of such a typical Italianate feature where an additional storey would need to have been added to create, or represent, a Belvedere or Campanile.

However, there is no structural evidence of an additional storey ever having been used at the top of the staircase to the first floor. Additionally, balancing the form of the roof over the entrance bay to the two-storey hipped-roof canted bay has resulted in another clumsy detail where the principal hip is raised and the hip form bisected diagonally. This is a further indication that the building was not designed by an architect and was probably the work of a speculative builder.

Fenestration

The Baker Perkins front elevation photo of 1954 shows that High Trees had timber windows with marginal glazing on the front elevation. This would have been the most significant element of the fenestration as, with advances in technology facilitating the use larger pains of glass, the Victorian fashion was to emphasise this through the use of marginal glazing. The result provided a counterpoint to the plain stone window reveals with the slenderness and grace of the white moulded glazing bars, set in the heavier sash frames, which would have significantly raised the architectural value and interest of the main and side elevations and brought it to life. As, even in the 1950s, "High Trees" was well screened from the road by the Lime and Yew trees in the front garden (see page i of the Photographs of High Trees taken in the 1950s), it is not possible to establish whether the front door had been replaced. However, another of the photos shows that the windows to the south elevation were conventional timber sashes of six over six lights on the first floor (see page i of the

Photographs of High Trees taken in the 1950s), again painted white, as was the tradition, to provide subdivision and lightness to the elevation. Whilst the Council's Assessment makes light of the loss of these original timber windows and their replacement with modern double glazed UPVC units, this represents a further and most significant loss of architectural and historic integrity as they would have provided much needed life to the presently large pains of characterless flat glass in the plain and austere stone window surrounds. They would also have provided greater interest in the different character of the building's elevations, that to the south more classical, to the front, Victorian, and to the north elevation, probably an element of both.

In summary, there is a lack of clear overall design, style and ornamental detailing, which is almost entirely absent apart from an off-the shelf cornice at first floor level and two scrolls on the base of the flat entrance pilasters, the roof has been replaced in asbestos based artificial slates, the chimney pots have been removed, the stacks capped and the replacement 1930s fireplaces removed and the openings blocked. The use of the low-pitched slate roof with projecting eaves as a design feature failed to have been supported by other characteristic Italianate details and its original form of ridge detailing removed and replaced by functional but heavy and out-of-scale blue roll top tiles, thereby adversely affecting the overall appearance and particularly the hip line of the two story canted bay. The original hipped roof simple brick structure has had a series of modern extensions that detract from its original plan form and integrity externally, whilst it has been extensively institutionalised internally. With the building having been stripped of its features of greatest interest, and being situated to the rear of a site that is bounded by mature Lime trees and a group of mature Yew trees to its front, it is considered to be neither of architectural significance, nor does it contribute positively to the street scene.

Consideration against the individual Criteria for a Building of Local Interest.

Age and rarity

High Trees, 270 Eastfield Road, is essentially a plain Victorian Villa with a lowpitched and hipped slate roof with projecting eaves, constructed of gault brick with plain natural stone detailing. Whilst it has elements of classical, Italianate and Victorian styles and detailing, it fails to develop or

commit fully to any of these. Consequently, this lack of overall co-ordination in its architectural composition results in a building whose style is unresolved, austere and unremarkable. Over the years it has been subject to a series of interventions that have removed important original features that have adversely affected its integrity, authenticity and appearance.

Criteria A2 (a) - If it was built between 1840-1919 (Victorian/Edwardian), does it retain its original features?

No. Whilst the roof form and masonry remain, it is considered that, with the loss of the original roof material and detailing and the original timber sash windows and the various pattern and subdivisions of the glazing bars that would have brought this otherwise austere and unresolved style of building to life, it does not retain sufficient of its original features to meet this criteria.

Criteria A2 (b) - Is it of sufficient quality to distinguish it from other buildings of that period in Peterborough?

No. As it does not retain sufficient of its original features on what was not a coherent style, it is no longer considered to be of sufficient quality to distinguish it from other buildings of that period in Peterborough.

Historic Interest

Criteria B2 - Is it a fine or rare example of a building that illustrates social or economic history, or a good example of town planning?

No. As described above, the style of the building is unremarkable with a floor plan that is typical of many Victorian buildings, probably based on a design from a pattern book. In this case, the potential style of the low-pitched roof and projecting eaves are not carried through in the remainder of the building with any further Italianate detailing, such that the overall design remains both austere and unresolved. As such, it is not considered to be a fine or rare example that illustrates social or economic history, nor, is it considered to be a good example of town planning.

Architectural Interest

Criteria C3 - Is it an example of a style of building that is unique to the local area?

No. As demonstrated above, the building fails to adopt a single or recognisable overall style. With the loss of the original roof covering, ridge details and original timber windows, and the subsequent additions that detract from rather than enhance the original form, it has little architectural merit and, therefore, is not considered that the building meets the criteria.

Criteria C6 - Are the buildings important for the townscape and street scene?

No, the Council's own Assessment states that: "the Villa is set back from the street frontage". This appears to acknowledge that is not an integral part of the street scene. When constructed, The Limes, as it was then known, was an individual building on a large plot on the outskirts of the City. The building was set to the rear of the plot and, by virtue of the curve in the road, was never a prominent building in the street scene. The frontage of the site is bounded by mature Lime trees, which continue to form the street frontage now, as they did in the nineteenth century. The 1886 OS map shows that, by then it already had well laid out gardens, which featured walks extending north to the rear of 278 Eastfield Road, and to the south to the junction with Broadway. Two large sections of these extensive grounds were subsequently sold off and developed, that to the south for the construction of numbers 260 to 266 Eastfield Road. To the north, the land was used for the development of numbers 272 to 276 Eastfield Road. The properties built on the land immediately adjacent to 270 Eastfield Road range in construction date largely from the inter war to post war period. To the rear of the property and to the north of 278, more recent twentieth century buildings has now completely encircle the site and detract from the setting and original character of 270 Eastfield Road.

