

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 7 APRIL 2015  
1.30 PM**

**Council Chamber - Town Hall**

**AGENDA**

**Page No**

**1. Apologies for Absence**

**2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

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

**4. Minutes of the Meeting Held on 3 March 2015** **5 - 16**

**5. Development Control and Enforcement Matters**

**5.1 14/02024/FUL - Land to the East of Manor Farm, Nene War, Sutton, Peterborough** **17 - 42**

**5.2 14/01833/FUL - 21 Castle End Road, Maxey, Peterborough, PE6 9EP** **43 - 60**

**5.3 14/02171/FUL - 490 Oundle Road, Orton Longueville, Peterborough, PE2 7DF** **61 - 88**

**5.4 15/00019/FUL - 32 Main Street, Ailsworth, Peterborough, PE5 7AF** **89 - 98**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452460 as soon as possible.

5.5	<b>14/01691/HHFUL - Rectory House, Castor Road, Marholm, Peterborough</b>	<b>99 - 110</b>
5.6	<b>14/01716/MMFUL - Land at Leicester Road, Wansford, Peterborough</b>	<b>111 - 130</b>
<b>6.</b>	<b>Planning Compliance Quarterly Report</b>	<b>131 - 134</b>

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

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

Committee Members:

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

Substitutes: Councillors: B Rush, N Shabbir and B Saltmarsh

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

**CASE OFFICERS:**

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

Minerals and Waste: Theresa Nicholl, Alan Jones

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

**NOTES:**

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

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 3 MARCH 2015**

**Members Present:** Councillors Harper (Chair), Serluca (Vice-Chair) Casey, Hiller, North, Stokes, Martin, Sylvester, Ash and Harrington

**Officers Present:** Lee Collins, Development Management Manager  
Vicky Hurrell, Principal Development Management Officer  
Bryan Clary, Tree Officer (Item 5.4)  
Theresa Nicholl, Development Manager (Item 5.5)  
Simon Ireland, Principal Engineer (Highway Control)  
Ruth Lea, Planning and Highways Lawyer  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

No apologies for absence were received.

The Chairman advised that an urgent report had been submitted to the Committee. This report would be heard after agenda item 5.4 '14/02145/FUL – 17 Castor Road, Marholm, Peterborough, PE6 7JA'.

**2. Declarations of Interest**

There were no declarations of interest.

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

There were no declarations of intention to make representations as Ward Councillor.

**4. Minutes of the Meetings held on:**

**4.1 20 January 2015**

The minutes of the meeting held on 20 January 2015 were approved as a correct record.

**4.2 3 February 2015**

The minutes of the meeting held on 3 February 2015 were approved as a correct record.

**5. Development Control and Enforcement Matters**

**5.1 14/01781/FUL and 14/02078/FUL – Guthrie House, Rightwell, East Bretton, Peterborough**

The planning applications were for and extension at Guthrie House, Rightwell, East Bretton, Peterborough to create 13 new flats (14/01791/FUL) and the alterations to elevations of existing two story blocks of flats at Guthrie House, Rightwell, East Bretton, Peterborough, and the creation of a lobby (14/02078/FUL).

The main considerations set out in the reports were:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area

- Landscape implications
- Parking, access and highway implications
- Neighbour amenity
- Amenity provision for future occupants
- Developer contributions
- Environment Capital
- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

It was officer's recommendation that planning permissions be granted subject to, in relation to application 14/01791/FUL, the signing of a legal agreement, and the conditions set out in the respective reports.

The Principal Development Management Officer provided an overview of the applications and raised the following key points:

- The existing blocks were undergoing conversion to residential flats under the Prior Approval process.
- The proposals were not considered to have an adverse impact on the character of the streetscene, even though the proposed materials would be slightly different from those used in the existing buildings.
- It was in line with Council policy to encourage residential development within district centres, as sustainable locations.
- Concern had been raised in relation to the size of the proposal. It was considered by officers that the proposal fitted in with the other buildings in the locality and sufficient separation distances would be in place.
- 16 category A and B trees were to be removed within the development. It was considered that as a gap in the tree cover already existing and there was sufficient number of trees in the surrounding area the landscaping of the proposal was acceptable.
- The car parking provided in the proposal adhered to Council policy. It was believed that as the site was within a district centre, in a sustainable location and with parking available nearby in public car parks, visitor parking was not required.
- Objections had been raised in relation to expected increases in traffic from the site. It was considered that the proposal would not present an unacceptable increase in traffic given the original office use.
- A pedestrian crossing existed further along the road from the development site. As such, no additional crossing point was believed to be necessary.

Councillor David Neville, Bretton Parish Councillor, and Councillor Herdman, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- It was suggested that the height and position of the proposal failed to respect the established character of the area.
- The loss of trees would cause the development to be unduly dominant.
- Pedestrian crossing on the road was already thought to be difficult and dangerous. It was believed that the development would exacerbate this.
- Any residential development should be within the existing building block. Any extension was not necessary.
- The development would front onto the footpath and have a significant impact on its users.
- It was suggested that objection had not been raised by many residents of the area as the full impact of the proposal was not appreciated.
- Several car parks were available for short term use in the area, however these were over 200 yards away from the development site.
- Concern was raised about the safety of the area during the day, if no residents

were at home.

Mr Andrew Winterton, Bretton Green Ltd, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The building had been empty for several years.
- The development site was in a sustainable location, close to public transport and lightly used roads.
- There was a demand for residential housing nationally and locally.
- Safety was not believed to be an issue within the proposal.
- The car parking proposals adhered to Council policy, it was believed that the site would attract less vehicle movements than its previous use. It was considered that sufficient pedestrian crossing points were already in place.
- The trees on the opposite site of the access would be left, as would the trees on the embankment. It was believed that this would maintain the woodland feel of the area.
- The applicant had agreed to make all the relevant Section 106 Agreement contributions.
- It was felt that the proposal was in keeping with the surrounding area and not overbearing. Many of the surrounding buildings of a similar size to the proposed development.
- A waste management plan could be conditioned. It was the preference of the applicant to develop an above ground scheme.

The Committee believed that the building was of an acceptable design and that it fit in well with the character of the surrounding area. It was noted that there was little objection from surrounding residents.

In response to questions the Principal Development Management Officer advised that proposed condition 11 required the submission and approval of bin details, albeit that underground bins couldn't be insisted upon. The development provided one parking space for each one bedroom flat which accorded with policy.

Concerns were raised relating to the proposed parking arrangements and the Principal Engineer (Highway Control) clarified that as the development was situated near a district centre, this was considered sufficient for any visitor parking.

14/01791/FUL

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried nine voting in favour and one abstaining from voting.

**RESOLVED:** (nine in favour, one abstained from voting) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the report.

### **Reasons for the decision**

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

- the application site was located within the Bretton District Centre and the surrounding area of Bretton Green was currently undergoing conversion to residential units accordingly. The proposal would represent further residential development within the District Centre which was considered acceptable in principle, in accordance with paragraph 23 of the National Planning Policy Framework (2012) and Policy CS2 of

- the Peterborough Core Strategy DPD (2011);
- the proposal would not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- it was considered that on balance, any harm resulting from the loss of trees and landscape features within the application site was outweighed by the benefit arising from additional residential units within the District Centre;
- there was adequate space within the curtilage of the site to provide sufficient parking to meet the needs of the development and no unacceptable impact to the public highway network shall result, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable impact of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies PDP (2012);
- on balance, the proposal would provide an acceptable level of amenity for further occupants, in accordance with Policy PP4 of the Peterborough Planning Policies (2012); and
- a financial contribution could be secured to meet the infrastructure needs arising from the proposed development, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and the Peterborough Planning Obligations Implementation Scheme SPD (2010).

14/02078/FUL

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried nine voting in favour and one abstaining from voting.

**RESOLVED:** (nine in favour, one abstained from voting) that planning permission is **GRANTED** subject to the conditions set out in the report.

### **Reasons for the decision**

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

- The proposal would not unacceptably harm the character of the area or the amenity of the occupiers of neighbouring dwellings; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP3 of the Peterborough Planning Policies (DPD) 2012.

## **5.2 14/02126/OUT – Rear of 39 Station Road, Thorney, Peterborough**

Councillor Serluca left the meeting.

The planning application was for the erection of up to nine dwellings at the rear of 38 Station Road, Thorney, Peterborough.

The main considerations set out in the report were:

- Principle of development, including flood risk
- Density and layout
- Access and highway implications
- Impact upon the setting of heritage assets and archaeology
- Neighbour amenity
- Amenity provision for future occupants



- Tree and landscape implications
- Drainage
- Developer contributions

It was officer's recommendation that planning permission be refused for the reasons set out in the report.

The Development Management Manager provided an overview of the application and raised the following key points:

- The existing vehicular access to the site was proposed to be maintained, which was bounded by properties owned by the applicant.
- The land to the north of the application site had been granted outline permission for residential dwellings.
- The application site was designated as flood zone 3A, which was the highest risk level. As residential housing was classed as 'vulnerable' use, the sequential test had to be applied. The results of the test undertaken by the agent deemed the location to pass this test. Officers had undertaken their own sequential test, taking into account a wider range of sites, including those that had been previously rejected by the Council in the allocation process. Following this, the application was considered to fail the sequential test.
- It was considered that up to nine dwellings could be constructed on the site, which would fit in with the surrounding area and have no detrimental impact.
- No objections had been raised from the North Level Internal Drainage Board (NLIDB), the Environmental Agency (EA), or the Highway Authority.
- Conditions had been recommended by the by Tree Officers and the Drainage Team.
- Included in the update report was a letter from the applicant's agent, disputing the interpretation by officers of the sequential test. Also included was submission of support for the application from Ward Councillor Sanders.

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

- The Councillor agreed with the comments expressed in the report by the Parish Council and supported the application.
- Significant investment had been made into the flood barriers at Thorney. It was considered unlikely that the site would flood.
- The land adjacent to the proposal site had been approved by the Committee for development. The same flood risks applied to that land as to the application site.
- The site had never been known to flood.

Mr John Dickie, John Dickie Associates, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- On all other matters the proposal was considered acceptable. The only reason given to refuse the application was flooding.
- No objections had been raised by internal or external consultees.
- A flood risk assessment had been undertaken and approved by the EA and the NLIDB.
- Appropriate measures could be put in place to mitigate the risk of flooding, which would only be presented by River Welland, or significant rainfall.
- There was confusion over how to correctly apply the sequential test. It was suggested that the criteria applied for different applications varied hugely. Mr Dickie was confident that this application passed the sequential test.
- The development had attracted significant local support.
- It was the intention of the applicant to leave the trees at the periphery and the front of the site. The large collection of trees beyond the plot would remain.

- The number of dwellings had been considered appropriate and it was not believed that the proposal would take away the amenity from the existing properties to the front of the site.

Councillor Hiller declared that he was a member of the NLIDB, though he had not been involved in any previous discussion in relation to this application.

The Committee considered the recommendation from officers and the local knowledge presented by the speakers. The Committee took note of the limited history of flooding on the site and the various preventative barriers that were now in place to avoid such issues. It was considered that, on balance, the application was acceptable.

The Development Management Manager advised that officers would meet with the agent to discuss the scope of the sequential test in relation to any future applications.

The Development Management Manager further set out various conditions that would be appropriate, if the Committee were minded to approve the application. These included conditions relating to a noise assessment, access arrangements, tree protection, archaeology, materials and a flood risk assessment.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, subject to relevant conditions as set out by officers. The motion was carried seven voting in favour, and two voting against.

**RESOLVED:** (seven voted in favour, two voted against) that planning permission is **GRANTED** subject to the following conditions:

- C 1 Approval of details of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 5 The plans and particulars submitted under Condition 2 above shall include a noise assessment (based upon background noise levels) and scheme of noise mitigation (if required) based upon the submitted assessment and the details of the proposal. Any scheme of noise mitigation that is approved shall be carried out prior to first occupation of any dwelling.

Reason: To ensure an acceptable level of amenity is afforded to future occupants, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

- C 6 The plans and particulars submitted under Condition 2 above shall include full details of the proposed Sustainable Drainage Scheme which shall itself include full calculations and the results of any necessary investigations including an assessment of ground conditions. Development shall be carried out in accordance with the approved Sustainable Drainage Scheme.

Reason: To ensure that the development does not result in increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C 7 The development hereby permitted shall be carried out in accordance with the submitted document 'Flood Risk Assessment for Residential Development at Station Road, Thorney, Peterborough' (dated November 2014) and the following specific mitigation measures detailed therein:

- a) Finished floor levels shall be set no lower than 1.0 metre above Ordnance Datum (AOD);
- b) The dwellings and any ancillary buildings shall include flood resilient/ resistant techniques; and
- c) Future occupants of the dwellings shall be advised to sign up to flood warnings direct.

The mitigation measures shall be fully implemented prior to first occupation of each dwellinghouse to which they relate.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C 8 The plans and particulars relating to access submitted under Condition 2 above shall include the following:

- a) Vehicle-to-pedestrian visibility splays measuring 2 metres x 2 metres on either side of the access;
- b) Vehicle-to-vehicle visibility splays measuring 2.4 metres by 47 metres on either side of the access;
- c) An access driveway of no less than 5.5 metres in width; and
- d) Tracking diagrams to demonstrate that a refuse collection vehicle can turn within the site in order to enter and leave the site in a forward gear.

The approved access shall be implemented in accordance with the approved details and prior to the commencement of development. Thereafter, the access shall be retained as for the purposes of the access and manoeuvring of vehicles

in connection with the development. The visibility splays shall be maintained clear of any obstruction above a height of 600mm in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 9 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not be limited to):

- a) hours of construction;
- b) routes for all vehicles delivering materials to the site;
- c) materials storage within the site;
- d) the parking of all contractors vehicles clear of the public highway;
- e) wheel washing facilities for all vehicles exiting the site; and
- f) measures to control the emission of dust from the site.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of neighbouring occupants, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C10 The plans and particulars submitted under Condition 2 above shall include a scheme for the landscaping of the site . The scheme shall include the following details:

- a) Proposed finished ground and building slab levels;
- b) Planting plans including retained trees, species, numbers, size and density of planting; and
- c) Boundary treatments and areas of hard surfacing.

Development shall be carried out in accordance with the approved details. The boundary treatments and hard surfacing shall be provided prior to first occupation of the dwelling to which they relate and the planting shall be carried out no later than the first 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 CS16 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

- C11 The plans and particulars submitted under Condition 2 above shall include a concise Site Specific Method Statement and/or Finalised Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction -

Recommendations methodology. The Statement and/or Plan shall identify (but not exclusively) the following:

- Trees to be retained and those to be removed clearly identified;
- Location and specification of protective tree measures in addition to appropriate ground protection (creating construction corridors where appropriate) within the Root Protection Areas of all retained trees within the application site;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be reduced;
- Details of facilitation pruning;
- Location of accesses, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees.

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

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

- C12 No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full (including any post development requirements e.g. archiving and submission of final reports) prior to the commencement of any development.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C13 No development shall take place until details of the following materials have been submitted to and approved in writing by the Local Planning Authority.

- Walling and roofing materials (samples to be provided);
- Windows and doors including garage doors;
- Rainwater goods;
- Canopies, brise-soleil etc (if necessary); and
- Any externally visible sustainable technologies, vents, flues etc.

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

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

C14 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the Peterborough Core Strategy DPD (2011).

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

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

C16 The combined gross floor space of the development hereby permitted shall not exceed 1,000 square metres.

Reason: To ensure that the development accordance with the National Online Planning Guidance in respect of small-scale residential developments and their associated financial contributions towards infrastructure demands.

### **Reasons for the decision**

The proposed outline development was considered acceptable in all matters, with the exception of the flood risks present at the site. It was considered that, on balance, the risk of flooding was not significant and the proposal was acceptable.

### **5.3 14/02145/FUL – 17 Castor Road, Marholm, Peterborough, PE6 7JA**

The planning application was for a proposed three bedroom detached dwelling with associated driveway at 17 Castor Road, Marholm, Peterborough, PE6 7JA.

The main considerations set out in the report were:

- Principle of residential development
- Design and impact upon the character and appearance of the surrounding area and heritage assets
- Neighbour amenity
- Access, parking and highway implications
- Tree implications
- Archaeology
- Development contributions

It was officer's recommendation that planning permission be granted subject to the conditions set out in the report.

The Development Management Manager provided an overview of the application and raised the following key points:

- The development site was located in a prominent position on the edge of a conservation area.
- The proposed dwelling would be in the same building line as the existing dwellings.
- The proposal would be set at an angle away from the neighbouring property on

Walton Road and would share the existing vehicular access with the host property.

- The neighbouring property on Walton Road would be 5 metres away, with a 1.2 metre boundary fence. The residents of neighbouring property had objected on the grounds that they would lose the use of their kitchen window.
- The host property would be 5.4 metres away and would lose some natural light during the morning time.
- Officers considered that the design of the proposal would positively enhance the immediate environment and fill an existing gap.
- It was considered that the proposed dwelling's siting within the plot would provide sufficient space and avoid any overbearing impact.
- It was not considered that an increase of one dwelling would cause a significant intensification of use of the proposed access point.

The Committee generally approved of the design and access to the proposal. However, the Committee expressed concern regarding the impact the proposal would have on the neighbouring property on Walton Road. It was considered that the impact would be significant and that any privacy afforded to the property would be lost. The Committee believed the level of impact to be unacceptable.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, for the reasons of overbearing impact and loss of privacy. The motion was carried unanimously.

**RESOLVED:** (unanimous) that planning permission is **REFUSED** for the reasons set out below.

#### **Reasons for the decision**

The proposal was considered to have an overbearing impact and resulted in the loss of privacy of neighbouring properties. As such, the proposal was in contravention of policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3 of the Peterborough Planning Policies (DPD) 2012.

#### **5.4 15/00200/CTR – 333 Thorpe Road, Peterborough, PE3 6LU**

Councillor Serluca re-joined the meeting.

The Committee received an urgent report which outlined an application for a notice pursuant to Section 211 of the Town and Country Planning Act 1990 for works to a tree in a conservation area. The work proposed was to reduce the branches of a holly tree at 333 Thorpe Road, Peterborough to provide 0.5 metres clearance on a property.

Section 211 provided that the work would be deemed as authorised and work may be carried out after the expiry of six weeks from the date of the notice, if no decision was made by the Local Planning Authority. The period of six weeks from the submission of the notice would come to an end prior to the next meeting of the Committee. Therefore, the matter required consideration by the Committee as an urgent item.