As demonstrated in the Barker Perkins photo taken in the 1950s (see page i of the Photographs of High Trees taken in the 1950s), the front elevation of the building was well screened by the Lime trees on the frontage and the Yew trees in the garden. This is still the case and, as shown in the photographs of 270 Eastfield Road in the Council Assessment and the Photographs of the street scene of Eastfield Road), direct and glimpsed views of the building are only possible from limited locations either directly or immediately opposite the property. The contribution to the street scene is, therefore, derived entirely from the Lime trees, the property itself not being visible whether approaching the site from the north or south. It is considered, therefore, that the building does not contribute and is not important for the townscape and street scene of Eastfield Road.

Conclusion

This report demonstrates that, whilst the building and roof structure remain, it has been subject to a significant loss of original materials and detailing, of which there were relatively few at the outset, and that the subsequent extensions and later surrounding development have adversely affected its significance, architectural value and integrity. As identified in the report, the footprint of the original building is confined to the hipped roof building constructed of Gault bricks in Flemish bond, and not the twentieth century additions to the rear or its north elevation. These changes will have greatly reduced the degree of significance that can now be placed on it as a heritage asset.

From contemporary evidence, the building had already been altered in the 1960s when it was already considered to have been in a poor state of repair and suitable for demolition. Had it not been for being taken into community use, it would have been demolished to support the identified need for further educational accommodation, effectively what is currently being proposed. Its contribution to the street scene by virtue of its location at the back of a site with a curving tree lined frontage will, even in winter, be minimal and, in the context of the variable quality of the adjacent buildings, does not warrant its retention. Whilst the retention of this building has been proposed by the City Council, it is not considered that High Trees fully meets the criteria for designation as a Building of Local Interest, which define it as a heritage asset. It is, however, recognised that it is for the Local Planning Authority to determine the planning application on its merits, balancing the loss from the demolition of High Trees against the benefits of the much needed student accommodation to the educational offer and long-term ambitions of the City.

Recommendation

As identified in this report, the extent of the original building is solely focussed on the hipped roof element and not the series of later extensions to the rear and north side. However, taking account of the changes to this building and comparing it against the criteria identified by the Council, it is not considered that it meets these and, therefore, its demolition should be allowed. Consideration should also be given this opportunity to fulfil the long-term strategic aspirations of the 1960s to support the City's growing educational needs, which remain as, if not more, valid today, to provide locally based student accommodation. With the development of large areas for residential purposes in the vicinity, this site presents an ideal opportunity to make a positive and lasting contribution to the City's educational and economic future. Therefore, it is recommended that, rather than seeking the retention of the building on its original footprint, as currently suggested by the City Council, approval of its demolition, as part of the wider proposed scheme for the construction of custom designed student accommodation, should be given. This could be supported by the commissioning of a written and photographic record of the building, which would be available as a permanent record, for use by the public and academics, as part of the ongoing history of the area. This would avoid the need for a sub-optimal architectural, more costly and potentially prohibitively expensive design solution resulting from the incorporation of the original building into revised plans. It would also facilitate, rather than delay, the planned construction of the proposed student accommodation, for which there is a demonstrable need.

B. Since the Committee Report was prepared four further letters of objection have been received, in response to the revised plans submitted by the applicant, raising the following additional points:

- The revised design would still be out of keeping with the character of surrounding properties in terms of its design, proximity to boundaries, scale and architectural detailing.
- The revisions still show the building close to the property boundaries and it is considered that the development would have an overbearing impact on neighbours compared to the current building, which is set back from the boundaries and surrounded by landscaping.
- The revised development still encroaches onto the landscaping surrounding the current building. It is considered that this landscaping significantly adds to the character of the area and would be a loss if the development was permitted.
- Consider that the revised proposal to accommodate 77 students would still constitute an over intensive use of the site.
- The revised plans show only 29 car parking spaces which is still considered insufficient and will result in off site parking and congestion for the surrounding area.
- Consider that the revised plans have not addressed the limited area of outside recreational space proposed for use by the students occupying the accommodation.
- The revised plans have not addressed concerns about the safety of the access and ability to safely pull out onto Eastfield Road.

- It is unclear from the revised plans how refuse trucks will be able to enter and exit the site in forward gear and safely manoeuvre within the site.
- Despite retaining the protected trees it is still considered that the proposal would have an adverse affect on wildlife on the site.
- The revisions do not address concerns relating to noise, traffic volume, parking and anti social behaviour, impact on wildlife and the building is still proposed for demolition

C. Mr Stewart Jackson MP Representations

Mr Stewart Jackson MP has confirmed that having reviewed the revisions to the proposal he still objects to the development as outlined in his earlier letter and covered in the Committee Report.

D. Impact on 266 Eastfield Road

The applicant has submitted various plans showing acoustic fencing in different arrangements, and, most recently, a “living wall” screen. No details of this system, or its acoustic value, have been provided. The parking closest to this neighbour is at the end of the internal road, and so there would not be passing traffic noise. Manoeuvring of vehicles may well be audible but is unlikely to be constant. The Council’s Environmental Health Officer has commented that in relation to the consideration of parking impacts, the potential for nuisance disturbance is considered insufficient to raise any objections. The neighbour most likely to be affected by the noise generated by traffic movements is number 266 Eastfield Road, who has not objected to the development. Given the Council’s Environmental Health Officer’s comments it is considered that the existing buffer is therefore adequate however, in order to prevent people from walking right up to the boundary with this dwelling some additional landscaping will be secured via condition.

E. Other Neighbour Amenity Issues

Occupants of No 274 Eastfield Road have commented that the building will block sunlight to their garden, so an assessment has been carried out. The proposed development is about 14m from their garden to the south. At midday there would be additional shading for about 6 weeks over midwinter, to parts of the garden. Shading affecting the rear wall of the house would be, at worst, late afternoon in midwinter.

The neighbouring house at No 272, being closer to the application site, would be more affected. Again, there would be some shading in winter, but the sun would be high enough to shine above the proposed building into the garden of 272, at midday, from early March until early October.

It is concluded that the increase in shading is within the acceptable range.

F. Refuse Collection

The applicant is now proposing that refuse collection is carried out by a private company, who would be required to reverse up the driveway, and that therefore a turning head is not required. In reality, it is likely that refuse collectors would reverse up the driveway anyway, if they were going to enter the site – these vehicles are frequently observed reversing into dead-end streets, including some of the smaller side streets on Eastfield Road. There is sufficient space within the site to provide a turning head, albeit it would have to overlap with the courtyard, but it is not likely that refuse collection would take place at the same time as students were wishing to sit out.

If refuse collection had to take place from the street then it would be possible to arrange the site boundary to include a collection point.

Given the above, the final arrangements for refuse collection could be agreed by condition and therefore it is not considered that this should form a reason for refusal.

G. Viability

The applicant has provided further viability information that has been assessed. The information submitted to date does not demonstrate that retention is unviable and therefore this issue has been incorporated into the reason for refusal (highlighted in bold text below).

The University Centre Peterborough has provided further information in relation to projected student numbers over the coming years but this is not robust evidence that can be relied on to conclude that the student need outweighs the demolition of the existing house. Therefore, the reason for refusal as set out in the committee report still stands.

The updated reason for refusal therefore reads as follows:

The existing house on the site has been assessed against the Local List criteria, and is considered to be worthy of inclusion on the list of Buildings of Local Interest. As a non-designated Heritage Asset, the building is subject to consideration against paragraph 135 of the National Planning Policy Framework. The Local Planning Authority is required to give weight to the harm caused to the heritage asset by the development. The proposed demolition would remove the heritage asset entirely. Demolition of a heritage asset can only be justified if the public benefits of the proposed development outweigh the loss of the heritage asset, and the design of the proposed development is of equal quality. In this case, the developer has failed to demonstrate that there is a pressing need for this level of student accommodation. Although the University Centre and the Regional College have expressed support, no further evidence such as a business plan or growth strategy has been provided. **In addition, the applicant has failed to demonstrate that retention of the existing building will render re-development or re-use of the site unviable.** The proposal is therefore contrary to Policy CS17 of the adopted Peterborough Core Strategy DPD, Policy PP17 of the adopted Peterborough Planning Policies DPD, and the relevant provisions of the National Planning Policy Framework, in particular paragraph 135.

2.	13/00765/HHFUL	26 Apsley Way, Longthorpe, Peterborough, PE3 9NE, Construction of two storey rear, first floor front and single storey front extension, and installation of first floor side facing window (part retrospective).
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- A) **Mr Leedham** – This sets out the content of my letter of 7 September (in normal text) and the Planning Officer’s reply to my letter of 17 September – the Briefing Update.

Letter of 7 September

The Committee Report contains significant errors of law and substance. It does not correctly apply all relevant policies and material considerations and as such its Recommendation to “*APPROVE subject to conditions*” is not properly supported and the recommended conditions are deficient.

The following numbered sections of this letter identify and explain the deficiencies in the Committee Report. In view of the extent of the deficiencies, the Committee Report should be withdrawn and a fresh report drawn up for consideration. If that course of action is not taken and the Committee Report is laid before the committing meeting (currently set for 17 September) then this letter should be set before the committee in its entirety save for any of its parts that the Planning Department can prove, before the 17th, to be erroneous. Please advise how you intend to proceed.

Deficiencies in the Committee Report

1 Incorrect application of: (i) Peterborough Planning Policies DPD (2012) - PP2 - Design Quality (“PP2”); and (ii) National Planning Policy Framework (2012) - Section 7 - Good Design (“NPPF”)

Despite identifying that PP2 is relevant, the report does not address PP2’s requirements. PP2 requires that a development: [i] make a positive contribution to the built and natural environment; and [ii] not have a detrimental effect on the character of the area.

The Committee Report does not identify any positive contributions that the proposed extension will make to the built environment. The Committee Report simply describes the mass of the proposed extension.

Also, the Committee Report fails to define what is the relevant *surrounding area* for considering the *detrimental effect* on the area’s *character*. In considering character, the only references in the Committee Report are to visual amenity of the street scene and neighbouring amenity and a description of the plot and the basic classification of the area. The following are the relevant paragraphs of the Committee Report:

“- the design of the extensions would not result in an unacceptably adverse impact on the appearance of the dwelling or visual amenity of the street scene;” and that,“- the design of the extensions would not result in an unacceptably adverse impact on neighbouring amenity” (first two bullet points of the conclusions in section 6); and

“The application site is a two storey link-detached dwelling set back from the road with off-street parking to front. The rear garden is surrounded by a variety of hard and soft boundary treatments generally standing at 1.8m in height. The surrounding area is residential in character and the property is not within the Longthorpe Conservation Area” (page 1 of the report under the heading “Site Description”).

A description of the area's character should take account of, amongst other matters, the extent of greenery, relative mass of buildings, lack of upper floor extensions and how a planning consent will impact the future character of an area by allowing similar consents. As shown by the 9 objections, none of those consulted consider the proposed extension to be in keeping with 'the area' or that it will have a positive contribution to the built and natural environment.

The comments made in respect of PP2 above can be similarly applied, *mutatis mutandis*, to NPPF - Good Design¹, which states that, "Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential;... 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."

It is accepted standard practice and good design for an extension to be stepped-in from the outside of the existing walls of a dwelling. There is no reference to this practice in the Committee Report despite it having been identified in objection letters. Instead, it is proposed that the rear extension will run the full width of the existing house at ground and first floor.

The Committee Report wrongly concludes (as per its section 6) that the proposal accords with, amongst others, NPPF and policies such as PP2. The planning officer has erred in the application of PP2 and NPPF. The rear extension will detract from the overall quality of the area both by its existence and the precedent for similar massing. Of those neighbours consulted by the planning department none consider that the rear extension meet any of the requirements of PP2.

The Planning Officer's Response:

Design is a subjective issue and consequently different people have different ideas over what is or is not an appropriate design for a development. All development brings about change. The fact that a development might be different to what is around it does not mean it is unacceptable. The 'stepping in' of extensions is usually applied with regard to the appearance of the front elevation rather than the rear.