It was officer's recommendation that no objections be raised to the application. The Tree Officer provided an overview of the application and raised the following key points:

- The application related to minor pruning of a holly tree within a conservation area.
- The tree in question was next to the property window and almost reached the guttering.
- The tree was not considered to be worthy of a Tree Protection Order.

A motion was proposed and seconded to agree that no objections be raised, as per officer recommendation. The motion was carried unanimously.

**RESOLVED:** (unanimous) that no objections are raised to the application.

### **Reasons for the decision**

The proposal was in accordance with sound arboricultural practice.

## **5.5 East Coast Main Line Level Crossing Closure**

The Committee received a report which set out the proposals of Network Rail to close a number of level crossings on the East Coast Main Line (ECML) between London and Doncaster as part of a programme to make the line more efficient and reliable. The report sought the Committee's views on the comments made in relation to each proposal and any further comments the Committee wished to make. Planning permission would not be required from Peterborough City Council and, as such, the Council would not be the determining authority. The Council would be a consultee, alongside other organisations such as English Heritage and the Environmental Agency.

Within Peterborough, the closure of the following level crossings was proposed;

- Woodcroft (Woodcroft Road to the southeast of Helpston)
- Helpston (Glinton Road, Helpston)
- Maxey (Maxey Road, Helpston)
- Lolham Bridges and Helpston Footpath (north of B1443 and NE of Bainton)

It was officer's recommendation that Committee note the contents of the report and offer any additional comments it would like to make to Network Rail at this stage.

The Development Manager provided an overview of the report and outlined the comments that officers were able to make at the current time.

The Chairman invited representatives of Network Rail to respond to questions from the Committee. In summary the key points highlighted included:

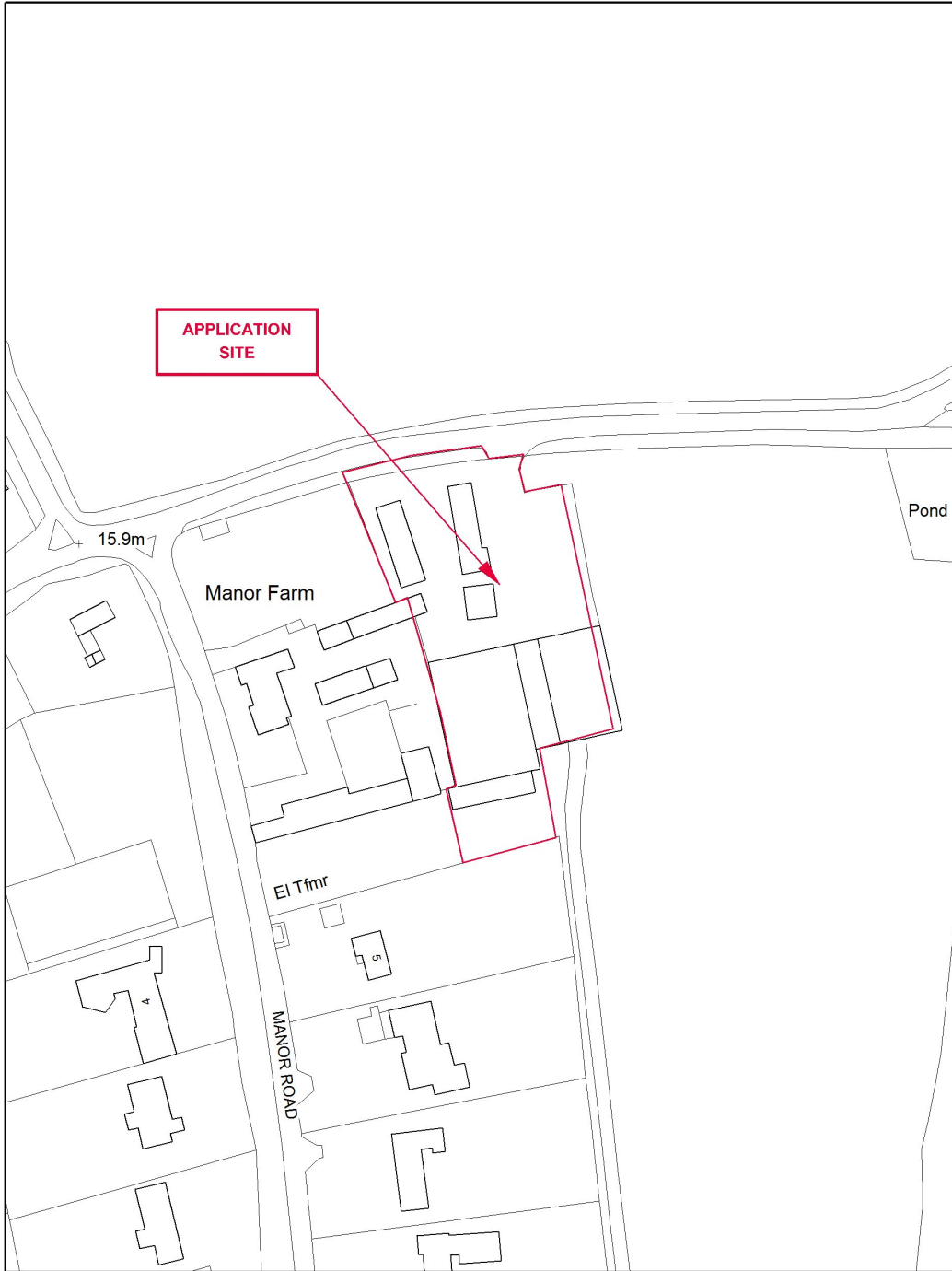
- National Rail had tried to engage with as many groups as possible in their consultation process. This included cycle forums and walking groups.
- Consultation was still on going.
- The review was not driven by an increase in line speed. The alterations set out in the consultation would be able to facilitate increased speed, however such a proposal would require its own consultation process.
- Traffic modelling was currently being undertaken. It was suggested that mitigation measures may be required to ensure that traffic is diverted away from villages.
- More information would be provided in due course.

The Committee commented that traffic modelling would be vital to ensure that any diverted traffic would not cause congestion in the surrounding villages. It was suggested that consideration should be given to the access Lolham Bridges, to ensure that the site did not become a 'dumping ground'.

**RESOLVED** that the contents of the report and comments of the Committee are noted.

Chairman  
1.30pm – 3:40pm





**LOCATION PLAN 14/02024/FUL**

Land to the East of Manor Farm, Nene Way, Sutton, Peterborough

Scale NTS Date 20/3/2015 Name AA Department Planning Services

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PCC GIS

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**Application Ref:** 14/02024/FUL

**Proposal:** Proposed demolition of farm buildings and construction of 5 dwellings with associated works

**Site:** Land To The East Of Manor Farm, Nene Way, Sutton, Peterborough

**Applicant:** Mr Andrew Sharpley, J.P and M.Sharpley and Son  
**Agent:** Richard Dunnett, Marrons Planning

**Referred by:** **Councillors Lamb and Holdich**  
**Reason:** Departure from the Local Plan, out of keeping and overbearing

**Site visit:** 22 January 2015

**Case officer:** Mr L Collins  
**Telephone No.** 01733 454421  
**E-Mail:** lee.collins@peterborough.gov.uk

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

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

**Site and Surroundings**

The site is at the north-east corner of Sutton. The area was developed as a farm yard associated with Manor Farm, although Manor Farm (the house and stables) was separated off from the farmland and the farm yard in question some time ago. There are various 20<sup>th</sup>-century agricultural buildings across the site, in various states of repair. These buildings are a mixture of steel and timber portal buildings with corrugated roofs of varying ridge heights from 5.8m to 9m. This tallest is a former grain dryer.

The buildings are dilapidated to various extents. There is also a large area of hardstanding. The application states that the farmyard is no longer used, although neighbours have commented that the access and associated track are in use.

The site is partly within, and partly outside, the Village Envelope. The village envelope runs north-south along the ends of the gardens to houses on Manor Road, these plots are typically about 75m deep, and so the village envelope is 75m deep to the east of Manor Road. Manor Road meets Nene Way at its northern end, and the corner plot is Manor Farm. Manor Farm is formed of the core buildings of the farm, including the house, stables and other outbuildings, a lawn, kitchen garden and so on. This plot is about 80m north-south and 50-55m deep from Manor Road.

The application site is to the east of Manor Farm. The village envelope continues north on its alignment behind the Manor Road dwelling plots, and the entirety of Manor Farm is within the village envelope. The former farm yard to the east, most of which is within the application site, is not all within the village envelope. The eastern access across the yard is outside the village envelope, as are some of the buildings and hardstanding.

Between Manor Farm and the first of the row of dwelling plots to the south on Manor Road is a vacant piece of land. It appears to fit the pattern of plot layouts on Manor Road, although is about half the width of the typical plots. Part of the largest agricultural building just projects into the east end of this plot, but otherwise there are views out of the village across this land.

## **Proposal**

The proposal is to demolish the former farm buildings and to use the site for five detached dwellings, a shared access driveway, and a landscaping strip. Two of the dwellings, linked by a garage, would face Nene Way at the north end of the site. One of these units would use the link-garage, the other would have a garage to the rear, accessed off the shared driveway.

The shared driveway would run almost the length of the application site. The driveway would be about 75m long, 5m wide, and have a turning head at the southern end.

Three of the dwellings would face east, to the private driveway and directly out to the open countryside.

## **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.

### **Planning (Listed Building and Conservation Areas) Act 1990**

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

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

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

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

### **National Planning Policy Framework (2012)**

#### **Section 6 - Residential Development in the Open Countryside**

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

#### **Section 12 - Conservation of Heritage Assets**

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

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

### **Peterborough Core Strategy DPD (2011)**

#### **CS01 - Settlement Hierarchy and the Countryside**

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

### **CS02 - Spatial Strategy for the Location of Residential Development**

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

### **CS08 - Meeting Housing Needs**

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

### **CS10 - Environment Capital**

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

### **CS12 - Infrastructure**

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

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

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

### **CS14 - Transport**

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

### **CS16 - Urban Design and the Public Realm**

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

### **CS17 - The Historic Environment**

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

### **CS20 - Landscape Character**

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

### **CS21 - Biodiversity and Geological Conservation**

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

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

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

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

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

#### **CS26 – Mineral Safeguarding Areas**

Development within these areas will only be permitted where it has been demonstrated to the Planning Authority that: the mineral concerned is no longer of any value; or it can be extracted prior to development taking place; or that the development will not inhibit future extraction of the mineral; or that there is overriding need for the development and that prior extraction cannot reasonably take place; or that the development is not incompatible with safeguarding/extraction.

## **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

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

### **PP03 - Impacts of New Development**

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

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

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

### **PP07 - Occupational Dwellings in the Countryside**

Permission for a permanent dwelling will only be granted to enable an agricultural/forestry worker to live at or in the immediate vicinity of their place of work. Permission will not be granted for a new permanent dwelling in association with a proposed or newly established enterprise in the countryside.

### **PP12 - The Transport Implications of Development**

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

### **PP13 - Parking Standards**

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

### **PP15 - Nene Valley**

Development which safeguards and enhances recreation or which would bring landscape, nature conservation, heritage, cultural or amenity benefits will be supported. Development which would increase flood risk or compromise flood defences will not be permitted.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

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

### **PP17 - Heritage Assets**

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

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

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

## **4 Consultations/Representations**

### **PCC Conservation Officer - Object**

In 2013 the owner sought pre-application advice on the residential redevelopment of the site. The comments were as follows:

The Manor house occupies a very prominent position as one approaches the village. Even now the well chimned roofscape (at least four) can be seen over the existing collection of portal framed buildings. It would appear that that the modern farm buildings proposed for demolition are genuinely redundant and in the main are a bit of an eyesore. Their removal subject to a modest scheme for redevelopment in appropriate materials might actually improve the setting of the listed Manor house and the wider conservation area.

The grain dryer can be seen across the front garden of the Manor and the larger portal frame buildings can be seen across the parking area to the rear of the house and also at the back of the outbuildings on Manor Drive.

There are some significant trees on site (mainly on the frontage) which would need to be plotted and considered if the applicant wishes to proceed with a more detailed application. Of great significance is a dry stone wall which is a continuation (albeit at a lower level) of the boundary wall to Manor farm. It is almost completely hidden from view by nettles and adjacent shrubbery. It would appear to be in good condition and should therefore be retained and /or extended as part of any subsequent scheme.

The grain dryer has a large amount of pigeon droppings inside and therefore should not be entered without breathing apparatus and protective clothing.

There is evidence of various wildlife activities including roosting within the open-sided buildings. There are numerous cracks in masonry which may be suitable for hibernation roosts and bird nesting. A protected species survey will therefore be essential.

Adjacent to Plot 5 is an open-sided cart shed which is curtilage listed. The removal of the adjacent portal frame building would improve the setting of this enormously. However, the footprint of Plot 5 and the nearby garaging are not offset very far from the open side of this building.

Car parking should be located to the rear of the properties particularly on the Nene Way frontage. Consideration should be given to a single linear structure to provide garaging located on the concrete hard standing just outside the village envelope.

A second vehicular access to the site might be feasible along the southern side of the outbuildings from Manor Road.

Recommendation: encourage further dialogue and design development.

The owner subsequently submitted the planning application and a different Conservation Officer has commented as follows (the original Conservation Officer left the authority in summer of 2014):

The proposed buildings would harm the setting of the Listed Manor House.

The proposal would be out of keeping with the built form of Sutton, and would be visually intrusive in views to and from the Conservation Area. The applicant has not assessed the impact on Heritage Assets.

**PCC Tree Officer (17.12.14) – No objection**

No objection – There are no arboricultural objections to the proposal so long as the retained trees are adequately protected (above and below ground).

**PCC Pollution Team (05.01.15) – no objection but comment as follows:**

No objection – The granting of planning permission will alter the character of the locality and there may be potential for disturbance to the new dwelling residents from sources at Manor Farm. Should those sources result in nuisance the local authority would have a duty to require the abatement of the nuisance.

**PCC Minerals and Waste Officer (10.12.14)**

Object – The eastern part of the site is within a Minerals Safeguarding Area. All 5 proposed dwellings, though sited within the existing village envelope, have principal elevations towards Mineral Safeguarding Areas and it is considered that development of this nature is not compatible; on this basis the proposal fails to accord with policy CS26 (Mineral Safeguarding Areas) of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

**PCC Waste Management**

No comments received.

**PCC Archaeological Officer (09.12.14)**

No objection – There is insufficient evidence to justify a programme of archaeological work. The developer should be advised to report to the Local Planning Authority any remains/finds exposed during groundwork operations. This can be secured by condition.

**PCC Wildlife Officer (19.03.15)**

No objection – The application has been accompanied by an Ecological Appraisal Report and the assessment contained therein is accepted. There is suitable habitat present within the site to support hedgehogs (a protected species) and therefore, any nesting areas should be hand-searched prior to site clearance. The proposal also involves the removal of vegetation which may support nesting birds and refuse piles (during development) could be suitable habitat for reptiles. Protection measures for all species could be secured by condition. Further, to mitigate against any harm to biodiversity, nesting boxes should be installed and the pond outside the site should be enhanced.

**PCC Building Control Manager**

No comments received.

**PCC Transport & Engineering Services (12.03.2015) - No objections**

Conditions and informatives should be appended to any permission granted covering, inter alia, parking and turning facilities, temporary facilities for construction vehicles, visibility splays and closure of the existing access.

**Sutton Parish Council (21.12.14 and email dated 19.02.15)**

The comments of the Parish Council are set out in full below. The Parish Council objects on the following grounds:

- the development is outside the village envelope. The site owner applied to have the entire farm yard allocated during the Site Allocations process but the existing boundary line was endorsed. Any change made by approving an individual planning application would not only be contrary to Policy CS1 but would undermine public confidence in the planning process
- the proposed development is in-depth, which can only be achieved by a breach of the village envelope. We oppose this. Frontage only development of two dwellings is appropriate
- the roadway appears to be over-sized for the development it serves. It would amount to the creation of road infrastructure for housing outside the village envelope
- Sutton is a typically Anglo-Saxon form, has a diversity of age and form and traditional palette. The scheme proposes an urban cul-de-sac form which is alien to the village. Also introduces a standard house design. This would be harmful to the Conservation Area.
- Area of open space beside the cul-de-sac – question as to ownership and maintenance. There is no need for further incidental open space which would be a burden on the public authorities.
- Overlooking and loss of amenity to the Manor House. Distances are less than those characteristic of distances in Sutton
- Proximity of plots 4 and 5 to the working areas within Manor Farm would give rise to problems of noise and smell in the future and is evidence of overdevelopment
- Note that a relocation of the existing farm access is proposed. Although this would keep farm machinery away from Manor Road, there is concern that without secure gating this would be a major security risk



**Please note:** Sutton Parish Council have, along with local residents, been given a further period of time until the 3 April to submit comments on the application. Any additional comments received will be reported to the committee in the Update Report.

**Nene Valley Nature Improvement Area (NIA)**

No comments received

**GeoPeterborough (Sites of Interest)**

No comments received

**Cambridgeshire Fire & Rescue Service (30.12.14)**

Adequate provision should be made for fire hydrants.

**English Heritage (13.03.15)**

No comment. Application should be determined in accordance with national and local policy guidance, on the basis of PCC's specialist conservation advice.

**Local Residents/Interested Parties**

**Please note:** local residents have been given until the 3 April 2015 to comment on the application. Any comments received will be included in the Update Report if they have not been summarised in this report.

Three periods of public consultation have been undertaken:

1. 28 November 2014 to 24 December 2014 – 15 objections received
2. 17 February 2015 to 3 March 2015 – 3 objections received
3. 11 March to 3 April 2015 – ongoing but 2 objections received at time of writing the report

Round 1 comments

The following points are a summary of the objections received during the first round of public consultation. The list includes a summary of the points raised in a letter of objection from Mr Sibthorp (dated the 5 December 2014), a planning consultant acting on behalf of the owners of the Manor Farm.

- Development is partly outside the Village Envelope and is contrary to Policy CS1
- The Village Envelope was confirmed in the recent Core Strategy Document
- The yard owner had previously (unsuccessfully) sought approval for extending the village boundary
- The [2005 Local Plan] amended the village envelope to include land adjacent to Nene Way, this created the average single plot facing onto Nene Way. This plot is approx. half the proposed site, the remainder of the site is in open countryside and permission was refused to include this within the envelope
- Sutton is not considered to be a sustainable settlement in functional or transport terms
- The applicant has failed to demonstrate how, in accordance with Policy CS14, the development will reduce the need to travel
- Three of the houses would be rear development behind Manor Farm which is a listed building
- The number of houses is at a higher density than the rest of the village
- The proposed development is a small housing estate with far too many properties on small plots with very limited parking
- It would be the first part of the village seen on the approach, would have a dramatic and detrimental effect on the character of the Conservation Area and Manor Farm House
- No Heritage Impact Assessment was provided with the application. No assessment has been made of the impact on the Conservation Area, or Manor Farm and its associated buildings
- The maintained view from Manor Road will include visible elements of the plot 5 dwelling and

the perceived value of the view created is thus overstated

- Development would not preserve or enhance conservation area
- Development proposed is out of keeping with the current buildings and layout
- It is a modern cul-de-sac and “overstuffed”
- Critical part of the character of the village is the spacing between the detached properties, the proposal does not take this into consideration
- Development will add nothing to the pleasing aspect of Sutton
- Sutton is a traditional and compact village with no pub, school or shops
- [Proposed development] would not conform to the architectural character of Sutton and would have a disastrous impact on the integrity of Manor Farm’s situation
- Form and layout of development is inappropriate in a settlement that is almost exclusively comprised of frontage forms of development
- Buildings are not in keeping with the ethos of the Conservation Area – in respect of frontage, construction, design, proximity
- Style of the properties is not in keeping with the village which consists of individual style properties with large gardens and adequate parking spaces
- The proposed housing estate will consist of properties of similar design, totally out of character with the rest of the village
- Proposed dwellings are of relatively plain, uniform designs. Dwellings are essentially modern with a standardised presentation of buildings onto a private driveway
- Visual impact of the row of houses when approaching the village will be adversely affected
- The development will create a new streetscene which would unacceptably harm the important view of the main approach to the village
- The proposed development of these grounds will seriously detract from the architectural and historic character of this listed building and/or its curtilage.
- Layout and proximity of the properties demonstrates a concentration that is not in keeping and is not consistent with the other properties in the area
- Normal plot size to maintain the nature of the village would suggest no more than 2 dwellings
- All the properties within the village are accessed and face onto the loop of roads, the logical access would be from the front of the plot within the envelope on Nene Way
- The Anglo-Saxon road pattern of four roads still exists
- Village falls within an area of best landscape
- Land to the east, south west and north-west is designated as County Wildlife Site
- There is wildlife inhabiting the derelict structures. Birds and bats can be seen feeding on the insects on summer evenings
- Existing farm buildings are used on an irregular basis
- Where would the existing farm materials/machinery be rehoused – currently they are hidden from view – will the use of the field on the other side of Nene Way be changed in any way?
- Existing farm buildings are an eyesore, I do not object in principle to a suitable frontage only development of 1 or 2 houses
- Not in favour of backland development as in plots 3, 4 and 5
- A mixture of dwelling sizes should be provided to enable local people to downsize
- This will set a precedent for backland development in Sutton
- Site is not pretty but it is honest and reflects its historical use
- The site does not constitute previously developed land, it is agricultural
- Site is currently a farm yard, development should be kept at low level, single storey buildings in keeping with dimensions of traditional farm and outbuildings
- There [is] a number of single storey residential buildings in the village
- Developer should be asked to contribute to community infrastructure repairs in the village such as dilapidated stone walls or community hall
- There is no need for the proposed open space which would attract travellers and the dumping of rubbish
- Road would give access to the rear of properties on Manor Road, not desirable given the recent high volume of criminal activity within the village
- The location and construction of the proposed new road in open countryside to access the length of the site is not justified
- The layout has an incomplete feel to it. The access road far exceeds the standard of road

design necessary to serve only 5 dwellings and is of a standard that could accommodate up to 25 dwellings.

- New road and location of new farm yard access will introduce additional traffic, the proximity of the access is too close to a 90 degree blind corner, the road is not treated in poor conditions by the Local Authority and is prone to excessive amounts of mud on the road from local farming activities
- Building works will cause disruption to the village
- The alternative approach to the village along The Drift will almost certainly be closed when further development of the A47 occurs
- All other roads in the village are public, is it beneficial to the spirit and culture of the village to introduce a private lane?
- The development would have an unacceptably adverse impact on the amenities of occupiers of nearby properties
- The development would site the proposed new properties at the back of the plot adjacent to existing animal housing and excrement
- Proposals would introduce properties so close to animal quarters that complaints from the new properties would likely curtail these activities
- Development would obstruct views from Manor Farm to the countryside
- Overlooking to garden of Manor Farm
- Would like the Leylandii hedge on my boundary [5 Manor Road] to be retained
- The development may affect the value of surrounding properties; any nearby villagers planning to sell when the building works commence are likely to be detrimentally affected in terms of competition and price
- If permission is granted what compensation will the village be granted?

### Round 2

The following points of objection were received during the second round of public consultation, including a second letter of objection from Mr Sibthorp (dated the 3 March), again acting on behalf of the owners of Manor Farm:

- The revised plans do not materially alter the nature and character of the development and offer no benefit
- The revisions further detract from the character and setting of Manor Farm and the conservation area
- It remains the case that no heritage impact has been submitted with the application
- Fully endorse the latest comments by the Council's Conservation Officer
- The pre-application comments given by the conservation officer appear vague and generalised and little weight should be attached to them. The Council's own website states that no weight can be given to pre-application advice that is more than one year old
- No species survey has been undertaken
- The Council's Draft Conservation Area Appraisal and Management Plan reinforces the objections previously made
- Defer any determination of the application at committee until the objections have been addressed

### Round 3

The 3<sup>rd</sup> round of public consultation (including the Parish Council) was undertaken to allow residents and the Parish Council more time to comment on the application. No further changes had been made to the proposal following the second round of public consultation.

At the time of writing the report 2 objections had been received as a result of the 3<sup>rd</sup> round of public consultation. These can be summarised as follows:

- Strongly object to the application. The minor changes do not alter the situation
- The Draft Sutton Conservation Area Appraisal and Management Plan is well supported by the Parish Council and Villagers, and many of the points within it would mitigate against the Manor Farm/Nene Way development as proposed. It would be appropriate to take this Conservation Area document into account

## **Peterborough Civic Society**

Regret the substitution of smaller house units with large detached houses. It is vital that that mixture of dwelling sizes is maintained in villages to enable local residents to downsize.

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

The main considerations are:

- Principle of development
- Minerals Safeguarding Area
- Residential amenity
- Access and highway implications
- Character of the area and impact on the Conservation Area
- Impact on the Listed Building
- Trees, landscape and ecology
- Archaeology
- Sustainability
- Permitted Development “fall-back” position
- Developer contributions

### **a) Principle of Development**

Sutton village is identified as a small village under Policy CS1 of the Peterborough Core Strategy DPD (2011). The principle of infill development of up to 9 dwellings within the village envelope is therefore considered to be acceptable, subject to the application being satisfactory in all other respects.

However, in this case, the site is partly outside the Village Envelope. The proposal shows that the part of the site in the open countryside would be used for a landscaping strip, the access road and turning head, front gardens and a small part of two of the dwellings. Approximately 3,860 sq m of the site would be put into residential use, and of that approximately 1,250 sq. m are outside the Village Envelope.

Development in the open countryside is restricted by Policy CS1 to development that is “...demonstrably essential to the effective operation of [inter alia] local agriculture, recreation, services...”.

Until the 2005 Local Plan, the north edge of the village envelope ran about 40m further to the south. The Inspector’s Report from 2003 determined that the village envelope should be extended as far north as Nene Way, in order to allow development of an area that would otherwise be landlocked. The Inspector was of the view that the change would “...logically round off the village...”.

The applicant subsequently put forward the entirety of the farm yard, including that part outside the village envelope, for allocation as housing land during the last Site Allocations process which was concluded in 2011, but the site was rejected. This does not mean that no development can take place, but it does mean that there is no presumption in favour of development.

It is important in this case to set out the background to the current proposal. The applicant was given pre-application advice in July 2013 which indicated that the existence of the agricultural buildings and hardstanding might constitute a special circumstance, such that the Policy regarding development in the open countryside could be relaxed and development be allowed outside the Village Envelope, as their redevelopment “carries more benefit as an area of grass land, landscaping and biodiversity gain than to remain as existing.”

Therefore, the pre-application advice given clearly states that development beyond the village envelope boundary is considered to be acceptable in this instance (notwithstanding other

issues). Officers feel that whilst this advice was given in 2013, as there has been no change in policy circumstances of any significance, significant weight should be given to the pre-application advice in the determination of the current application.

It was also stated in the pre-application advice given by the Planning Authority that the agricultural buildings “are not considered to hold any architectural merit; the loss of these buildings would improve the setting of Manor Farm and Sutton Conservation Area; as such the loss of the farm buildings are accepted.” This view was formed by the case officer in part as a result of the positive feedback from the Conservation Officer at the time who was consulted as part of the pre-application enquiry. The Conservation Officer’s comments have been set out in full earlier on in the report but in it he stated that the modern farm buildings proposed for demolition are an eyesore and that their removal might actually improve the setting of the listed Manor house and the wider conservation area.

Given the advice issued at pre-application stage and the positive comments from the Conservation Officer at that time, it is considered that the principle of residential development, the loss of the agricultural buildings and a small encroachment into the open countryside is acceptable in this instance.

**b) Mineral Safeguarding Area**

That part of the site outside the Village Envelope is within a Mineral Safeguarding Area (MSA) relating to underground resources of limestone, sand and gravel. These areas are defined and allocated in order that proven mineral resources are not needlessly sterilised by non-mineral development. Development proposals on land which is not otherwise allocated should be assessed against Policy CS26 of the Minerals and Waste Core Strategy.

The applicant has referred to the MSA but has either not realised or not acknowledged that part of the site is within it, and that the MSA also covers land across Nene Way from the north of the site. No assessment of this issue has been carried out.

It is very unlikely that mineral would be extracted right up to the edge of the Village Envelope, but a quarry buffer strip could abut a village envelope. In this case, it is considered that additional dwellings within the Village Envelope and a relatively minor encroachment into the open countryside would not be likely to form a very significant constraint to extraction of the mineral. Quarrying, although it can take several years, is temporary, and sites are always remediated after extraction. Impact on residential amenity has to be assessed taking this into account.

Therefore, it is considered that the existence of the MSA would not justify a reason for refusal of the application.

**c) Residential Amenity**

**New Dwellings**

Manor Farm, adjacent to the application site is used for various activities including the keeping of horses, chickens and sometimes, according to the occupants, foals and sheep. As a consequence of keeping the livestock, there is a requirement for a muck heap. This is located just within the boundary at Manor Farm, about 3m from the proposed Unit 5 and 4m (laterally) from where a bedroom window would be. The heap would be 15m or so from the proposed Unit 4, and immediately across the boundary from where the gardens to these dwellings would be laid out.

These existing, legitimate activities at Manor Farm may cause noise and disturbance, including smells, of a type that maybe unacceptable to residents of the proposed houses. If new residents complained about this, and the complaint was upheld as a Nuisance by the Pollution Control section, the occupants at Manor Farm could be required to cease their activities.

It is therefore important not to allow a development that would be certain to prejudice an existing, otherwise harmless, use. However, it is the view of the Planning Authority that people considering buying the new dwellings could decide for themselves whether to live there, and on the edge of a village next to the Manor Farm, future occupants should reasonably expect to experience noises and smells, on a day-to-day basis, that would be associated with a farm yard use.

Policy PP4 sets out that new dwellings must provide for adequate internal space, adequate light, privacy and noise attenuation, good quality private amenity space and well-designed bin storage. The proposed development either shows, or could easily include good levels of amenity for future occupants.

Window-to-window separation distances between the house at Manor Farm and the nearest proposed dwelling is at least 45m, which ensures adequate privacy. The proposed dwellings are all large, and laid out to allow for good light penetration and no unacceptable mutual overlooking or overshadowing. Amenity space is adequate. Refuse bin storage is not shown, but is proposed to be agreed by condition.

### **Existing Dwellings**

The new development as proposed would include various first floor windows, which would be at the closest point 45m from the nearest existing dwelling (Manor Farm). This is considered acceptable. The separation distances would make unlikely any unacceptable impact on existing residents by way of overshadowing, overbearing impact or noise.

An objection has been received relating to overlooking of the private garden at Manor Farm. The side elevation of Unit 2 would be 6-8m from the boundary with the main lawned area of Manor Farm's garden, however the only first floor window proposed in this elevation is a bedroom window which is proposed to be conditioned to be obscure glazed and unopenable (there are two windows and two rooflights that also serve this room). Although it would be the largest window, the other windows would offer adequate opportunity for looking out, considering that views from bedrooms are of less importance for residents than from other rooms.

There are first floor windows to plots 3, 4 and 5 which would face towards Manor Farm, however only one of these (bedroom window to plot 5) would be closer than 10m to the boundary. That window would be about 4m from the boundary, close to the location of Manor Farm's muck-heap, but it would not have an adverse impact on the amenity of the residents at Manor Farm given it would be off-set at an angle.

Manor Farm is generously sized, and activities are typical of a smallholding as well as a residence. Occupants of the new dwellings being able to see some of the activities from their upstairs windows would not be considered an unacceptable impact on residents of Manor Farm.

In this respect, the proposal is considered to be in accordance with Policy PP3.

#### **d) Access and highway implications**

The shared access would be satisfactory in terms of dimensions. Some neighbours have commented that the access appears over-large for the development, but it is in line with what the Local Highway Authority (LHA) requested, and is dimensioned so that vehicles can enter and leave the site at the same time without anyone having to wait on the Highway.

Visibility splays have been shown on the latest layout plan (Revision I) and are in accordance with the dimensions required by the LHA. There are some slight obstructions within the splays, to the east this is mostly hedging within the applicant's land, although outside the site, so a condition could be used to require that the splay is kept clear.

To the east, a boundary wall projects into the splay, by about 25cm, for a short distance about half way along the splay. This is not considered sufficiently harmful to warrant a refusal. A condition could be imposed requiring the wall to be set back out of the visibility splay.

It is acknowledged that the roads here are very quiet, as Sutton is effectively a dead-end for vehicles, and this has been taken into account when assessing the visibility information. The proposed layout does not show a refuse collection point close to the Highway, but there is space within the site for this to be provided and it could be agreed by condition.

Concerns expressed by neighbours that the access road might be designed to lead to further development on adjoining land are understandable, but given the existing policy context and site constraints this is unlikely to be permitted. In any case, the future possibility could not be used as a reason to resist this application.

Comments have also been made about the state of Nene Road, specifically that it is not treated in poor conditions and that it tends to be muddy. Many rural roads are not gritted, mud on roads in agricultural areas is not surprising, and it is for drivers to drive according to the conditions.

In summary, it is considered that the applicant has shown that a safe access and egress to the site can be provided, with respect to visibility between the site and the Highway. This is in accordance with Policy PP12, which requires that development does not have any unacceptable impact on Highway safety. Accordingly, the Local Highway Authority has raised no objections to the latest plans, subject to the imposition of a number of conditions on any permission issued.

**e) Character of the Area and Impact on the Conservation Area**

Sutton is a very small, compact village – about 44 dwellings along four connecting roads. Of these dwellings the majority are detached, and about half are post-WW2. All of the dwellings have a street frontage although it appears that some dwellings were constructed on sub-divided plots.

Manor Farm is on the corner of Nene Way and Manor Road. Existing plots on Manor Road, to the south of the application site, are typically about 2,000 sq. m; these are generally although not exclusively the larger plots in the village. There are some small plots in the village, reducing to just under 500 sq.m, although these smaller plots are generally associated with the older small semi-detached farm workers cottages.

The Conservation Area includes all of the village, with the exception of the agricultural buildings and associated yard area on the application site. National planning policy and guidance requires that the character of Conservation Areas should be given great weight in making planning decisions, and that harm can only be justified if it would be outweighed by public benefits.

The character of the area immediately adjacent the application site is open countryside on one side, and Manor Farm to the other. Running south from the south-west of the site are large plots with detached houses. Dwellings on Manor Road, to the south of the application site, face west to the road, and the east boundaries of these plots are to the open countryside. On approaching the village from the east views across to these dwellings are currently interrupted by boundary planting, both to the plots and the field boundary at the road verge, and by the bulk of the agricultural buildings.

The proposed development would introduce a row of new houses where there are currently agricultural buildings.

English Heritage have been consulted on the application and have no comments to make other than the application should be determined in accordance with national and local policy

guidance, on the basis of PCC's specialist conservation advice.

The Council's Principal Conservation Officer in his most recent comments has objected to the proposal. In his view, the proposal would be out of keeping with the built form of Sutton, and would be visually intrusive in views to and from the Conservation Area as it would introduce a form of development untypical of the village. In his view the applicant has not properly assessed the impact on heritage assets.

Three of the new houses would face out over the open countryside. Immediately to the front of these houses would be a private drive, and in front of that would be a landscaped area, slightly broken by the turning head at the end of the drive. The dwellings would be of a very similar design/style which is not typical of the local character.

National policy and guidance require that heritage assets should be preserved, and that development should sustain and enhance the significance of them. Adopted Local Plan Policy CS16 refers to new development "enhancing local distinctiveness", and Policy PP2 requires that development makes a positive contribution to the quality of the environment. The Principal Conservation Officer does not consider that this development complies with these requirements and is therefore recommending refusal.

It is accepted that it would be both reasonable and legitimate on planning grounds for Members to agree with the Conservation Officer's most recent expressed opinion. However, the layout submitted at the planning application stage did take on board advice given by the Local Planning authority at the pre-application stage and this is a material consideration that needs to be given weight in the determination of this application as planning policy has not significantly changed since 2013.

In addition, as stated earlier in the report, the Conservation Officer's comments at pre-application stage were positive towards the redevelopment of the site because the loss of the farm buildings would be a benefit, in respect of views to and from the Conservation Area and the setting of the listed Manor Farm house.

The proposed design of the dwellings and the materials to be used are also considered to be acceptable. Whilst the dwellings are all similar in appearance, the layout proposed shows Plots 1 and 2 side-on, Plots 3 and 4 set behind the access road and a landscape strip and Plot 5 giving the appearance of a barn conversion. Therefore, when approaching the development from the east the similarity in design would not, in the Planning Authority's view, be so obvious as to be detrimental to the setting of the Conservation Area.