My counter response:

The Planning Officer has not addressed the fundamental issue raised in the first three paragraphs of this section of the letter. The current guidance to the planning committee consists of unsupported statements that the proposed works will not be detrimental. The planning officer provides no guidance as to the application of PP2's specific requirements to the current development namely how the proposed development will: [i] make a positive contribution to the built and natural environment; and [ii] not have a detrimental effect on the character of the area. Nor is there any guidance of how to assess the character of an area and that this is a specific point for the Committee Members to determine. The planning officer comments that good or poor design is subjective. However, failure to provide appropriate parameters for assessing good or poor design leaves the planning committee without guidance of how to act so creating absolute uncertainty in the planning process and leaving Peterborough without a sense of how good design should be applied. (As a specific point, there is no comment made about the roof design of the houses in the street with their large roof overhangs; nor is there is detail in the applicant's drawings as to how the roof overhang of the new extension will appear in relation to the existing roof). The planning department has a duty of care to guide the committee as to the correct application of policy and legislation and to operate the planning process for the protection of all.

2. Inaccurate summary of objections

Page 3 of the Committee Report states that, "*9 letters of objection have been received. These raise the following concerns;*" which include, "*- Granting retrospective consent sets a precedent*".

This is an inaccurate summary of the objection. The objection is that granting consent will create a precedent for: (i) similar mass, upper floor extensions that are out of character for the area; (ii) and inappropriate evaluation of the impact on neighbours amenity.

However, the granting of retrospective consent in this case (in light of the actions of the owners of No 26 as recorded in the objection letters and as is in the planning officers' knowledge) sets a precedent for the future flouting of the planning process and of neighbours.

The Planning Officer's Response:

It is not considered necessary to detail where the precedent might lay. The Council cannot determine retrospective applications any differently from 'normal applications in terms of process or consideration of the relevant planning facts. To do otherwise would be unlawful.

My counter response:

The Planning Officer still does not address the issue raised. The point being made is that even if the current application were not retrospective, if granted, it will set "*a precedent for: (i) similar*

¹ The report confirms that NPPF applies to the proposal.

mass, upper floor extensions that are out of character for the area; (ii) and inappropriate evaluation of the impact on neighbours amenity”.

3. Failure to address the roof height and so make appropriate recommendations

In respect of the roof height of the rear extension, the Committee Report states:

“Planning officers considered that the depth of the first floor element of the rear extension was inappropriate given its impact on the neighbouring property and asked for it to be reduced by 1m. Amended plans have been received (21.08.13) the rear two storey extension would have a depth of 4 metres at ground floor and 3 metres at first floor and would run for the full width of the dwelling. The extension would stand at 4.7m to eaves and 6.2m to ridge, which is the same as the existing original dwelling, and proposes a hipped roof.” (Page 1, penultimate paragraph under the “Proposal” heading).

“Letters of representation received state that if the two storey rear extension were built in accordance with the submitted plans then the roof would sit higher than the original building. The drawings submitted do not show this as the ridge to the new extension is not higher than the ridge height of the original existing house.” (Page 3, under the heading, “1) Design and Layout”).

The Committee Report does not correctly summarise the relevant objections. In so doing, the report fails to address a material issue that has been raised by two architects namely, that despite what is shown as intended to be built on the drawings, the shallow angle of the roof and the proposed materials (different to the existing roof) mean that it will not be possible to construct the roof of the extension without it exceeding the height of the existing roof (which is not permitted without planning consent²). No detailed/technical solution is provided in the amended planning application concerning this issue.

The Committee Report fails to properly report and address the roof issue and as a consequence it fails to make a proper recommendation for a suitable, pre-emptive condition should the planning committee still consider it lawful to grant planning permission.

In addition, the Committee Report does not comment on or take into account: (i) the applicant’s persistent disregard of the planning process and disregard of his neighbours; or (ii) the poor quality of both the application and of the works to date. The proper reporting of these matters would emphasise the materiality of the risk that the application drawings are deficient and that the roof height will be exceeded and create further distress for all concerned (one can foresee a further retrospective planning application being made). In light of this, a reasonable report would advise that the planning committee to take the opportunity to pro-actively minimise such risk by imposing suitable conditions should consent be granted; suitable conditions would include (but not be limited to) requirements that the technical issue be resolved to the local authority’s satisfaction before further works are commenced.

The Planning Officer’s Response:

The planning system does not approve/ refuse the structural construction details of a development. This is a matter for the building regulation process. The submitted plans do not show that the rear extensions roof height is no higher than the existing and so, if approved the development should be constructed in accordance with the plans. If the builder finds that changes are needed then a revised application should be made. If the builder does not comply with the approved plans then the Council will have to decide if what has been actually built is acceptable or not and enforcement action should only be taken if it is not acceptable.

My counter response:

If the roof is built, and if in the building it transpires that the new roof will exceed the height of the existing roof, the planning officer is saying that the applicant will have to make a further application for consent. For the reasons set out in the letter there is “*special and precise justification*” for imposing conditions to pre-empt any breach arising due to the new roof actually exceeding the current building’s height. The planning officer’s suggestion that any such breach would have been addressed by retrospective planning application allows manipulation of the planning process – if the works exceed the height of the current house will enforcement action be taken or will an application for consent be granted because in retrospect enforcement action requiring removal would then seem disproportionate?

The planning department have been advised of a likely breach that can be pre-empted by suitable conditions attached to the planning consent (if consent is granted). The DCLG Circular 11/95: Use

² Paragraph A.1, Part 1, Schedule 2, Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that, “Development is not permitted by Class A if—...(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;”.

of conditions in planning permission states that, “*In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. The argument that a condition will do no harm is no justification for its imposition: as a matter of policy, a condition ought not to be imposed unless there is a definite need for it.*”³ In the current case the special and precise justifications are set out in the letter of 17 September. The Circular goes on to say, “*...it is essential that the operation of the planning system should command public confidence. The sensitive use of conditions can improve development control and enhance that confidence. The use of conditions in an unreasonable way, however, so that it proves impracticable or inexpedient to enforce them, will damage such confidence and should be avoided.*”⁴

Turning to the planning officer’s contention that the planning system does not approve/refuse the structural construction details of a development cannot be reconciled with an example in Appendix A (Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances) of the DCLG Circular. There, an example dealing with structural construction details in the case of drainage is provided; “*39. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority*”. A comparable condition in the current case would be that, “No roof works to the rear extension shall be commenced until there have been submitted to and approved in writing by the local planning authority details showing that such roof can be built with appropriate materials and in a proper manner so as not to exceed the height of the existing building.”