It is highly unusual for two Conservation Officers to form different view on the proposals, and so the Planning authority has had to balance these views, along with other material considerations, in forming a view on the application. On balance, taking into account the above, it is considered that the impact on the Conservation Area is preserved and no harm will be caused to warrant the refusal of planning permission.

**f) Impact on the Listed Building**

Manor House/Manor Farm is a Grade II listed building. It dates to about 1700, restored about 1900. It is a large two storey stone building, with Collyweston roofs, H-shaped with accommodation in the attics. The building occupies a prominent position, and the roofscape is visible through the farm buildings on approaching the village. The single storey buildings within the site reflect the historic agricultural function of the site.

The significance of the listed building is derived from its age, large plan form, scale, traditional materials and its position in the street. Good views of the listed building are obtained from the junction of Manor Road and Nene Way, and of the western elevation from Nene Way across the open paddock to the west. Immediate views of the formal west elevation are gained along



Graeme Road approaching from the south. The building makes a positive contribution to the conservation area when viewed from a number of vantage points.

Views of the building from the west provide a pleasant appreciation of the building. However, they are tempered by the portal frame buildings in the background. These buildings range in ridge height from 5.8m to 9m. The tall grain dryer can be seen across the front garden of the Manor house and the larger portal frame buildings can be seen across the parking area to the rear of the house and also at the back of the outbuildings on Manor Road. From the east the roof scape of Manor House can be seen between the portal buildings, but otherwise they restrict views of the listed building on this approach to the village. Although these buildings have a relationship with the past agricultural activity of Manor House they detract somewhat from the setting of the building by their scale and prominence.

The proposed buildings to plots 3 and 4 would have ridge heights of 8.8m each, and the ridge to plot 5 would be 7.5m (Plot 3 is proposed adjacent to the site of the grain dryer which is 9m in height). The proposed houses, particularly Units 3 and 4, would be quite noticeable in views from Nene Way and from the junction of Nene Way / Manor Road and would be 2.1m taller than the large portal building ridge which is set 3m further east. The buildings would also be noticeable in near views, along the driveway to Manor House off Manor Road. From the east, approaching the village, plot 3 would close off the existing view of the listed building which is gained to the south of the grain drier. Another view would arise between Units 2 and 3, but available closer to the village and nearer the proposed buildings. The ridge height of the building to plot 5 would be 7.5m, some 1.7m higher than the 5.8m high ridge of the portal building to be replaced.

It is accepted that the change to the skyline to the east of Manor House will be significantly different to the existing. The current buildings, with the exception of the grain drier, have a linear visual impact in the background of various long and short views of the listed building and from the conservation area. The skyline would have taller and detached buildings after development, compared with the current lower (with the exception of the drier) more continuous linear forms. The new buildings would have a greater visual impact, be more prominent, and would 'draw the eye' much more in the back drop to views of the Manor House than the current buildings because they would be visually more interesting and varied. In addition, it is not considered that the backdrop of the existing buildings (to be demolished) form an essential part of the character of the setting of the listed building.

It should be noted that in the Draft Conservation Area Appraisal Management Plan for Sutton, the buildings are considered to have a negative impact and their removal is therefore welcomed.

It is also considered that, given the separation distance of the proposed dwellings from the Manor Farm, its immediate environment, when viewed from the west, would be preserved. Whilst the views when approaching the village from the east are important, maintaining an open aspect and views out to the countryside is not integral to the special character of the listed building, and as this was not a formally planned aspect and many former Farm house buildings have, over time, had development built in proximity to them.

Taking the above into account, it is considered that in this instance the harm is 'less than substantial' and that the proposal will provide a setting which is better and not any worse than the setting provided by the existing farm buildings on the application site.

#### **g) Trees, Landscape and Ecology**

The Design and Access Statement states that there are no trees within the site, however the site plan shows several trees to be removed. An Arboricultural Survey has been provided and assessed. The majority of the trees are of low value/quality. The site layout plan is appropriate in respect of retained trees and conditions are recommended to secure tree protection to retained trees, and new landscaping.

The part of the site outside the village envelope is just within the Nene Valley, as defined on the Planning Proposals Map, and covered by Policy PP15. The policy is supportive of development that would safeguard and enhance biodiversity and appropriate use of the river. Given that this designation covers a very small part of the application site, and that the designation does not go beyond the north or west site boundaries, it is not considered that the policy applies to the proposal.

A comment has been made about nearby County Wildlife Sites, and another comment about birds and bats using the structures. The site is not within or adjacent to a County Wildlife Site.

An Ecological Appraisal, Initial Bat Survey and Great Crested Newt (GCN) Survey was submitted with the application. It concluded that the current agricultural buildings were largely unsuitable for roosting bats; reptiles, hedgehogs and other amphibians (not GCN) were unlikely to be resident on site due to its small size, limited foraging and sheltering opportunities and expanse of hardstanding. A pond area on site was dry at the time of the survey and therefore offered no opportunities to breeding Great Crested Newts. No further surveys were considered necessary.

The Council's Ecology Officer agrees with the conclusions of the appraisal, but has recommended a number of conditions to safeguard the potential ecological interest on the site.

A pre-demolition bat survey is proposed as well as an informative advising the developer of obligations relating to nesting birds under the Wildlife and Countryside Act. If permission was to be granted then the provision of nesting boxes and native planting would be secured under a condition.

Comments have been received referring to the proposed open space that would be part of the development. The open space in question would function more as a landscape buffer, alongside the private driveway. This would not be adopted but would have to remain in private ownership. One neighbour commented that the area would encourage tipping, but the presence of houses a few metres away would probably discourage this.

The neighbour at 5 Manor Road has commented that they would like the Leylandii hedge on the boundary to be retained. Removal of the hedge, which appears to be planted in the garden to No 5, is suggested as an option in the Arboricultural Report, but that report is based on an earlier proposal for 7 dwellings which would have resulted in there being dwellings at the south end of the site, with small gardens which would be affected by shading. The current proposal shows one large house with large garden at the southern end of the site, and although there would be some shading apparent from the hedge it would not affect all of the garden. There is no planning reason to seek either retention or removal of the hedge, and consent would be required for removal of the trees as they are within the Conservation Area.

#### **h) Archaeology**

The archaeological record shows a dearth of finds within a 250m radius although, historically, the place name would suggest a possible medieval/post-medieval origin for the farm complex. Cartographic evidence shows that the part of the site to be affected by redevelopment is relatively modern. In addition, most of the area is currently occupied by farm buildings the foundation of which are likely to have caused extensive damage.

#### **i) Sustainability**

The applicant has listed various features and options which could be considered, but has not committed to anything. The applicant has mentioned solar gain and south-facing elevations, but does not appear to have designed the development to take advantage of this. Several design features are mentioned which would have to be incorporated into the design at this stage, but they have not been.

However, were the application to be approved it would be possible to impose a condition

requiring a 10% improvement over the Building Regulations (target emission ratio).

A neighbour has pointed out that the applicant has failed to demonstrate how this development will reduce the need to travel by car, which is a requirement of Policy CS14. Of course this could not realistically be demonstrated. However this is not usually a requirement that would be applied to small residential developments in villages.

**j) Permitted Development “fall-back” position**

Under Permitted Development regulations, agricultural buildings can, subject to a Prior Notification procedure, be changed to use classes A1, A2, A3, B1, B8, C1 and D2; a school or nursery; or residential development. There are various floor space restrictions in place. There is a limit of 450 sq. m cumulative floor space for change of use to dwellings, and a maximum of three dwellings can be created out of converted agricultural buildings.

The applicant’s farm extends to 500 ha (1236 acres), as set out in the Planning Statement submitted with the application. The holding at Sutton, is 110 ha, the remainder is at Thornhaugh 130 ha (Farm building complex), Water Newton 130 ha, Wittering 40 ha, and Stamford 90 ha. There are no agricultural dwellings associated with these holdings other than the applicant’s house - Thornhaugh Manor. There have been no conversions of farm buildings to dwellings to date.

Under the Prior Notification Procedure the Planning Authority could only consider impact on Highways, flood risk and contamination, as well as whether the location or siting of the building makes it impractical or undesirable for it to change from agricultural to residential.

Given this, the applicant could, in theory, convert three of the agricultural buildings to dwellinghouses. However, most of the buildings on the site would not be suitable for residential conversion. The layout of the buildings is not likely to result in such a change that would offer reasonable levels of residential amenity, or dwellings that would be readily marketable. Although this is not something that the Planning Authority can adjudicate on, it does mean that the available fall-back position is unlikely to be implemented. The Planning Authority is entitled to take the view that this unlikelihood means that the fall-back position need not be given significant weight.

**k) Developer contributions**

On the 28 November last year, Central Government issued guidance that residential developments of 10 dwellings or fewer, and of less than 1,000 sq.m floor area, should not be subject to tariff style contributions. As the Planning Obligations Implementation Scheme sets out a tariff contribution, it cannot be applied to this development.

A neighbour has commented that the developer should be asked to contribute to local infrastructure improvements, however given the current policy this cannot be secured.

The Community Infrastructure Levy, which is the new tariff style contribution system being implemented by the Council, will come into force after this application has been determined (assuming a decision on the application is made by committee) and therefore does not apply.

**l) Other matters**

The following points have been raised by neighbours and others. Comments are summarised in **bold**; Officer response is in *italics*.

**The maintained view from Manor Road will include visible elements of the plot 5 dwelling and the perceived value of the view created is thus overstated** – *this comment refers to the view eastward from Manor Road, between Manor Farm and the first dwelling on Manor Road. The view currently, along the side of Manor Farm’s boundary, is of an open-sided structure and of a row of conifers at the end of the garden to 5 Manor Road.*

*The proposed development would change this view; part of the rear of Unit 5 would be visible. The proposed building would block about the same amount of view as the existing building, and it is likely that a resident would want a 1.8m boundary treatment across the rest of the boundary, for privacy reasons. This would change the view out of the village, however it is not considered that the change would be significantly detrimental. A planning condition requiring a soft boundary treatment such as a native hedge would ensure that the rural aspect was maintained as far as possible.*

**The farm buildings are used irregularly, where would materials/machinery be housed – the applicant has advised that the farmland is managed from Thornhaugh.**

**The site does not constitute previously developed land, it is agricultural – agricultural sites/buildings are excluded from the current definition of previously developed land, but this does not mean that the land cannot be developed. It simply means that the policy presumption in favour of development is absent.**

**The applicant is proposing, outside this application, a new farm access further to the east. Concerns have been expressed that creating a new access could also create a security risk, but it could not be resisted for this reason if the applicant could show that it was required for agricultural reasons.**

**A mixture of dwelling sizes should be provided to enable people to downsize – this would be ideal, perhaps, although there is no requirement for a very small development to provide a variety of dwelling sizes.**

**This will set a precedent for backland development in Sutton – the development, being off a cul de sac from the main road, has characteristics typical of backland development. The applicant contends that this is not backland development as it is not behind anything, however the three dwellings to the south of the site would be behind the dwellings on the street frontage. Even so, each site needs to be considered on its planning merits and it is not felt that if approved this would set a precedent for backland development in Sutton.**

**Building Works will cause disruption to the village – some disruption when people are undertaking development is to be expected, and developers should behave reasonably. There is no reason to suppose that disturbance resulting from these buildings works would be unacceptable if properly managed.**

**Other roads in the village are public, is it beneficial to introduce a private lane? – the introduction of a private drive serving a few houses would not be a reason to resist the application. The impact on the character of the area, which is explored above, would be the same whether this was a private or public road.**

**Fire hydrants – these are usually dealt with under the Building Regulations.**

**The pre-application comments given by the conservation officer appear vague and generalised and little weight should be attached to them.**

*It is accepted that the pre-application comments are not as detailed as those issued at the application stage. However, they do give a clear steer to the developer that the redevelopment of the site, the removal of the agricultural buildings and the encroachment into the open countryside could be justified in this case. The pre-application advice is a material consideration that the planning authority has given weight to in its decision making.*

**No species survey has been undertaken**

*An Ecological Appraisal, initial Bat survey and Great Crested Newt survey was submitted with the application. The Council's Ecologist has reviewed this and accepts the assessment undertaken.*

### **The Council's Draft Conservation Area Appraisal and Management Plan re-enforces the objections previously made**

*The draft plan identifies the agricultural buildings a negative feature and the removal of them is therefore in accordance with the plan. The Planning authority feels that, on balance, the other objectives of the plan have been complied with.*

### **Defer any determination of the application at committee until the objections have been addressed**

*The Planning Authority does not feel it necessary to delay the consideration of the application by Committee as we do not consider that anybody has been prejudiced by the situation and proper procedure has been followed. Indeed, residents and the parish council have been given extra time to comment on the application.*

## **6 Conclusions**

The proposal is, on balance, considered to be acceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below:

- The majority of the application site is within the village envelope. Given the advice issued at pre-application stage and the positive comments from the Conservation Officer at that time, it is considered that the principle of residential development, the loss of the agricultural buildings and a small encroachment into the open countryside is acceptable in this instance
- On balance, the impact on the Minerals Safeguarding Area would not justify a reason for refusal of the application
- The proposed dwellings are all large and laid out to allow for good light penetration and no unacceptable mutual overlooking or overshadowing. Amenity space is adequate. Whilst the noise and smells associated with the farmyard/small holding use at the Manor Farm would be unacceptable to some people, it is considered that people buying the new dwellings could decide for themselves whether to live there
- The separation distances would make unlikely any unacceptable impact on existing residents (Manor Farm) by way of overshadowing, overbearing impact or noise.
- It is considered that the applicant has shown that a safe access and egress to the site can be provided with respect to visibility between the site and the Highway, and is in accordance with Policy PP12.
- Whilst the Council's Principal Conservation Officer has objected to the proposal because it would be out of keeping with the built form of Sutton, on balance, taking into account the pre-application advice issued in 2013 and the positive impact of removing the agricultural buildings, it is considered that the impact on the Conservation Area is preserved
- It is accepted that the new buildings would have a greater visual impact, be more prominent, and would 'draw the eye' much more in the back drop to views of the Manor House than the current buildings. However, the impact of removing the current agricultural buildings and replacement with residential development is positive and the existing buildings do not form an essential and positive part of the setting of the listed building. In addition, whilst the views when approaching the village from the east are important, maintaining an open aspect and views out to the countryside is not integral to the special character of the listed building
- The impact on trees, ecology and archaeology is considered to be acceptable, subject to conditions
- The 'fall-back' position for conversion of the exiting agricultural buildings to dwellings, as set out in the report, is unlikely to happen and is therefore afforded little weight in the Planning Authority's decision making

## 7 Recommendation

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

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

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

- C 2 The development hereby permitted shall be carried out in accordance with the following drawings:

- Layout Plan (drawing number EMS.2454\_04 I);
- Plot 1: Elevations;
- Plot 1: Floor Plans;
- Plot 2: Elevations;
- Plot 2: Floor Plans;
- Plot 3: Elevations;
- Plot 3: Floor Plans;
- Plot 4: Elevations
- Plot 4: Floor Plans;
- Plot 5: Elevations;
- Plot 5: Floor Plans
- Garage G1 and G2 (Plots 1 & 2) (drawing number EMS.2454\_G-1 Revision C); and
- Garage G3 (Plots 3 & 4) (drawing number EMS.2454\_G-2 Revision C).

Reason: For the avoidance of doubt.

- C 3 No work shall take place on the application site (including soil stripping, preconstruction delivery of Equipment or materials, the creation of site accesses, positioning of site huts) until a Method Statement and/or Tree Protection Plan (to BS5837:2012 *Trees in relation to design demolition and construction – Recommendations methodology*) has been submitted to and agreed in writing with the Local Planning Authority. The Statement and/or Plan shall identify (not exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within influencing distance of the application site;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised;
- Details of facilitation pruning;
- Location of access, material storage, site office, mixing of cement, welfare facilities etc.; and
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees.

The scheme shall be implemented strictly in accordance with the agreed and prior to the commencement of works within the site.

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

- C 4 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall

include:

- Hours of construction;
- Areas for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction;
- Materials storage;
- Site welfare compound;
- Wheel washing facilities, which all vehicles shall use when exiting the site onto the public highway; and
- Measures to prevent the emission of dust from the site.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 5 No dwelling hereby permitted shall be occupied until the means of vehicular and pedestrian access shown on drawing number EMS.2454\_04 I 'Layout Plan' has been constructed to at least base course level. Thereafter, the final surface finish to the access shall be provided prior to first occupation of the last dwellinghouse to be constructed.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 6 No dwelling hereby permitted shall be occupied until details of the surfacing and drainage of those areas shown on drawing number EMS.2454\_04 I 'Layout Plan' for the parking and turning of vehicles have been submitted to and approved in writing by the Local Planning Authority. Those parking and turning areas shall be provided in accordance with the approved details and prior to first occupation of the dwelling to which they relate. Thereafter, those areas shall not be used for any purpose other than the parking and turning of vehicles in connection with the use of the dwellings in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C 7 Notwithstanding the details shown on the submitted drawings and prior to first use of the vehicular access hereby permitted, vehicle-to-vehicle visibility splays measuring 2.4 metres (measured along the centre line of the proposed access road from its junction with the channel line of the public highway) x 59 metres (to the west) and 120 metres (to the east) (measured along the channel line of the public highway from the centre line of the proposed access road) shall be provided. Those visibility splays shall be kept clear of any obstruction above a height of 600mm above verge level in perpetuity. In order to achieve the required visibility to the west, the section of the existing boundary wall that currently falls within the visibility splay shall be re-aligned and set back so as to not cause an obstruction.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 8 No dwelling hereby permitted shall be occupied until the existing eastern access onto Nene Way from the site has been permanently closed to vehicular traffic in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C 9 The vehicular access hereby approved shall be ungated.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C10 No development shall take place until details of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- Walling and roofing materials (including samples)
- Doors and windows, including garage doors and rooflights
- Canopies and chimneys
- Rainwater goods.

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

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

C11 Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include sustainable disposal of surface water. The scheme shall be implemented in full prior to any occupation of the dwellings.

Reason: To ensure that surface water and foul sewage are adequately dealt with, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

C12 No dwelling hereby permitted shall be occupied until a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- Proposed finished ground and building slab levels;
- Planting plans all public areas including retained trees, species, numbers, size and density of planting;
- Boundary treatments;
- Hard surfacing materials; and
- External lighting.

Development shall be carried out in accordance with the submitted details and at the following times:

- Hard landscaping (boundary treatments, hard surfacing and external lighting) shall be provided prior to first occupation of the dwelling to which it relates; and
- Soft landscaping shall be carried out no later than the first planting season following the occupation of the dwelling to which it relates.

Reason: In the interests of the visual appearance of the development and to mitigate the loss of trees within the site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).



- C13 Any trees, shrubs or hedges forming part of the approved landscaping scheme 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 to mitigate the loss of trees within the site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

- C14 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

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

- C15 Prior to the commencement of development, a scheme (including a timetable for installation) for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and in accordance with the timetable submitted.

Reason: To ensure that there is no loss of biodiversity within the site resulting from the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

- C16 Before the residential dwellinghouse shown on the submitted drawings as Plot 2 is first occupied, the proposed first floor window to Bedroom 1 on the west elevation shall be obscure glazed to a minimum of Level 3 obscurity, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Thereafter, those windows shall be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C17 Notwithstanding the provisions of Part 1 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions or detached outbuilding/enclosures shall be constructed to/within the curtilage of the dwelling shown on the submitted drawings as Plot 5 other than as those expressly authorised by any future planning permission.

Reason: In order to protect the amenities of neighbouring occupants and to prevent overdevelopment, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

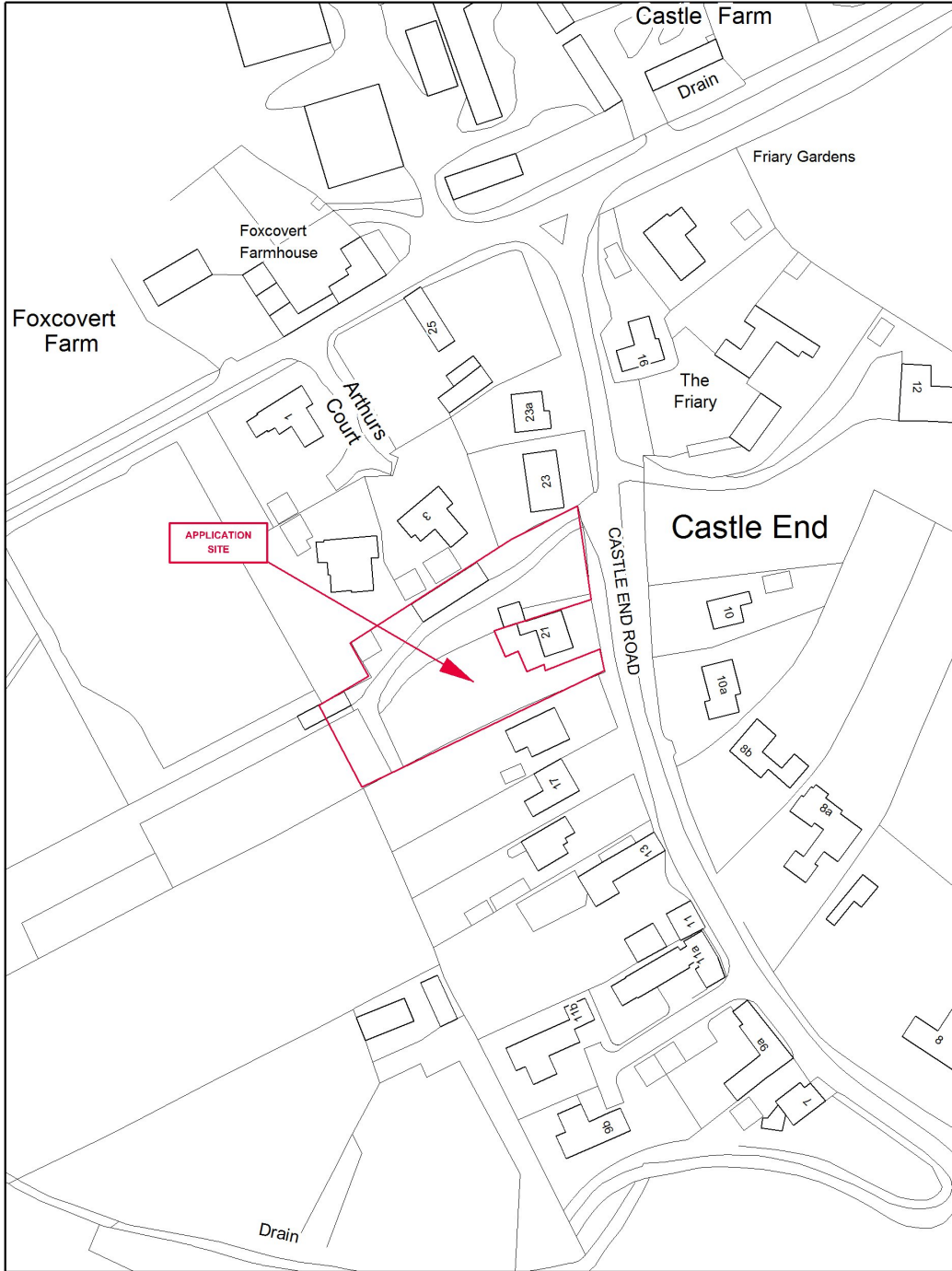
C18 Notwithstanding the provisions of Part 2 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure shall be constructed within the site other than as those expressly authorised by any future planning permission.

Reason: In the interests of the amenity of the area and highway safety, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012).

C19 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the Peterborough Core Strategy DPD (2011).

Copies to Councillors: J Holdich OBE, D Lamb



**LOCATION PLAN 14/01833/FUL**  
 21 Castle End Road, Maxey, Peterborough, PE6 9EP

**Scale** NTS    **Date** 20/3/2015    **Name** AA    **Department** Planning Services

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**PCC GIS**

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**Application Ref:** 14/01833/FUL

**Proposal:** Demolition of existing garage and outbuilding and construction of three detached dwellings and garages

**Site:** 21 Castle End Road, Maxey, Peterborough, PE6 9EP

**Applicant:** West End Ventures

**Agent:** Mr Shayne Andrews  
S Andrews Design & Architecture Ltd

**Referred by:** Cllr Hiller

**Reason:** Due to level of local objection/interest in the application

**Site visit:** 22.01.2015

**Case officer:** Mrs J MacLennan

**Telephone No.** 01733 454438

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

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

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

### Site and surroundings

The site is approximately 0.29ha and is situated on the western side of Castle End Road and within the Maxey Conservation Area boundary. The site was part of a former coal yard and is currently vacant. The site has a frontage of 41m in width and a two storey detached dwelling occupies the south eastern corner fronting the street (no 21 Castle End Road) and there is an existing access to the north of the dwelling. The site extends approximately 76m rearwards. There is an outbuilding situated along the northern boundary beyond which is a relatively new development – Arthurs Court. The rear of the site is overgrown and there are a number of mature trees/shrubs. The site is enclosed partially by fences and overgrown vegetation. The western boundary abuts a paddock (also owned by the applicant) and the open countryside. The surrounding development is residential in character comprising properties of varied designs and age. Directly to the south is a detached bungalow and to the north is a detached two storey dwelling.

### Proposal

The application seeks approval for 3 detached dwellings. Plot 1 is a 4 bed one and a half storey detached dwelling situated on land fronting Castle End Road between no. 21 and no. 23. Plot 1 has an independent access off Castle End Road (existing access) leading to a detached garage situated close to the northern boundary. Plot 2 is a 4 bed one and a half storey detached dwelling and would be positioned 16m to the rear of the host dwelling at no. 21, fronting the south of the site. Plot 2 would have a double garage within a combined triple garage block; the single garage would serve the host dwelling at no. 21. The garage block would straddle the boundary between Plot 2 and no. 21. Plot 3 is a 4 bed detached one and a half storey dwelling and would be positioned to the rear of Plot 2. Plot 3 would have a double garage with first floor storage. The garage would be positioned to the west of Plot 3. A new access would be created to the south of no. 21 and would serve no 21, plot 2 and plot 3.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/01052/OUT	Proposed erection of three new dwellings with associated garaging and parking with private amenity spaces all to the side and rear of 21 Castle End Road Maxey	Withdrawn	26/08/2014

## **3 Planning Policy**

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

### **National Planning Policy Framework (2012)**

#### **Section 6 - Residential Development in the Open Countryside**

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

#### **Section 7 - Good Design**

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

#### **Section 12 - Conservation of Heritage Assets**

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

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

### **Peterborough Core Strategy DPD (2011)**

#### **CS02 - Spatial Strategy for the Location of Residential Development**

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

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

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

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

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

#### **CS14 - Transport**

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

### **CS16 - Urban Design and the Public Realm**

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

### **CS17 - The Historic Environment**

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

### **CS21 - Biodiversity and Geological Conservation**

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

## **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

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

### **PP03 - Impacts of New Development**

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

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

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

### **PP12 - The Transport Implications of Development**

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

### **PP13 - Parking Standards**

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

### **PP16 - The Landscaping and Biodiversity Implications of Development**

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

## **Material Planning Considerations**

### **Maxey Conservation Area Appraisal Report and Management Plan - 2007**

## **4 Consultations/Representations**

**Archaeological Officer** – No objections - The proposed development site is located approximately 100m to the south of Maxey castle, a scheduled medieval moated site - Scheduled Monument. In 1999 investigations carried out at Maxey Coal Yard, immediately to the west of the proposed development site, produced evidence for Saxon, Medieval and post-medieval occupation. Similarly, an evaluation conducted in 2003 at Willow Brook Farm Yard, to the south, suggested occupation from the Late Saxon period to the early post-medieval period. The available evidence would indicate that the site has high potential for the presence of early medieval and later remains. The known land use would suggest that, if present, these remains, survive in good conditions of preservation. Recommends a programme of archaeological work (trial trenching) is secured by

condition

**Building Control Manager** - Building regulations approval required.

**PCC Transport & Engineering Services** – Recommend refusal – The proposed development does not provide adequate space within the curtilage of the site to provide the required 2m x 2m vehicle to pedestrian visibility splays on either side of the access which is detrimental to highway safety. The splays are located within the adjacent highway verge which is highway land. This is not acceptable.

**PCC S106 Planning Obligations Officer** - Due to the recent change in Government guidance no POIS contribution is sought.

**PCC Conservation Officer** – No objections - The principle of a dwelling to the front of the site would be to the advantage of the street scene. An infill building to the north side of no 21, of very modest scale, appropriately designed, of traditional materials, and positioned slightly forward of no. 21, partly across the gable of no. 23 would add to the street scene and diminish the 'end stop' effect of the gable. The proposed building to plot 1 has the required modest footprint which achieves more space around the building and visually less dominant in relation to the width of the plot. The building to plot 1 is of traditional 1½ storey cottage style with an 'L' shape form, with a small single garage. A hierarchy of rear elements is a common form. The rear elements will not be readily visible from Castle End Road. The position of nos. 21 and 23 will further limit views. Overall views of the rear element will not 'detract the eye from the core building in the street scene. Subject to some minor changes, which can be dealt with by condition including a traditional style rooflight to plot 1, changes to the material used in the external chimney to either brick or stone, materials to the dormers, plot 1 is supported. The south facing dormers to plots 2 and 3 have been removed and these are now supported.

From a heritage consideration the proposed development can be supported with the minor changes. It is considered that the new building to plot 1 will improve the street scene in this part of the Maxey Conservation Area.

**PCC Minerals And Waste Officer (Policy)** - No objections - Although the western tip of the proposed site falls within a Mineral Safeguarding Area for sand and gravel (Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS26) there are no objections to the proposed development.

**Landscape Officer** – No objections - The site is within Maxey Conservation Area but there are no Tree Preservation Orders. No arboricultural information supports the application. Within the site boundary are various low value trees that do not pose a serious constraint to development. There are Ash trees on the western boundary which may or may not be affected by a proposed garage nearby. In addition there are offsite trees on the southern boundary whose roots may or may not be affected by the construction of the new gravel drive. In principle there are no arboricultural objections to the proposal so long as the retained trees are adequately protected. There is likely to be minimal impact on the retained trees. Recommends a landscape and a tree protection condition.

**PCC Wildlife Officer** – No objections - The proposal involves the removal of vegetation which may support nesting birds. An informative should be appended to the decision. To mitigate for the loss of potential nesting habitat, a range of nesting boxes should be installed that cater for a number of different species such as House Sparrow, Starling & Swift, as well as bat roosting features. Details should be secured by condition. There was no evidence of badger setts within the application boundary, however there is suitable badger habitat and potential for setts to be present within the dense vegetation immediately west of the site. It is recommended that construction trenches are covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped. This may be secured via a suitably worded condition. The proposed hedgerow planting is welcomed. The habitats immediately to the west of the site are likely to



support foraging bat species. External lighting should be designed to be sensitive to bats.

**Maxey Parish Council** – The Parish Council is aware of the comments and suggestions made the local residents and they are endorsed by MPC. The councillors made a site visit and were concerned primarily about the size and position of Plot 1 with windows on the north looking into the neighbouring property. The council is also concerned that the access is safe. Please ensure that the views of the residents are taken into account. Also please ensure that all site traffic is contained within the site unlike 71 High Street Maxey.

**Welland & Deeping Internal Drainage Board** - No comments received

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

Initial consultations: 13

Total number of responses: 10

Total number of objections: 8

Total number in support: 0

10 letters have been received from 5 neighbouring occupiers raising the following issues:

- A site visit should be undertaken by the Planning Officer, Conservation Officer, Cllr Hiller, Parish Council and all residents likely to be affected by the proposal
- There are inconsistencies in the plans and information submitted. *Officer response: There were inconsistencies in the information as originally submitted. These have now been corrected.*
- No consistency of materials in the plots with developments in Maxey. All materials should be light stone
- The photos submitted with the application are old and do not reflect what is on site
- The dwellings should be one and a half storey in height and below the ridge of 23 Castle End Road and Arthurs Court
- The site is being overdeveloped
- The 'Maxey Conservation Area Appraisal' states that there will be presumption against "further subdivision of frontage plots along Castle End Road, or development on existing rear gardens."
- The development is not sufficient to overcome the presumption against development. It will cause harm to neighbours and it will not preserve or enhance the character or appearance of the conservation area
- The position of an additional entrance and demolition of part of the wall would not appear to preserve or enhance the area or the road
- Reference is made to Arthur's Court which was built before the area gained conservation status. This is a more self-contained and spacious development, serviced by a single road
- Concern that this infill development may actually have a negative impact, proving to be out of scale, and an unsympathetic and incongruous overdevelopment in the road
- Fir trees have been removed to the left of 21 Castle End Road - was permission granted? *Officer response: There is no planning history for their removal*
- Plot 1 will overlook 3 Arthurs Court and 23 Castle End Road
- The driveway to plot 1 has been moved closer to 23 Castle End Road which will be a noise detriment and will result in a safety issue
- Plot 1 will cause loss of sun to the garden of 23 Castle End Road
- Plot 1 does not accord with the Conservation Area Plan
- The footprint to plot 1 should be the same as 10 Castle End Road
- The depth of plot 1 will be clearly visible from Castle End Road and would not respect surrounding development
- The north and south facing windows to plot 1 may adversely affect the amenity and privacy neighbouring properties
- Any windows on the rear extension of Plot 1 that face north towards 23 Castle End Road and 3 Arthur's Court should only be roof-lights or Velux window and must feature obscure glass

- The rear element of plot 1 has not been reduced
- Reference is made to windows in 23 Castle End Road that overlook 3 Arthurs Court, this is entirely irrelevant
- The scale and height of the proposed properties would lead to overlooking of our property and garden which would be to the detriment of our amenity and contrary to policy PP3.
- Restrictions be placed on the height of trees/shrubs in the garden of Plot 1 to prevent loss of light however the existing elder/ivy provides privacy
- The height of the proposed buildings should not exceed that of no 19.
- Plots 2 and 3 would cause harm of the amenity of neighbouring properties. The increased height of plot 2 is of particular concern
- There would be loss of privacy, noise disturbance and potential loss of light
- There is a threat to wildlife, particularly bats, located in the vegetation to the north of the site and there is a colony of bats in the garden of 23 Castle End Road
- The positioning of the garage for Plot 1 is too close to bat colony which lives in the large amount of ivy that surrounds the telegraph pole
- The height of shrubs (Elder and Ivy) should be retained on the boundary to 23 Castle End Road to preserve privacy
- We submit the Tree Officer should be asked to reconsider his report and what conditions might be made to retain this screening and reduce the overlooking problem which is made much of elsewhere.
- It seem possible that the bats in the area are hibernating and rooting in the existing garage for which there is an application to demolish. It is insufficient protection to this species to simply provide nesting boxes, but proper provision needs to be made to re-house the bat colony. The Wildlife Officer should reconsider the report
- The removal of hedgerow would be to the detriment of our amenity and contrary to policy PP16.
- There will be noise and disruption during the build. *Officer response: It is likely that there will be some disruption however, an informative would be appended to the decision notice advising of reasonable working hours*
- Strict limits on building, deliveries and vehicular movements. *Officer response: A construction management plan shall be secured by condition.*
- Concern that the road infrastructure is not sufficient to deal with any more traffic along Castle End Road, in terms of lack of footpaths and width of road
- Building more houses without road improvements will cause accidents, particularly with large vehicles/heavy machinery using the road during construction
- Only one entrance is necessary to serve the development
- If there are to be 2 access points the access to plot 1 should be to the left of the existing gates where the existing track is to avoid nuisance
- Locating the drive for Plot 1 so close to 23 Castle End Road means that access onto Castle End Road is even more obscured that at present and we have previously submitted photographs showing this, which apparently have been ignored
- Highway Services should be able to comment on the concerns of highway safety regarding the access to plot 1
- All driveways should be tarmacked
- Archaeology needs to be considered as there have been Roman, Saxon and Medieval remains
- The current electricity supply appears to run from west to east along the northern boundary via aerial cables and on poles. The opportunity should be taken replace this with underground cables in keeping with the conservation plan. *Officer response: This is not a planning matter. The developer will need to contact utility provider.*
- The Council has chosen not to liaise directly with us or involve us in any dialogue in respect of the Application. *Officer response: The Local Planning Authority has undertaken consultation with all neighbouring occupiers on receipt of the application and on receipt of revised plans*
- The site has not been viewed from our premises at no 23 and we consider this unacceptable.
- Neither the developers, nor their design advisers have consulted or contacted us about their plans, despite the fact that they say they have stipulated that the detriments to neighbours have been taken into account. *Officer response: It is unfortunate that contact has not been*

*made with neighbouring occupiers by the developer as this is encouraged by the Local Planning Authority.*

- The agent's letter refers to a list of changes this has have not been disclosed by the Planning Authority, or posted on your website for public comment, which we find unacceptable.
- It is our understanding that the previous owners sold the site on the basis that it would be developed with a few retirement bungalows, not large family home. *Officer response: This is a private legal matter between the interested parties.*
- We have checked the agent's status with the Architects Registration Board and note he is not registered. Acknowledgement of the agent's proper status is of some concern to us. *Officer response: This is not a planning issue.*

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

### a) Background

This is a revised scheme following the withdrawal of a former Outline application (ref. 14/01052/OUT). The Local Planning Authority advised that the application be resubmitted as there was insufficient detail provided regarding the impact of the development on the character and appearance of the Conservation Area.