Paragraph 17 of Part 1 of the Circular states that, “*Conditions should be tailored to tackle specific problems, rather than impose unjustified controls. In so far as a condition is wider in its scope than is necessary to achieve the desired objective, it will fail the test of need. Where an extension to a dwellinghouse in a particular direction would be unacceptable, for example, a condition on the permission for its erection should specify that, and not simply remove all rights to extend the building.*” This paragraph is analogous to the suggested condition as to height of the new roof.

In conclusion, it is suggested that the requirement for a suitable condition relating to height is in keeping with the law and the guidance in the said Circular – such Circular is the current guidance on the use of planning conditions.

4 Incorrect application of the 1995 Order

On page 4 of the Committee Report, under the heading “2) Amenity of Existing and Future Occupiers”, the second paragraphs states;

“No. 26 Apsley Way is set 6 metres to the rear of No. 28 and there is a distance of 2.7m between these two properties. The first floor extension would project 3 metres; as it is located more than 2m from the shared boundary, this element of the development could be built under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) without the need to apply for planning permission. As such it would not be reasonable to refuse consent on neighbour amenity grounds.”

The relevant sections of Part 1, Schedule 2, Town and Country Planning (General Permitted Development) Order 1995 (as amended) (“**1995 Order**”) are:

“A.1 Development not permitted

“Development is not permitted by Class A if—

“(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

“(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;”

“(h) it would consist of or include an alteration to any part of the roof”.

“A.4

“(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).

³ Paragraph 3 of the Introduction to the DCLG Circular

⁴ Paragraph 4 of the said Circular.

”(5) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.”

The planning officer has erred in the application of the 1995 Order as he has not considered all of its relevant provisions. The Committee Report only appears to consider paragraphs A.1 (d) and (ea). However, had the planning officer applied paragraph A.1 (h) he would have reported that the first floor extension does involve alteration of the roof of the existing building and as such the 1995 Order does not apply to the proposal.

Consequently, the Committee Report is wrong and should have simply said that the 1995 Order is not relevant to the current application.

It is worth noting the following as the points reinforce the defectiveness of the analysis behind the Committee Report:

- If we ignore paragraph A.1 (h) the planning officer would still have been wholly wrong to draw the conclusion about it not being reasonable to refuse consent on “*neighbour amenity grounds*” as that would be in direct contravention of the requirements of paragraphs A.4 (1) and A.4 (5) of the 1995 Order; and

- if the 1995 Order were relevant then it would seem appropriate to have recommended conditions based on the requirements of paragraph A4 (10), (11) and (12); they require that any such development be completed on or before 30th May 2016 and that the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

The Planning Officer’s Response

The permitted development rights referred to in the report are correct. The objector is not referencing the correct parts of the legislation. The case officer in his report was comparing the development applied for against what could potentially be built under permitted development rules with the objective of providing clarity to the reader/ committee.

My counter response:

The Planning Officer does not identify the relevant legislation he/she is referring to but it appears that he/she is making a comparison to subparagraph (f) of A.1 which provides that development is not permitted development if, “(f) *the enlarged part of the dwellinghouse would have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;*”.

Subparagraph (f) applies to development of more than one storey. The ground floor of the current application extends to 4m and so the 1995 Order does not grant permitted development rights to the current application. For completeness, nor does the 1995 Order grant permitted development rights since subparagraph (i) provides that development is not permitted development if, “(i) *it would consist of or include - ... (iv) an alteration to any part of the roof of the dwellinghouse.*” The comparison drawn by the planning officer disregards the existence of a roof.

The 1995 Order does not apply on the facts of this case and so, unless there is legislation or case law clearly permitting such comparison, the planning officer is wrong to make the comparison and it must be disregarded.

5. Incorrect statement of fact and unsubstantiated application of Peterborough Planning Policies DPD (2012) - PP3 - Impacts of New Development

The Committee Report makes the following statements:

“As indicated under Section 1 the two storey rear extension would project 4m at ground floor and 3m at first floor and stand at 6.2m to ridge. Whilst the proposed extension is large the application site is a generously sized plot. As sufficient garden space remains it is considered that the plot can accommodate the footprint of the rear extension subject to consideration of the other matters below.” (Page 3, Section 5, under the heading “1) Design and Layout”).

“Given the juxtaposition of the rear extension to No. 24 Aspley Way and considering the travelling sun path, the proposal would not have an unacceptably adverse impact with respect to light as the extension is located due north. The 3m projection at first floor is not considered to be overbearing or have an unacceptably adverse impact on the outlook from No. 24’s principal rooms.” (Page 4, Section 5, the first paragraph under the heading “2) Amenity of Existing and Future Occupiers”).

“- the design of the extensions would not result in an unacceptably adverse impact on the appearance of the dwelling or visual amenity of the street scene;” and that “- the design of the extensions would not result in an unacceptably adverse impact on neighbouring amenity;...” (Page 5, Section 6, under the heading “Conclusions”).

As regards the impact on light to No 28, the quoted words above that are in bold are an incorrect account of factual position. The proposed extension extends from No 26 in an East South East direction so occluding light to the house and garden of No 28; No 28 lies due north of the No 26.

The Committee Report does not provide any technical support or other evidence for the planning officer's evaluation of the impact on light on No 28 - the planning officer has only expressed an opinion. Likewise, the officer provides only an unsupported/unexplained opinion as to the extension not being overbearing. Both of the planning officer's opinions contradict those of the owners of No 28.

PP3 requires that planning must be refused if the development will create an unacceptable loss of privacy or natural daylight or be overbearing. The Committee Report should have set out the grounds that substantiate the planning officer's statements and application of PP3. Without such substantiation, the statements are merely opinion and give no indication as whether the planning policies are being applied correctly; this mires the officer's public accountability for the statements in the Committee Report.

The Planning Officer's Response:

The committee report is being misread as it is stating that the extension is to the north of No24. The paragraph quoted does not reference No28.

No. 28 lies due north of no. 26. It is considered that owing to the orientation of the two properties and the distance between them (identified in the committee report as 2.7 metres), and the fact that no. 28 has a single storey garage adjoining the boundary with no. 26, the loss of light to, and the impact on, number 28 would not be significant enough to warrant the refusal of planning permission.