The application currently under consideration has been amended since the original submission. Several meetings have been held with agent/applicant and the scheme has been discussed at length. Revised plans were submitted in December 2014, however no consultations were undertaken with neighbouring occupiers as the scheme was not acceptable to officers of the Local Planning Authority.

Further changes were then made and so consultations were then undertaken. It was brought to the attention of the Planning Officer that a list provided by the agent identifying the changes was not accessible on the website. This was corrected and the information made available.

Further amended plans have been received showing minor changes to the scheme. Neighbour have been notified and neighbour comments will be provided as an update to committee.

### b) The Principle of development

The site lies within the village settlement boundary of Maxey where the principle of infill development is supported under policy CS1 of the Adopted Peterborough Core Strategy DPD. The site also lies within the Maxey Conservation Area boundary. Paragraph 132 of the National Planning Policy Framework (2012) states 'great weight' should be given to the objective of conserving designated assets. Policy CS17 advises that the council will protect, conserve or enhance the historic environment. Reference is also made to the Maxey Conservation Area Appraisal which states that 'There will be a presumption against development within the following plots within the village envelopes: ... further sub division of frontage plots along High Street, West End Road, Castle End Road and Mill Road'. It is considered however, that a new building positioned slightly forward of no. 21 and partly across the gable of no. 23 has the potential to add positively to the street scene. This is because the view from the south towards the site is rather dominated by the gable of no. 23 and this with the curve of the road creates a visual 'end stop effect. The principle of a small building footprint with appropriate composition which achieves a sense of space would be acceptable in this instance.

In addition the development of two buildings to the rear of the site would appear feasible in the context of the backland development that has taken place at Arthurs Court and the established pattern of the area.

It is considered therefore that the principle of the development would provide an enhancement to the character and appearance of the street scene and the Conservation Area as a whole and subject to the proposal according with other relevant planning policy and material considerations

the proposal accords with policies CS1 and CS17 of the Adopted Peterborough Core Strategy and the NPPF.

c) Impact on the Character and Appearance of the Conservation Area

**Plot 1:** The building to plot 1 is of traditional 1½ storey cottage style with an 'L' shape form. The core building has a rectangular footprint 10.1 x 6.4m and three bay frontage. The building has additive rear elements including a two storey element which has been amended to a height of 0.2m below ridge height of the core building. There is also a rear single storey element with a mono pitched roof and it was originally requested that the agent amend the roof to a dual pitched roof. The agent was reluctant to change the roof design as this would have increased the overall bulk of the building having a less subservient appearance. This view is accepted and the mono pitch roof has been retained. The plans as originally submitted showed a rear projection of 7.4m. Given the shallow depth of the core building at 6.4m it was requested that 2m be deleted from the rear projecting element. The amended plans submitted reduce the rear element by 1m. Whilst it is noted that the projection is long, the views of the rear element would be prevented by the positioning of no. 21 and no 23 and therefore its impact on the street scene is minimal. It is considered that a balance has to be made in achieving a design which is in keeping with the style of the typical building forms of the village whilst providing for modern living requirements. It is considered that the amendments provide an adequate subordination in scale to the core building.

Plot 1 would have a rooflight central to the front elevation. The Conservation Officer had requested that this be removed to provide a clean roofscape to the front elevation. However, this is similar to approved scheme at no. 1 High Street, Maxey. The rooflight is therefore accepted subject to the design being of a more traditional style. The drawings have been amended accordingly and the details shall be secured by condition.

The plans as originally submitted proposed an external chimney in red brick. This was not supported. Again, the approved scheme at no. 1 High Street is a similar building and has an external chimney stack. The drawing have been amended indicating the chimney to be in dressed in stone and this is supported.

At the request of the Conservation Officer further changes have been made including the removal of barge boards to the dormers, stone heads replaced in oak, and stone cills replaced with tilted tile. These changes are supported.

It is also suggested that the dormer window to the north elevation is set off the internal face to allow a slight visual separation above the rainwater goods / eaves. The barge board should be omitted in favour of a mortared verge. The gable and side cheeks can have a through coloured lime based render finish.

The proposed materials are appropriate (the proposed stone has actually been used at no. 1 High Street, Maxey). For a small cottage the use of pantile is accepted. The use of triple roll pantiles such as by William Blyth would be appropriate. However, the details of materials shall be secured by condition. Cast iron 'look a like' rainwater good such as those by Brett Martin are appropriate.

It is considered that Plot 1 has a modest footprint, with small single garage to side and does not dominate its plot with adequate space around the building which follows the context of the area.

**Plot 2:** Plot 2 is positioned 30m into the site and would be a one and a half storey building. The building has been revised since the original submission reducing the height of a side element to single storey, the materials of the chimney would match the core building, the overall ridge and eave height has been reduced by 160mm, dormers have been replaced with velux windows to the front elevation and these windows have been repositioned to the east and west first floor elevations. The surfacing to the driveway would be block paved.

The Conservation Officer has requested that the east facing window serving an en-suite should be of a simpler design omitting the heavy lintel and cill detail. The drawings have been amended

accordingly.

**Plot 3:** Plot 3 is a one and a half storey dwelling with a maximum ridge height of 6.8m, reduced by 0.2m from the initial submission. Dormers have been removed from the south elevation and replaced with rooflights. The windows have been added to the first floor side elevations. The chimney has been replaced with a twin lined flue. Revisions have been made regarding the external stairs to the garage serving plot 3 which will be enclosed to remove the potential for overlooking. Re-consultation have been undertaken.

The above changes have been requested and the details will be provided in an update report.

The outline proposed a separate access to no. 21 and this would have formed three access points in the whole frontage. The proposed parking arrangement for no. 21 shares the new access with the plots 2 and 3 to a combined garage and this is supported in terms of limiting openings to the frontage.

It is considered that with the small modifications to the dwellings, from a heritage consideration the proposed development can be supported, and would preserve the character and this part of the Maxey Conservation Area in accordance with policy CS17 of the Adopted Peterborough Core Strategy and the NPPF.

d) Neighbouring Amenity

**Plot 1:** Plot 1 would be positioned approximately 10m from the neighbouring dwelling at no. 23 and a single garage would be sited near to the boundary with this property. A dormer window is proposed within the north elevation which would serve a bathroom and would be obscured glazed, as such there would be no overlooking to property at no. 23. It is also considered that plot 1 would not result in any overbearing impact of loss of light to the occupiers of this property. There is adequate separation to the property at 3 Arthurs Court. It is acknowledged that there is a first floor window within the rear elevation to plot 1, however this would be at an oblique angle to the property at 3 Arthurs Court.

**Plot 2:** Plot 2 would be positioned central to the site and there is a separation distance of some 25m to the property at 3 Arthurs Court. The dormer windows within the south elevation have been replaced with rooflights, however the property would be positioned 17m from the shared boundary with no. 19. The dwelling would not therefore result in any adverse impact on the amenity of neighbouring occupiers in terms of loss of privacy of overbearing impact.

**Plot 3:** Plot 3 would be positioned to the rear of the site and approximately 10m from the shared boundary with no. 19. The dormer window have been replaced with rooflights and the windows have been repositioned in the east and west elevations. There is a back to back distance of 28m to the property at no.2 Arthurs Court. There is a double garage to the west of plot 3 which would have storage in the roofspace which would be served by external stairs. There is some inconsistency with the elevations of the garage and the site plan; the site plan does not show the external stairs. It is considered that the external stairs may result in the perception overlooking to the property at no. 2 Arthurs Court and therefore amended plans enclosing the stairs have been requested. The property a no. 2 Arthurs Court has been reconsulted and the details will be provided in an update report to Committee.

A number of objections have been received from neighbouring occupiers regarding overlooking, loss of sunlight resulting in an adverse impact on the amenity of neighbouring occupiers. A site visit was made by the case officer to the neighbouring property at no. 23. It is acknowledged that there would be a small but acceptable impact on the occupiers of this property due to the presence of plot 1. However it is considered that the separation distances to this property and that of no. 3 Arthurs Court is sufficient to avoid any adverse impact and there are no windows which would result in overlooking.

Concern has also been raised regarding the driveway to plot 1 moving closer to no. 23 and the subsequent noise implications. This is not an unusual relationship and the vehicular movements to and from the site would be significantly reduced by the domestic use compared with the former use of the site.

It is considered that the proposal would not unduly impact upon the amenity of neighbouring occupiers and therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

e) Highway Implications

Concerns have been raised regarding the proposed repositioning of the access closer to the shared boundary with no. 23 Castle End Road and reference is made to the access being blind and therefore a detriment to highway safety. The views of the Local Highways Officer has been sought and the view is that the use of the access by a single dwelling would be much less intensive than the former coal yard. In addition, albeit the access serving plot 1 would be narrowed, it is an existing access over which the Local Highways Authority has no control. The site plan indicates that appropriate vehicle to pedestrian visibility splays are available within the site serving plot 1.

The shared access to the remaining plots is of adequate size and vehicle to vehicle visibility splays measuring 2.4m x 43m are available within the site.

However, it has been requested by the Local Highways Authority that the shared access be relocated to enable vehicle to pedestrian visibility splays to be located within the site. The splays are currently in the grass verge adjacent to the access which is highway land and this is not acceptable to the Local Highways Authority. However, a similar layout has been approved at no. 1A High Street. It is also considered that the grass verge is unlikely to be used by pedestrians who are likely to walk on the road where there is appropriate visibility.

All plots are served with adequate parking provision and the internal dimensions of the garages have been increased in size and can be counted as a parking space.

It is considered that the proposal would not therefore result in any adverse highway implications and the proposal accords with policy CS14 of the Adopted Peterborough Core Strategy DPD and Policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

f) Residential Amenity

The dwellings would provide a satisfactory level of accommodation for the future occupiers. The dwellings would be served by natural light, would provide a good level of amenity in terms of privacy and a large enclosed garden area. Each dwelling would have space within the site for the parking and turning for several vehicles. The proposal therefore accords with policy PP4 of the Adopted Peterborough Planning Policies DPD.

g) Landscape Implications

The application is not supported with any arboricultural information. The site is within Maxey Conservation Area however, there are no Tree Preservation Orders on the site. The rear of the site is overgrown and contains a number of shrubs and trees. The Tree Officer considers the trees to be of low value and do not pose a serious constraint to development. There are however Ash trees on the western boundary which may be affected by the proposed garage to plot 3; and offsite trees on the southern boundary may be affected by the construction of the driveway. It is recommended that a Tree Protection condition is appended to any grant of planning consent.

A Landscaping condition would be appended to the decision notice requiring details of additional planting. This will include details of the retained elder/ivy to the northern boundary or an

appropriate replacement. A hedgerow planting scheme to be formed of blackthorn and hawthorn plants is proposed.

The revised drawings confirm that the hedge along the boundary of no. 19 and no. 21 shall be retained.

It is considered that the proposal would not result in the loss of trees/shrubs which provide a positive amenity benefit and an appropriate landscaping scheme shall be secured by condition. Hence the proposal accords with policy PP16 of the Adopted Peterborough Planning Policies DPD.

#### h) Ecology

The Wildlife Officer has assessed the information submitted and raises no objection in principle to the development. As the proposal involves the removal of trees/shrubs that may support nesting birds construction works should avoid the months between March and August. It is recommended that to mitigate the loss of potential nesting habitat a range of nesting boxes are installed that cater for a number of different species including House Sparrow, Starling & Swift, as well as bat roosting features. Details regarding numbers, designs and locations would be secured by condition. In addition the use of native tree and shrub species would be welcomed within the Landscaping scheme.

The Wildlife Officer is satisfied that there is no evidence of badger setts within the application boundary, however, there is suitable badger habitat and potential for setts to be present within the dense vegetation immediately west of the site. As a precaution all construction trenches should be covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped.

In addition, the habitats immediately to the west of the site are likely to support foraging bat species. Therefore details of external lighting will need to be agreed and the design should be sensitive to bats by reducing light spillage by use of directional lighting etc.

Concerns have been raised by neighbouring occupiers regarding the position of the garage to plot 1 and its proximity at bat colony which lives in a dense ivy along the northern boundary with number 21 Castle End Road. The neighbour is surprised that the Wildlife Officer has made no reference to this. The Wildlife Officer is satisfied that the ivy is unlikely to support roosting bats as it doesn't provide suitable roosting features. Bats may well be roosting in the vicinity, for example in nearby buildings or suitable mature trees and therefore may be seen feeding around this ivy, however, the Wildlife Officer considers that by cutting the ivy back this would not negatively affect bats. It would be preferable to retain this ivy if possible as ivy is valuable to insects as a nectar resource.

It is therefore considered that the proposal would not result in harm to protected species and would make provision for the enhancement of biodiversity within the site.

#### i) Archaeology

Former investigations carried out in 1999 at Maxey Coal Yard, immediately to the west of the proposed development site, produced evidence for Saxon, Medieval and post-medieval occupation. Similarly, an evaluation conducted in 2003 at Willow Brook Farm Yard, to the south, suggested occupation from the Late Saxon period to the early post-medieval period. The available evidence would indicate that the site has high potential for the presence of early medieval and later remains. The known land use would suggest that, if present, these remains would survive in a good condition of preservation. Therefore in accordance with CS17 of the Adopted Peterborough Core Strategy DPD the Archaeologist recommends a programme of archaeological work (trial trenching) is secured by condition.

j) Flood Risk

The site is not located within a flood plain and is highlighted as a 'low probability' of flooding according to Environment Agency's Flood Zone Map. The annual probability of flooding from fluvial/tidal sources is less than 0.1%. Accordingly and because the site is less than 1 hectare, a Flood Risk Assessment is not required to accompany this application.

k) S106

The development would give rise to an additional burden on the services and infrastructure of the City Council. In accordance with policy CS13 of the Adopted Peterborough Core Strategy DPD and the Planning Obligations Implementation Strategy (POIS) a S106 pooled contribution would be required for each dwelling. However, following a written statement from the Department for Communities and Local Government on 28 Nov 2014 advising that tariff style contributions for small scale development of 10 dwellings or less or with a combined floor area of less than 1,000m<sup>2</sup> should no longer be sought. The Council is content with this position and we are in agreement that we can't seek a S106 contribution.

l) Environment Capital

In accordance with policy CS10 of the Adopted Peterborough Core Strategy DPD a condition would be appended to any grant of consent requiring the development to meet at least a 10% improvement on the Target Emission Rates set by the Building Regulations.

## **6 Conclusions**

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

- The site is located within the village boundary of Maxey where the principle of a small scale windfall site is acceptable;
- The development would enhance the character and appearance of this part of the Conservation Area;
- The proposal would not unduly impact upon the amenity of neighbouring occupiers;
- The proposal would not result in any adverse highway implications;
- The proposal would not result in the loss of trees which add positively to the visual amenity of the area; and
- The proposal would not result in harm to protected species and would make provision for the enhancement of biodiversity within the site.

The proposal therefore accords with policies CS1, CS2, CS10, CS14, CS16, CS17, CS21 of the Adopted Peterborough Core Strategy DPD, policies PP1, PP2, PP3, PP4, PP12, PP13 and PP16 of the Adopted Peterborough Planning Policies DPD and the NPPF.

## **7 Recommendation**

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

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

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



- C 2 No development shall take place until details of the materials to be used in the external surfaces of the dwellings hereby approved 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 CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 3 Notwithstanding the details hereby approved, the scheme for the provision of additional biodiversity enhancements to achieve a net gain of biodiversity; for example the inclusion of a range of bird boxes to cater for a number of species including House Sparrow, Starling, House Martin & Swift as well as bat roosting features and the planting of a range of appropriate native tree and shrub species shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details during the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

Reason: In the interests of the enhancement of biodiversity in accordance with Policy PP16 of the Adopted Peterborough Planning Policies DPD and Policy CS21 of the adopted Peterborough Core Strategy DPD.

- C 4 All construction trenches shall be covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped.

Reason: In order to avoid harm to protected species and in accordance with policy CS21 of the Adopted Peterborough Core Strategy DPD.

- C 5 No lighting shall be erected unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the lighting is designed to be sensitive to bats by reducing light spillage by use of directional lighting etc. in accordance with policy CS21 of the Adopted Peterborough Core Strategy DPD.

- C 6 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

- C 7 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier

The scheme shall include the following details

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting

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

- C 8 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

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

- C 9 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a Tree Survey has been undertaken of the trees within influencing distance of the western and southern boundaries of the application site and a Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology has been submitted to and agreed in writing with the Local Planning Authority that identifies (not exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees affected by the proposal;
- Details of all Root Protection Area infringement during the demolition, construction and landscaping phases with details on how the impact will be minimised. Method Statements will be required for all demolition activities within Root Protection Areas;
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

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

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

- C10 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C11 The external chimney flue to Plot 3 shall be finished in black and shall be retained as such in perpetuity.

Reason: In order to protect the character and appearance of the conservation area and in accordance with policy CS17 of the Adopted Peterborough Core Strategy DPD.

- C12 Before the development hereby permitted is first occupied, the proposed dormer window within the first floor north elevation of plot 1 serving the bathroom; the first floor window within the east elevation to plot 2 serving the en-suite and the first floor window within the east elevation of Plot 3 serving the en-suite shall be obscure glazed to level 3, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C13 Notwithstanding the details hereby approved a drawing showing the position of a refuse collect point, close to the public highway will be submitted to and approved in writing by the Local Planning Authority. The collection point shall be provided in accordance with the approved details prior to the development being occupied.