Notwithstanding the above, the case officer report makes it clear that the first floor element, because of its depth (3 meters) and distance from the shared boundary (more than 2 metres) could be constructed as permitted development in any case

My counter response:

Whilst the misreading of the paragraph of the Committee Report with the emboldened words is accepted, the Planning Officer's reasoning is unsupported, incomplete and so incorrect for the following reasons:

(i)The Committee Report only considers whether the proposed rear extension is overbearing in relation to No 24; there is no correct consideration of the issue in relation to No 28.

(ii)The reference to there being no correct assessment of the overbearing effect on No 28 is because the planning officer seeks to dismiss consideration of the issue by reference to the comparison to a specific situation under the 1995 Order. However, for the reasons set out in red in section 4 above such comparison is wrong (and so is the Planning Officer's last paragraph in blue)

(iii)The original Committee Report simply states that an extension of 3m deep is not considered overbearing – the Committee Report does not guide whether the Planning Committee must accept such 3m measure or whether it is in fact within the Committee's subjective power to determine that on the facts the proposed rear extension is overbearing on No 24 and/or No 28 (in particular, its kitchen, sun room and patio and garden area.

(iv)The last two paragraphs of the original letter remain unaddressed by the Planning Officer and my conclusions still stand.

6. Biodiversity and Trees - Failure to take account of The Peterborough Tree and Woodland Strategy 2012 (Document 1: Policies And Priorities 2012)

Page 4 of the Committee Report, under the heading, "3) Biodiversity and Trees" states that; *"It is noted in letters of representation that works have already commenced, that trees were present on site prior to commencement and that there could have been wildlife present. The application site is not within a conservation area nor are any of the trees on site protected by tree preservation orders (TPO's), as such the trees could have been removed without consent from the Local Planning Authority. Wildlife is afforded separate protection under the Country and Wildlife Act 1981; the onerous is on the Applicant to comply with this legislation."*

The Committee Report is deficient on two grounds.

Firstly, it does not report the facts that tree removal was not identified in the planning application (it stated that no trees were to be removed and such statement was made after removal of trees) and that trees were removed before and after commencement of works. Photographic evidence of this has been provided with objection letters and can be seen on Google maps.

Secondly, the Committee Report does not bring into account section 7 of the The Peterborough Tree and Woodland Strategy 2012 (Document 1: Policies And Priorities 2012) and so does not make appropriate recommendations for conditions should consent be granted. The relevant part of the said 2012 Strategy states:

“TD 1: The Council will reject development proposals with inadequate provision for the retention of trees and woods. The Council will encourage woodland creation and tree planting in all new developments.

“Priorities:

“TD 1.1: To utilise and enforce planning powers to retain and protect existing trees within new development as well as trees threatened by proposed changes to existing properties.

“TD 1.2: To monitor and enforce planning conditions of consent, where necessary.”

The Planning Officer’s Response:

Whilst the tree removal was not identified in the planning application, the applicant could have removed it at any stage given it was afforded no protection, as explained in the committee report.

The Tree and Woodland Strategy 2012 does not mean that the council would reject all development proposals which fail to retain trees; rather it is a judgement made by the Local Planning Authority on a case-by-case basis as to whether the retention of trees should be given significant weight in the decision making process to the extent that development should be refused or amended. In this case, given the tree did not offer significant public amenity value, it would not have been worthy of a TPO and it would not have resulted in the LPA recommending refusal of the planning application or seeking alterations to the design of the a scheme to mitigate any impact.

My counter response:

It is good that the Planning Officer has agreed that the 2012 Strategy is in fact relevant to consider. Unfortunately, the Planning Officer does not highlight that the Strategy directs that, “The Council will encourage ... tree planting in **all** new developments.” In light of the character of the area (which is one of extensive greenery in the rear garden landscape) and the denudation of the applicant’s rear garden (including the applicant’s failure to identify tree removal in the retrospective application) it seems that there may be “*special and precise justification*” for imposing conditions to ensure that the applicant’s rear garden is suitably re-stocked with trees and shrubs. In this context the Priority TD 1.2 is relevant.

7. Access and Parking - Failure to fully report and consider the issues

On page 4, under the heading “4) Access and Parking”, the Committee Report states;

“The proposed extension would create a dwelling with 5 bedrooms. To accord with minimum parking standard (PP13) the property requires three off street parking spaces, which the site can provide. As such the proposal would not constitute a highway safety hazard and accords with Policy PP13 of the Peterborough Policies DPD (2012).”

The Committee Report does not state that factual position correctly; there is space for possibly two cars on the existing hard standing of No 26. A third off-street parking space would require new hard standing which may require planning consent. This issue has not been fully addressed in the Committee Report either as regards the need for consent or whether conditions should be added to planning permission should consent be granted.

The Planning Officer’s Response:

Additional on site car parking could be provided by the applicant under existing permitted development rights. Given this and the fact that there is the ability to park on street without any significant impact on the flow of traffic or road safety, there is no merit in conditioning the provision of additional on plot parking.

8.Failure to substantiate a recommendation for condition C3

Recommended condition C3 in the Committee Report has not been substantiated. The Committee Report states on page 5:

“C3 Notwithstanding the approved plans the first floor window on the north elevation shall be obscurely glazed (Pilkington Level 3 or equivalent) up to 1.7m measured from the internal floor level and be top opening only.”

There are five levels of Pilkington obscure glazing. The planning officer has not substantiated why level 3 has been recommended as opposed to level 4 or 5 (the most obscure glass) – he does not state whether this is the standard that has been adopted by Peterborough or nationally as regards interpreting the requirement for obscure glass in such circumstances. Without such information, the selection of level 3 is a purely subjective selection and provides no guidance to the planning committee or public accountability for the decision.

The Planning Officer’s Response:

Level 3 obscurity is the standard that has been judged by planning officers at the Council to provide adequate protection to neighbours from overlooking. It should be noted that the City

Council recently lost an enforcement appeal as the Inspector considered level 1 obscenity provided enough protection from overlooking.