Reason: In the interests of amenity and in accordance with policies PP2, PP2 and PP4 of the Adopted Peterborough Planning Policies DPD.

- C14 Surface water shall be disposed of by water of soakaways. If percolation tests show that this would be an inappropriate disposal method, then the development should be built in accordance with alternative details that have been submitted to and approved the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding and in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD.

- C15 The manufacture details of windows, dormer windows, rooflights and doors shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details.

Reason: In order to protect the character and appearance of the conservation area and in accordance with policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD (2011).

- C16 The rooflight to the front elevation to plot 1 shall be of traditional style in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

Reason: In order to protect the character and appearance of the conservation area and in accordance with policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD (2011).

- C17 Notwithstanding the submitted plans hereby approved, rainwater goods shall be cast iron or aluminium (or replica), finished black with half round gutters and set on rise-and-fall brackets (or fixed to rafter feet) the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any rainwater goods. The approved rainwater goods shall be retained as such thereafter.

Reason: In order to preserve the special architectural and historic character of the in accordance with the provisions of the Town and Country Planning (Listed Buildings and

Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C18 Prior to occupation of development the spaces shown on the approved drawing shall be laid out for vehicles to park and turn clear of the public highway and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

- C19 Prior to occupation of development hereby permitted the vehicle to vehicle visibility splays of the following dimensions 2.4m x 43m on both sides of the new access shown on the approved plan shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2.4m x 43m measured from and along respectively the channel line of the carriageway.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C20 The new access shall be constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C21 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.

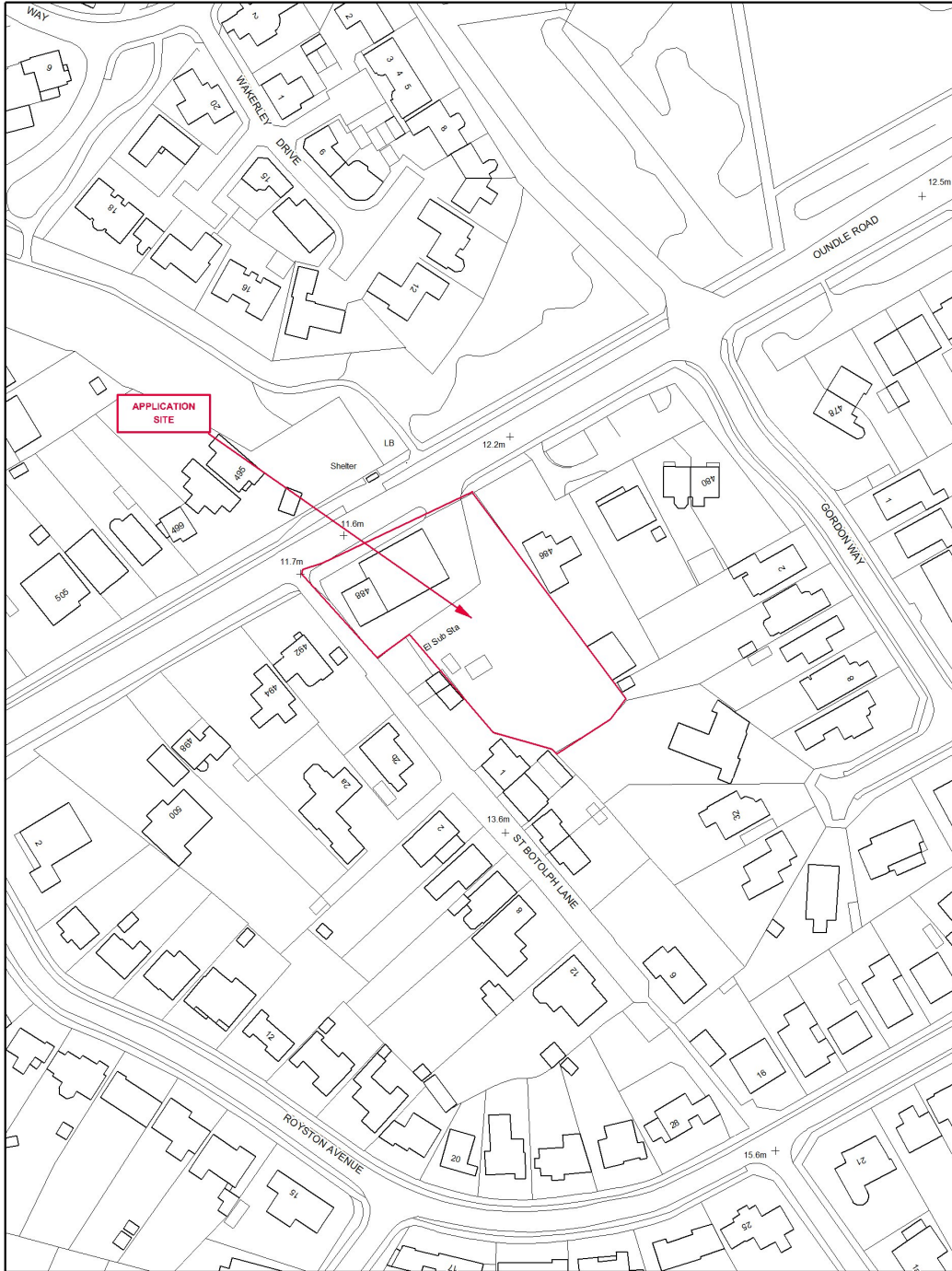
Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C22 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site proposals plan PP/010/Rev C
- Proposed Plot 1 PP/001/Rev C
- Proposed Plot 2 PP/002 Rev C
- Proposed Plot 3 PP/003/Rev B
- Plot 1 garage plans PP/010
- Plot 2 and no 21 garage plans Two/21
- Plot 3 Garage Details Rev B

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

Copies to Councillors: P Hiller



**LOCATION PLAN 14/02171/FUL**  
 490 Oundle Road, Orton Longueville, Peterborough, PE2 7DF

**Scale** NTS    **Date** 20/3/2015    **Name** AA    **Department** Planning Services

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**PCC GIS**

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**Application Ref:** 14/02171/FUL

**Proposal:** Demolition of existing buildings and erection of a new convenience food store (Class A1), three detached residential properties, car parking, landscaping and associated works

**Site:** 490 Oundle Road, Orton Longueville, Peterborough, PE2 7DF

**Applicant:** Tillbridge Developments LLP/Optima (Cambridge) Limited/Mark Philip Basford/John Edmund Paylor

**Agent:** Miss Jennifer Hill, Nathaniel Lichfield & Partners

**Referred by:** **Councillors North and Seaton**

**Reason:** Harm to neighbour amenity, overdevelopment and various traffic issues

**Site visit:** 29.12.2014

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

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

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

### **Site and Surroundings**

The application site comprises two separate planning units: to the front a former petrol filling station and to the rear a former residential site.

The former petrol filling station has been used over recent years for various authorised and unauthorised uses such as car sales. The frontage of this is approximately 44 metres, and it extends rearwards (south-east) by approximately 24 metres. There is an existing hard surface, with the former petrol station building and canopy still in place albeit the pumps have been removed. In terms of vehicular access, there are two separate dropped kerbs onto Oundle Road.

To the east of the former filling station is an area approximately 4 metres in width. This is part of the former residential site that has been unoccupied for many years - the dwellinghouse has long been demolished and the site is overgrown. Within this site there are a number of protected trees and the site is surrounded by residential dwellings to both sides and the rear. It is unclear from the present site conditions as to where the vehicular access to the site is taken from.

Overall, the combined site is approximately 46 metres in width along Oundle Road, narrowing unevenly to 20 metres at its rear-most extent. The depth of the site extends to roughly 68 metres.

The surrounding area is predominantly residential in character. The western boundary is staggered and the first 25 metres is bound by St Botolph Lane. This Lane is a cul-de-sac private road for vehicles with a right of way for pedestrians and cyclists onto a footway at the end leading to the wider residential area beyond and a small local centre. The remainder of the western boundary is set in behind an electricity substation, some garages, and a dwelling which all face onto St Botolph Lane. The dwelling is No.1 St Botolph Lane, and the rear boundary of this runs along the side boundary of the application site for about 24 metres.

To the east of the site, is No.486 Oundle Road (also known as No.488). This property comprises a large detached residential dwellinghouse which is set back approximately 16 metres from the back

edge of the highway. This property runs along most of the eastern boundary to the application site, apart from 5 metres at the rear-most extend which is formed by the garden to No.4 Gordon Way.

The rear boundary of the application site is formed by the garden to No.33 Latham Avenue with the neighbouring dwellinghouse situated approximately 16 metres from the boundary.

### **Proposal**

The application seeks planning permission for the demolition of the existing former petrol filling station building and canopy on the site and the construction of a new foodstore (Use Class A1 (retail)), three detached residential dwellings, access/turning, car parking and associated landscaping.

It should be noted that there is a long planning history on the site and this will be discussed in more detail in Section 5 of this report below.

This proposal is a revised scheme following a dismissed appeal in May 2014.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/00345/FUL	Demolition of existing buildings and erection of a new foodstore (Class A1), four detached residential properties, car parking, landscaping and associated works. A new vehicular access will be created off Oundle Road to service the convenience store	Refused	27/05/2014
13/00374/FUL	Change of use to hand car-wash facility	Refused	08/05/2013
12/01812/FUL	Construction of 14 x two-bedroom apartments with associated car parking and amenity space	Withdrawn	14/02/2013
11/00463/FUL	Change of use from petrol filling station to hand car wash facility	Refused	25/05/2011
11/00105/FUL	Demolition of former petrol station and erection of an 8 pump petrol station and single storey A1 (convenience goods) retail unit with ancillary car parking provision for 15 vehicles (including 1 disabled car parking bay), alterations to existing pedestrian crossover	Refused	22/03/2011
10/01270/FUL	Demolition of former petrol filling station and erection of 8 pump petrol station and single storey A1 (convenience goods) retail unit with ancillary car parking provision for 15 vehicles with alterations of existing pedestrian crossover	Refused	05/11/2010
07/01490/FUL	Five two-bedroom town houses and 12 two-bedroom apartments	Refused	04/12/2007
07/01336/FUL	Continued use as car sales	Refused	03/10/2007
06/01083/FUL	Erection of five two-bedroomed dwellings and 12 two bedroom apartments	Refused	20/09/2006
06/00756/FUL	Change of use from petrol filling station to car sales, erection of metal railing boundary fence - retrospective	Permitted	19/09/2006



06/00232/FUL	Change of use from petrol filling station to car sales and erection of metal boundary fence - retrospective	Withdrawn	21/04/2006
05/02039/FUL	Erection of six two-bedroom dwellings and 12 two-bedroom apartments	Withdrawn	25/04/2006

### **3 Planning Policy**

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

#### **Planning (Listed Building and Conservation Areas) Act 1990**

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

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

#### **National Planning Policy Framework (2012)**

##### **Section 2 - Retail Development Outside Town Centres**

A sequential test should be applied to applications (except in relation to applications for small scale rural offices or other development). Proposals which fail the sequential test or would have an adverse impact should be refused.

##### **Section 4 - Assessment of Transport Implications**

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

##### **Section 7 - Good Design**

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

##### **Section 11 - Natural and Local Environment**

Should be enhanced through the protection and enhancement of valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. New and existing development should not contribute to or be put at unacceptable risk by unacceptable levels of soil, air, water or noise pollution and land instability.

##### **Section 11 - Contamination**

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

##### **Section 11 - Noise**

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

## **Section 12 - Conservation of Heritage Assets**

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

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

### **Peterborough Core Strategy DPD (2011)**

#### **CS02 - Spatial Strategy for the Location of Residential Development**

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

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

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

#### **CS12 - Infrastructure**

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

#### **CS14 - Transport**

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

#### **CS15 - Retail**

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

#### **CS16 - Urban Design and the Public Realm**

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

#### **CS17 - The Historic Environment**

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

#### **CS21 - Biodiversity and Geological Conservation**

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

### **Peterborough Planning Policies DPD (2012)**

#### **PP02 - Design Quality**

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

**PP03 - Impacts of New Development**

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

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

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

**PP09 - Development for Retail and Leisure Uses**

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

**PP11A - (a) Shop Frontages (including signage)**

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

**PP12 - The Transport Implications of Development**

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

**PP13 - Parking Standards**

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

**PP16 - The Landscaping and Biodiversity Implications of Development**

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

**PP17 - Heritage Assets**

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

**PP19 - Habitats and Species of Principal Importance**

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

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

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

**4 Consultations/Representations****PCC Transport & Engineering Services (07.01.15)**

No objections – The Applicants have sought to address the earlier reasons for refusal and appeal dismissal. The level of parking proposed for the retail unit is only 1 space short and this is accepted. The swept-path analysis demonstrates that an 11 metre long vehicle can turn within the site and exit in a forward gear, albeit not to the right. In order to discourage service vehicles parking along the highway, appropriate marking and regulation orders will be required. There are a

number of off-site highways works that will require approval. Given that the Applicants are anticipating significant pedestrian traffic, a safe crossing point shall be required over Oundle Road. These matters could all be dealt with by condition.

**PCC Tree Officer (07.01.15 and 17.02.15)**

No objections – Broadly in agreement with the submitted arboricultural reports however further information is required in respect of tree protection measures. This could be secured through a suitably-worded condition.

**PCC Pollution Team (20.02.15)**

No objections – Request a number of conditions relating to contamination assessment and remediation. In addition, it is recommended that prior to granting permission, it is demonstrated that the plant can be mitigated so as to not result in unacceptable noise disturbance. This could however be dealt with by way of a condition.

**PCC Archaeological Officer (05.01.15)**

No objections – The site is located within an area of known archaeological interest, therefore it is recommended that a scheme of evaluation through trial trenching is secured by condition.

**Cambridgeshire Fire & Rescue Service**

No comments received

**PCC Wildlife Officer (06.01.15)**

No objections – Pleased to note that the application has been accompanied by an Ecological Survey Report and Reptile Survey Report. The surveys indicate that whilst no reptiles are present, there are trees which have potential for bat roosting and evidence of foxes within the site. Request conditions which require pre-development surveys to ensure no harm results to these species. In addition, given that a number of trees/vegetation will be lost which could be used by nesting birds and foraging bats, request the provision of bat and bird boxes to ensure no net loss in biodiversity.

**PCC Conservation Officer (30.12.14)**

No objections – The proposed development would not harm the setting or special interest of the nearby Grade II Listed Building of No.3 St Botolph Lane.

**PCC Rights of Way Officer (07.01.15)**

No objections – Request that the footpath along St Botolph Lane remains clear and unobstructed during the period of construction.

**PCC S106 Planning Obligations Officer (23.12.14)**

The proposed retail unit falls below the size threshold for a POIS contribution and following the revised guidance from Central Government relating to developments of 10 dwellings or fewer and less than 1000sqm of floorspace, no POIS is sought for the dwellings.

**PCC Building Control Manager**

No comments received.

**PCC Waste Management**

No comments received.

**PCC Environmental Health (Food) (23.12.14)**

All food businesses are required to be registered with the Local Authority.

**Orton Longueville Parish Council**

No comments received.

**Nene Valley Nature Improvement Area (NIA)**

No comments received.

### **Ramblers (Central Office)**

No comments received.

### **Peterborough Local Access Forum**

No comments received.

### **Environment Agency (13.01.15)**

No objections – Request that comments relating to 14/00345/FUL are taken into consideration. Those earlier comments requested conditions relating to contamination assessment, remediation of contamination and the presence of any unsuspected contamination.

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

Initial consultations: 39

Total number of responses: 12

Total number of objections: 12

Total number in support: 0

12 objections have been received from local residents on the following grounds:

#### *Parking, access and highway implications*

- The recent installation of a Tesco store at 140 Oundle Road serves to show just how the traffic and pedestrians are affected by its presence. This morning (28th January 2015), at 07:50 there were 3 lorries unloading, 2 of which filled the entire car park and 1 parked on Oundle Road causing congestion. Parents and children were having to run the gauntlet between these vehicles at the start of the school run. This is a brief snapshot of the chaos that a small store brings to a busy road and shows the dangers that the current proposal could instigate.
- The proposal is inadequate in terms of parking/loading/turning of vehicles associated with customers and deliveries. Inadequate parking on-site would lead to parking on Oundle Road or on the verges/pavements, this would be the same for delivery vehicles. This would block the pedestrian footpath and views when exiting St Botolph Lane.
- The generation of traffic and congestion will greatly increase in a section of road that frequently comes to a standstill at 08:00 and 17:00 hours on a weekday and during heavy works on nearby roads when users instead opt to use Oundle Road instead of the parkways.
- A large number of children walk past the site on their way to/from school. Any increase in traffic entering/exiting the site will increase the danger of their commute.
- Houses 1 and 2 would have one parking space in the garage and another in front. This is poor design and unacceptable because if the car in the garage wants to leave first then the car in front has to be moved. To avoid this problem, the houses need to have an additional parking space somewhere near to the house but not in front of the garage.
- The proposal has separate the access between the houses and the convenience store. As a result, the convenience store access is adjacent to St Botolph Lane which means that the traffic to/from the 15 houses in the lane and the numerous pedestrians/cyclists who use the right of way are in danger of colliding with the traffic associated with the convenience store.
- The mouth to St Botolph Lane is narrow with poor visibility. In addition, the traffic along Oundle Road has increased. Although it is a 30mph area, there are incidences of speeding cars. There would be unacceptable risks if the proposal went ahead, particularly at busy times. The west gates to the site have been unused for many years on account of safety problems associated with their use. The Developers claim that only one slight accident has occurred outside the site in the past 5 years but this is because during that time, the site has hardly been used.
- If a convenience store is to be built, a crossing with lights will be needed to avoid casualties among school children.
- Cannot understand the swept path analysis for lorries submitted - it would appear that they are only expected to travel to/from a westerly direction. We do not believe that there will never be a circumstance in which lorries do not wish to leave in an easterly direction. There is no

solution to this and therefore it is unsatisfactory. It would seem that the manoeuvres necessary to turn eastwards would considerably increase the hazards at the approach to the site/St Botolph Lane.