My counter response:

Interestingly the Planning Officer states that level 3 is considered appropriate in the opinion of the planning officers. In light of the lost enforcement appeal, the Planning Officer should explain why Level 3 is considered appropriate and whether this is the first occasion that it is being applied or now part of a consistent application. (Explanations such as this help - as with other points raised above – help to: (i) avoid challenges; and (ii) set out a clear and reasoned policy that can be applied within the Peterborough area by the planning department, the planning committees and the public).

It should be noted that in the recommendations in section 7 of the Committee Report, there is no reference to the imposition of controls on external working hours despite such being made in the Committee Report on page 4 (see the last paragraph under the heading, “2) Amenity of Existing and Future Occupiers”) – it states, *“It is noted that work undertaken at weekends has caused nuisance to neighbours. If planning permission is granted it is considered reasonable, in this instance, to restrict the hours of external construction to Monday-Friday 08:00 – 18:00 and Saturdays 08:00- 13:00 only.”*

This letter has set out many detailed deficiencies in the Committee Report. As a last and general observation, the Committee Report is of poor and unacceptable standard as it fails to individually identify and methodically address each element of each planning policy/legislation and present the relevant facts and so draw the appropriate conclusions and properly guide the planning committee.

C) A letter of objection received from Mr Alex MacDonald

Having reviewed the Report to Committee, it lists ‘Inaccurate plans and descriptions of works’ as one of the objection concerns. Quoting your letter, I do not believe this is an adequate “summary of the views set out in your earlier letter”.

Furthermore, I would like to raise a further objection concerning the Report to Committee section 5.2 paragraph 4 where it states that: *“A side first floor window is proposed to serve a bedroom, however this would result in unacceptable levels of overlooking to No. 28 Apsley Way’s primary amenity space. Whilst this window would serve a bedroom, in the interests of protecting neighbour amenity it is considered reasonable to condition that this window be obscurely glazed (to level 3) up to 1.7m from floor level and be top opening only.”*

My objection here is that this proposal does not comply with Building Regulations, Fire Safety, Volume 1 - Dwelling houses:

Provisions for escape from upper floors not more than 4.5m above ground level, section 2.4: “a window which complies with paragraph 2.8”

General provisions - emergency egress windows, section 2.8: “the window should have an unobstructed openable area that is at least 0.33 m² and is at least 450mm high and 450mm wide”

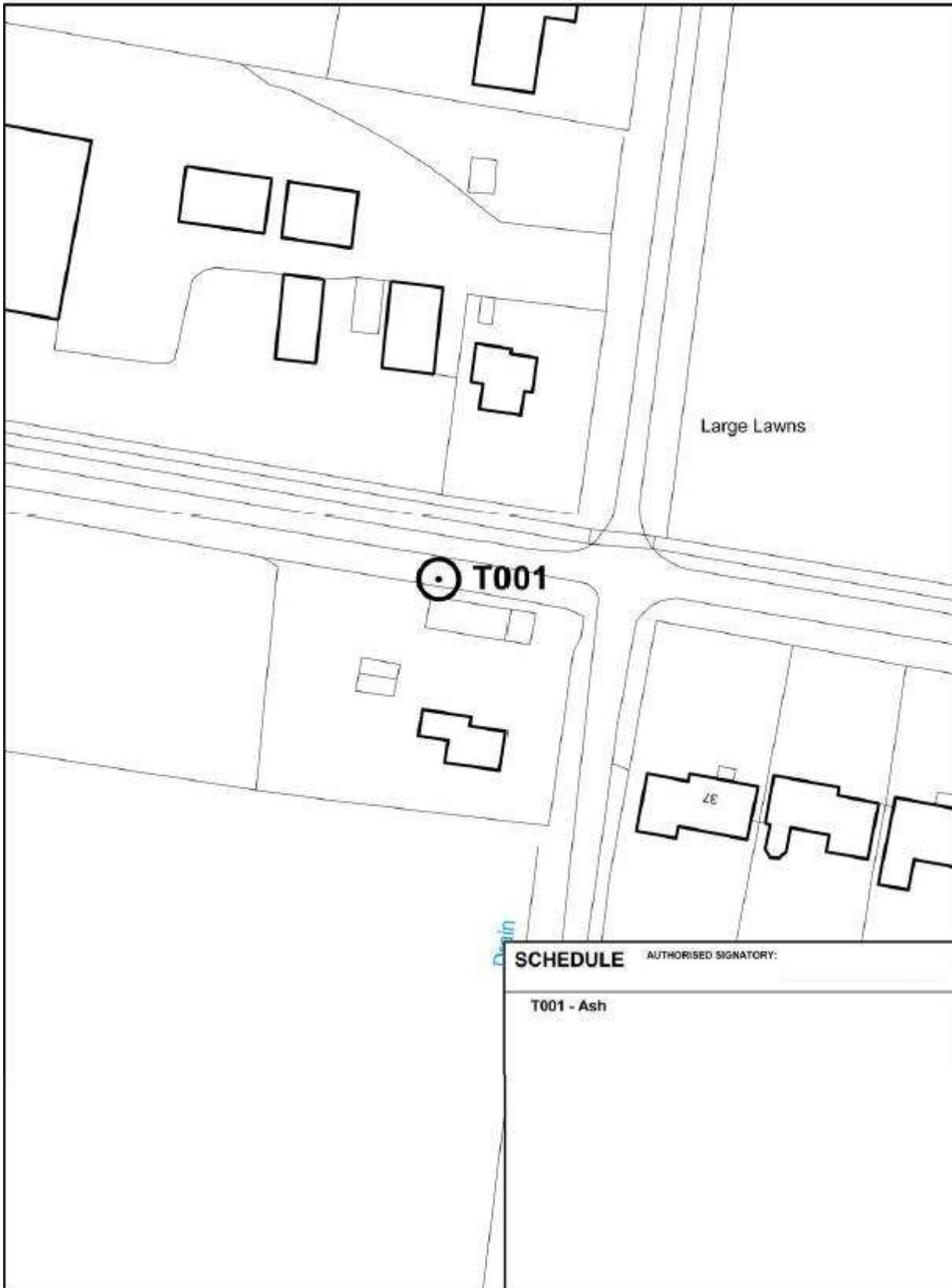
In reporting to the Planning Committee, it might be worth considering that: “A single window can be accepted to serve two rooms provided both rooms have their own access to the stairs. A communicating door between the rooms should also be provided so that it is possible to gain access to the window without passing through the stair enclosure” - Building Regulations, Fire Safety, Volume 1 - Dwelling houses: section 2.4

D) A letter of objection from Munir Sadikot

I regularly cycle past No 26 on my way to and from work. The rear extension is very noticeable due to its size - I feel it is an eyesore and totally out of character for the Apsley Way area. I live at 92 Apsley Way and I will be disappointed to think that such a huge extension could be permitted and so open the flood gates to similar extensions in our area. I do hope that the Planning Authority sees sense and refuses the application. A smaller, less intrusive extension might be in keeping with our area, particularly if it were not visible when passing on the street.

4.	Provisional Tree Preservation Order 3_2013	Gericia, St Martins Rd, Newborough
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The wrong TPO plan was attached to the report. The correct plan is below.



TREE PRESERVATION ORDER 3_13
Gericia, St Martin's Road, Newborough

Scale 1:750 Date 25/4/2013 Department Serco GIS Support Name GIS Team

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Photographs of High Trees taken in the 1950s



Front of High Trees as shown on the Baker Perkins site (c1950s)



1954: "High Trees"

The house from the garden.

Further photograph of High Trees taken in the 1950s



1954: "High Trees"

The students' study.

Although the photo of the students' study is dated 1954, High Trees only became a hostel after it was purchased by Baker Perkins in 1955 for use as a student hostel. Consequently, the photos must be post 1955, but clearly predate 1964 and its subsequent use by Family Care, Peterborough and the addition of the red brick extensions to the rear.

Photographs showing details of alterations and extensions to High Trees



Detail of the toothed-in brickwork to west of original house showing three phases of change during the 1950s and 1960s to the original Victorian building



Original Villa with simple over-sailing courses copied on the modern stretcher bond, cavity wall extension using reclaimed bricks and four-board copy of the original soffit

Photograph showing details of alterations and extensions to High Trees



The porch on the north elevation is a later addition that, whilst having matching gault brickwork, and later blocking in of windows and a door, is neither bonded to, nor matches the original course heights.

The garden paths shown on the 1886 OS map suggest that this was the location of a doorway to the extensive gardens of that period, which extended to the site of 278 Eastfield Road.

The footprint of High Trees is therefore confined to that of the hipped roof structure constructed of gault bricks in Flemish bond. Neither the porch nor the modern rear extensions form part of its footprint.

Photographs of the street scene of Eastfield Road, Peterborough



Hedges and trees provide continuity to the street scene south along Eastfield Road



Closer view along Eastfield Road showing that it is the Lime trees, rather than the High Trees building itself, that contribute to the street scene

Photographs of the street scene of Eastfield Road, Peterborough



South view from the east side of Eastfield Road showing how the subsequent development to the north effectively screens the building from view



Entrance to High Trees highlighting the contribution of Lime trees to the street scene

Photographs of the street scene of Eastfield Road, Peterborough



Glimpsed view of High Trees from Eastfield Road, screened by Lime tree



Glimpsed view of 1960s rear extensions to High Trees from Eastfield Road

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SUMMARY OF MY SUBMISSIONS TO PETERBOROUGH PLANNING & ENVIRONMENT PROTECTION COMMITTEE ON TUESDAY 17 SEPTEMBER 2013 UNDER ITEM 4.1 FOR THE PROPOSED PROVISION OF STUDENTS RESIDENTIAL ACCOMMODATION ON SITE OF EXISTING PROPERTY AT 270 EASTFIELD ROAD PETERBOROUGH.

1. The following is a summary of submissions to be made at above meeting in support of this Planning Application which is to the effect that it should be given a conditional Planning Permission or at very least deferred for further consideration in the light of these submissions.

2, Basically this is an application for residential development within an existing residential area and accordingly there is a presumption in favour of the application being given a Planning Permission subject to the imposition of appropriate conditions.

3. In addition this proposed development fully accords with both Local & National strategic planning policies as well as making a positive contribution to pursuing Central Government Educational objectives in a constructive manner.

4.I believe that in the latter respect the Peterborough College/ University which has clearly carried out its own assessment and needs for the future which includes use of this site would fully Support and Endorse the current proposals.

5. These are relevant matters which would be fundamental to the determination of any Appeal if this should subsequently prove to be necessary in the light of the Councils determination of this Important Planning Application.

6. This is in fact generally reflected in the Planning Officers report & recommendations which also reasonably addresses all of the detailed objections which were received from local residents and others as I had previously in a letter dated 12th July 2013 that would also support any appeal if this should eventually be necessary.

7. As a result it is believed the overall contents of her report regarding this planning application provides a fair & reasonable assessment which would have normally resulted in the application being recommended for approval in the absence of what appears to be the rather controversial action of seeking to prevent removal of the existing building on this site by its belated designation as being the subject of an Article 4 Direction

8. It is quite apparent that this action involving very belated adoption of an Article 4 Direction under the General Development Order after this Planning Application was submitted and directed only at this specific property was actually taken as a result of some lobbying to stop the currently proposed development and was contrary to its real purpose of protecting the environment.

9. Accordingly the clear conclusion which may be reached is that any Planning Application decisions that are subsequently made on that basis as in this case may well be unenforceable and able to be successfully legally challenged that in my own view should if necessary be seriously considered in this instance.

10. In any case this would provide excellent evidence in support of any Planning Appeal that may subsequently have to be pursued and I believe would assist in any such appeal being successful.

11. It will no doubt be appreciated that this is a very important issue regarding validity or otherwise of the Article 4 Direction regarding which further supporting evidence is being provided to the meeting today by my colleague to reinforce these concerns

12. In addition and based on the other contents of the report it is apparent that in the absence of this issue the recommendation would quite likely have been for the submitted application to be given conditional planning permission.

13. As a result it would be my own considered recommendation that based on such considerations and potential legal implications it would be most appropriate to defer consideration of the current application to enable these matters to be properly addressed.

14. In conclusion it is my considered opinion based on many years experience & knowledge this course of action should be mutually beneficial both in terms of the future of this land and the use of available resources.

15. I hope members of the Planning and Environment Committee will concur with my considered comments and take action accordingly.

Bob Seery
13th September 2013