- The two mini roundabouts at the Parkway junction are not ideal for 10+ metre lorries yet this appears to be the route that the Developers have in mind.
- There is nothing to prevent vehicles from the site over-running the mouth to St Botolph Lane, nor users from the Lane crossing the new site entrance. If this layout were to be constructed, St Botolph Lane would need a shared boundary of no more than 1 metre in height, extending 8 metres back from the highway to enhance visibility.
- Concerned regarding staff parking for the retail development. Will there be staff cars causing obstruction of the adjoining roads as there is no on-site staff parking?
- The submitted information is incorrect as it refers to a bus layby opposite the site that is no longer there. This reduces the width of the road opposite the site.
- If the footway is blocked school children will have to walk in the road to get around delivery vehicles/cars which would be dangerous.
- The submitted swept path analysis shows that it would be a difficult manoeuvre for delivery vehicles and the driver would be entirely reliant on there being no obstructions within the car park or at the front of the store. It is clear that when the service vehicle is delivering, it would be unsafe for pedestrians to use the store access.
- An alternative parking spot would be Gordon Way but this would cause traffic congestion along a narrow road and destroy the grass verges.
- There is a housing development opposite the site. People crossing over to use the shop could endanger themselves and be a hazard to drivers.

#### Principle of development

- The erection of a foodstore will be damaging to the area and cause a number of negative effects.
- The submitted information mentions the proximity of the site to other convenience stores in an effort to show that the area is lacking in services. However, it fails to mention the nearby Budgens store on Sugar Way or the Post Office and takeaways on Oakleigh Drive.
- The majority of local residents are affluent middle-aged persons with vehicles. As such, they have no need for a 'conveniently located store'.
- If the Oakleigh Drive shop was forced to close then the community would lose their Post Office.
- Constructing another shop in the area will dilute the trade to existing shops. With smaller income, it will affect their viability so that they become less attractive or close down. That will not benefit the community.

#### Neighbour amenity

- There will be an increase in noise and disturbance from the use of the site as a foodstore.
- Noise and disturbance will result to residents from the shop and associated customer/staff/delivery vehicles using the car park.
- The sole service entrance to the retail unit would be very close to No.488 Oundle Road. The noise resulting from delivery vehicle manoeuvres would cause an unacceptable disturbance, contrary to Policy PP3.
- The proximity of the bin store of the retail unit means that there would be an unacceptable increase in the level of noise pollution and that this noise is likely to occur at times of the day when there is a reasonable expectation of peace and quiet (particularly in the early morning or late at night).
- The design and orientation of the residential layout is such that Plot 3 will adversely impact on the privacy and amenity of No.488 Oundle Road with views into the garden and first floor.
- The submitted plans do not show the extension built on our property (No.33 Latham Avenue) which brings our property closer to the site boundary. The proposal would be set only 20 metres from our ground floor bedroom and only 5-6 metres from our garden boundary meaning we will be overlooked by Plot 3.

#### Design and appearance

- The surrounding area is residential and the proposed design does not fit in with surrounding buildings. The submitted illustration for the foodstore does not represent the surrounding townscape.
- The junction for the food store should be away from the entrance to St Botolph Lane as it will cause a lot of traffic. Existing residents already struggle to get on to the main road.

#### Trees and landscaping

- Regretted that two TPO trees (Copper Beeches) are to be felled. These trees can clearly be seen from Oundle Road and have an important role in uniting the Beeches with other trees to the east. Their removal would leave a large gap in the tree line. The Red Horse Chestnut, standing to the west corner of the site (next to St Botolph Lane) makes a very positive landscape statement, echoing the powerful statement made by the Copper Beech at the eastern end. This effect would be substantially undermined by the proposed replacement which is of far less visual weight.
- It is to be hoped that more Silver Birch trees will be planted across the site to replace the trees removed. This would maintain the theme of the existing planting.

#### Contamination

- It appears that the fuel tanks from the petrol station will be left in the ground. This is unsatisfactory because they could eventually disintegrate and cause ground collapse above.

#### Other matters / comments

- At the Appeal hearing relating to 14/00345/FUL, which was rejected, I (Councillor Allen) stated that the best solution would be to have two large houses with double garages on the site. This comment still applies.
- Boundary dispute regarding encroachment over the public highway.
- No objections to the building of three detached residential properties however will always strongly object to the building of a new convenience store.
- The shop will cause considerable litter. As St Botolph Lane is private, any rubbish dropped or blown into the road will need to be picked up by residents which is unacceptable.
- Surprised at how little the design and layout of the current proposal has altered following the findings of the inspector under application reference 14/00345/FUL.
- No small general store can survive these days without selling alcohol. There are 2 recreation areas for children nearby and it is understood that the City Council has a policy for not placing such outlets near play areas.

**Councillor N North** - This proposal is a matter of concern within the ward and I would like to see it sent to Committee if Officer's are minded to approve. The reasons given to me by local people relate to overbearing, overdevelopment and various traffic issues.

**Councillor D Seaton** - I would want this application referred to Planning Committee if it progresses.

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

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking, access and highway safety
- Neighbour amenity
- Landscape implications
- Impact upon heritage assets
- Contamination
- Ecology
- Amenity provision for future occupants
- Environment Capital contribution
- Developer contributions

## a) Background and history of the site

The detailed planning history for the site is set out in Section 2 above however in summary, there have been a considerable number of planning applications refused for either residential and/or retail development on the site. The main reasons for refusal related to: impact upon or loss of protected trees; overdevelopment; impact upon neighbour amenity; contamination; and highway safety. The most recent of these refusals relates to a proposal for the construction of a retail foodstore to the front of the site and four detached dwellings to the rear (application reference 14/00345/FUL). This application was refused under delegated powers for the following reasons:

- R1 Insufficient parking provision to meet the needs of customers and staff associated with the proposed retail unit which would result in unsafe parking along the public highway, to the detriment of highway safety.*
- R2 Failure to demonstrate (by way of swept path analysis) that a delivery vehicle can adequately enter, turn, unload and exit the site without being to the detriment of highway safety.*
- R3 Unacceptable levels of overlooking to the neighbouring dwellings of No.486/488 Oundle Road and No.1 St Botolph Lane to the harm of occupants' amenity.*
- R4 Unacceptable level of amenity for future occupants of the proposed units by virtue of overlooking and lack of privacy.*
- R5 Poor design of the side elevation of the proposed retail unit which would be harmful to the character and appearance of the streetscene.*
- R6 Loss of protected trees within the site which would harm the visual amenity of the streetscene.*
- R7 Failure to provide an ecology survey of the site to determine the impact of the proposal upon wildlife and biodiversity.*
- R8 Failure to provide a financial contribution towards the infrastructure demands generated by the development.*

This decision was subsequently appealed and a local hearing was held. The Inspector dismissed the appeal, upholding several of the reasons for refusal (a copy of the appeal decision is attached to this report at Appendix A). The current application has been submitted with amendments to overcome the reasons for refusal given by the Inspector. A more detailed assessment is set out below.

## b) Principle of development

As detailed in Section 1 above, part of the site was formerly a petrol filling station and, whilst it has not been used as such for a number of years, no permanent planning permissions have been granted to alter the lawful use of the site as such. Therefore, there would be no reasonable planning grounds upon which to resist the site re-opening as a petrol filling station. Accordingly, it is accepted that the front portion of the application site has a commercial use and character. On this basis, it is not considered necessary to strictly apply the policies relating to out-of-town retail development, or to require the submission of a sequential test in this respect. Furthermore, given that the proposed floor area of the foodstore falls below the 2,500 sqm threshold set out in adopted local and national policy, there is no requirement for a retail impact assessment to be undertaken. Accordingly, it is considered that the principle of a similar small-scale retail development on the front portion of the site would be appropriate and in keeping with its existing character/use.

Several of the objections received from local residents have raised concerns regarding the need for further convenience retail development, and the impact that a further foodstore would



have upon the viability of other nearby local shops. Within the surrounding area there are two areas which presently provide small convenience-based units - the identified Local Centre at Oakleigh Drive (approximately 600 metres to the rear of the site, accessed via the footway/cycleway along St Botolph Lane) and the Budgens store at Sugar Way (approximately 875 metres to the north-east along Oundle Road). The matter of need is not a material planning consideration in this case, nor is the impact upon nearby units in terms of competition.

With regards to residential development to the rear-most portion of the site, this is already established through the residential dwelling that was previously in situ (albeit no longer standing). The application site is located within a predominantly residential area, with residential dwellings surrounding it. It is well-served by existing services, facilities and public transport and as such, it is considered that it is one of the most preferable locations for infill residential development. On this basis, the principle of residential development on the site is accepted.

In light of the above, it is considered that the principle of a mixed use development on the site comprising a small-scale convenience foodstore and three residential dwellings is acceptable in accordance with Policies CS2 and CS15 of the Peterborough Core Strategy DPD (2011).

### **c) Design and impact upon the character and appearance of the surrounding area**

#### ***Retail unit***

As set out above, one of the reasons for refusal of application reference 14/00345/FUL related to the design of the proposed retail unit and its impact upon the streetscene along Oundle Road. However, the Inspector in determining the associated appeal did not agree with this reason for refusal, stating that given the degree of setback of the unit from the street, the obscuring effect of the front wall and the vegetation at No.488 Oundle Road, along with the scope to require some variation in the side wall's detailing through materials to be secured by condition, the design of the store would not harm the character and appearance of the streetscene. In addition, the Inspector concluded that the form and design of the unit as a whole would not be out of keeping subject to appropriate landscaping and boundary treatments.

The current proposal for the store design is almost identical to that scheme which was considered under application reference 14/00345/FUL. It is noted that a number of objectors have raised concerns with regards to the overall design of the unit and its failure to respect the character of the streetscene. However, given the Inspector's conclusions, the matter of design has been tested and so this element of the proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

#### ***Residential dwellings***

The proposed residential dwellings would be situated to the rear of the site, and would not be readily visible from the public realm. Notwithstanding this, it was raised by the Inspector as part of the recent appeal decision, that the internal layout and design represented a cramped form of development which would detract from the character and appearance of the surrounding area. The current proposal has been revised by reducing the number of residential dwellings proposed from four to three. This has resulted in a more spacious form of development, with increased areas for parking and turning. It is therefore considered that the revised layout has addressed the concerns in this respect.

With regards to the design of the dwellings, it is considered that this would be appropriate within the context of the site. Whilst the proposed dwellings would not be identical to nearby houses, there is no requirement for new infill development to pastiche historic style. It is considered more appropriate for the modern infill dwellings to appear as such, whilst respecting the massing and general form of the locality. The proposal would accord with this

approach, mirroring the materials and form of nearby dwellings. As such, the proposed residential dwellings would not appear incongruous or at odds within the locality and this element of the proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

#### **d) Parking, access and highway safety**

The existing site presently has two vehicular access points, one at each end of the frontage. Historically, these have been used as a separate 'in and out' arrangement associated with the petrol filling station however this was an informal arrangement and not secured through any restrictive planning conditions. Accordingly, these two accesses could have been used by two-way traffic.

The application proposal seeks two separate vehicular accesses onto Oundle Road - one to serve the three residential dwellings and one to serve the car parking/delivery area for the foodstore. In light of the existing site arrangement, the principle of having two separate accesses onto Oundle Road is not unacceptable however due consideration must be given to the highway safety implications of a more intensive use.

##### ***Retail unit***

The objections received from local residents are set out in detail above. It should be noted that in determining the previous appeal (relating to 14/00345/FUL), the Inspector raised concerns in relation to: the introduction of a third access along Oundle Road owing to confusion, congestion and danger for all users; insufficient manoeuvring space within the customer car park and visibility for visiting vehicles; and the unloading of delivery vehicles to the front of the site.

It is proposed for the car parking (both staff and customers) along with parking, turning and unloading for delivery vehicles to use a shared access to the north-western corner of the site. This access would measure 8.2 metres in width and be situated 5.8 metres from the existing access to St Botolph Lane.

Whilst all of the above concerns are noted, the present scheme has been amended and it should be noted that the Local Highway Authority (LHA) has raised no objections to the proposal, subject to the imposition of a number of conditions.

Turning first to the use of the site by delivery vehicles, the Applicant has submitted swept path analysis diagrams to demonstrate the turning availability within the site for delivery vehicles. The submitted diagrams demonstrate that a 10.5 metre delivery vehicle can enter the site, turn and unload clear of the public highway (to the front of the foodstore). Furthermore, the vehicle could then manoeuvre and exit the site in a forward gear, with clear visibility of oncoming pedestrians and vehicles. However, the diagrams do highlight that such a vehicle would not be able to complete a manoeuvre to safely turn right out of the site (in an eastwards direction along Oundle Road) and accordingly, it is considered necessary to impose a condition which prevents this manoeuvre. Additionally, a larger delivery vehicle would not be able to perform the requisite turning and it is also considered necessary to impose a further condition ensuring that no delivery vehicles larger than 10.5 metres in length can visit the site.

With regards to concerns in relation to delivery vehicles parking along Oundle Road for convenience, the LHA has requested a condition to require appropriate markings and regulation orders to prevent loading/unloading along the frontage of the site. It is considered that such a condition would be necessary to discourage any parking along the highway as this would pose an unacceptable danger to highway safety.

Similarly, it is noted that significant concern has been expressed with regards to exacerbation of the present congestion along Oundle Road at peak times (morning and evening) including

conflict with residents wishing to exit St Botolph Lane and school children having to cross the proposed car park access. These concerns are all noted and it is therefore considered appropriate and necessary to impose conditions which both restrict the large delivery vehicles from delivering to the site between the hours of 08:00-10:00 hours and 14:30-18:30 hours and to no more than 9 deliveries per week

With regards to the parking arrangement for customers and staff, the scheme has been revised from the earlier refusal to increase the amount of turning space and number of parking spaces. Based upon the floorspace of the proposed store (302 sqm), the LHA has confirmed that the proposed 11 parking spaces and associated turning area are sufficient to meet the needs of both staff and customers despite being 1 space below adopted parking standards (which are maximums). The previous scheme provided only 8 usable parking spaces however the Inspector did not consider that this was insufficient. Whilst local residents are concerned about insufficient on-site parking and subsequent increased potential for dangerous on-street parking, it is considered that Officer's would be unable to sustain a reason for refusal on this basis given that the scheme accords with the City Council's parking standards.

In terms of conflict with users exiting St Botolph Lane, residents' concerns are noted. However, the access would be set a sufficient distance away and the proposal is not considered likely to generate considerably more traffic than the lawful use of the site as a petrol filling station.

Finally, it is noted that a number of residents have requested that if the scheme were to be approved, a pedestrian crossing be provided on Oundle Road to ensure safe crossing of residents walking to the foodstore. Whilst no formalised signalled pedestrian crossing has found to be required (and the Appeal Inspector did not identify the need for such a crossing), LHA have requested a simple dropped-crossing arrangement with appropriate tactile paving.

On this basis, it is considered that the retail element of the proposal would provide adequate on-site parking and turning, and would not result in any unacceptable impact to the safety of the adjacent public highway. This element of the proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

### ***Residential dwellings***

The proposed residential units would be accessed from a shared driveway (for both vehicles and pedestrians) measuring 5.5 metres in width situated to the north-eastern corner of the site. It is proposed for this access to be private and gated. The LHA has advised that this access width is acceptable as it will allow two vehicles to safely pass with sufficient space for pedestrians. This access will also require adequate vehicle-to-vehicle visibility splays which can readily be secured by condition to ensure that users have clear sight of oncoming pedestrians.

Within the site, the proposal would provide two parking spaces per dwelling along with 2 visitors parking bays. This level of parking provision meets with adopted parking standards and the earlier refused scheme which the Inspector did not consider unacceptable. As such, the residential units would not generate additional demand for on-street parking within the locality. Furthermore, the current scheme has been revised from the previous (14/00345/FUL) to increase the level of hardstanding for turning/manoeuvring. This would ensure that all vehicles can enter the site, turn and exit in a forward gear.

On the basis of the above, the proposed residential units would be provided with adequate access and parking, and would not result in any unacceptable impact to highway safety. This element of the proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

## e) Neighbour amenity

As set out in paragraph (a) above, the previous scheme on the site (reference 14/00345/FUL) was refused at appeal owing to the unacceptable relationship between the proposed dwellings and existing neighbouring dwellings. The current scheme has been amended to address these concerns, set out below.

### **No.488(486) Oundle Road**

Unit 1 would be sited in closest proximity to the shared boundary with No.488(486) Oundle Road, with the front elevation being 16.6 metres away from the rear primary habitable windows of the neighbouring dwelling. This Unit would have no primary habitable windows within the front elevation at first floor, instead there would be only windows to the bathroom, ensuite and dressing room. Accordingly, and subject to a condition which requires these windows to be obscurely glazed and non-opening below a height of 1.7 metres from floor level, there would be no opportunity for overlooking or loss of privacy.

The front elevation of Units 2 and 3 would be sited 19.6 and 20.4 metres respectively from the rear elevation of the No.488/486 Oundle Road and would have primary habitable windows at first floor. It is considered that this level of separation would be adequate so as to prevent an unacceptable level of overlooking to neighbouring occupants.

It is noted that the occupant of this property has raised concerns with regards to noise/general disturbance resulting from the position of the access road and bin collection point. These concerns are noted however in determining the earlier appeal, the Inspector concluded that there was adequate separation and, subject to an appropriate boundary treatment, no undue impact would result.

### **No.1 St Botolph Lane**

Unit 2 would be sited in closest proximity to the shared boundary with No.1 St Botolph Lane, with the rear elevation being 13 metres away from the rear and side primary habitable windows of the neighbouring dwelling. This Unit would have no primary habitable windows within the rear of side elevations at first floor, instead there would be only windows to the bathroom, ensuite, dressing room and landing. Accordingly, and subject to a condition which requires these windows to be obscurely glazed and non-opening below a height of 1.7 metres from floor level, there would be no opportunity for overlooking or loss of privacy. There would be primary habitable windows to bedrooms within the rear roof slope of the Unit however these would be situated more than 1.7 metres above floor level and accordingly, opportunity for direct views out would be severely limited.

With regards to the flat roof rear element of Unit 2 proposed, Officers are concerned about potential future use of this area as a terrace which would result in an unacceptable potential for overlooking. This could be resolved through the removal of permitted development rights for the dwelling to ensure that any fenestration changes are subject to a planning application, thus preventing the installation of doors for access.

### **No.33 Latham Avenue**

Unit 3 would be sited approximately 7.5 metres from the shared boundary with No.33 Latham Avenue and would have primary habitable windows within the facing rear elevation. The separation distance to the rear primary habitable windows of this neighbouring dwelling would stand at approximately 20 metres and this is therefore considered sufficient so as to prevent any undue levels of overlooking or loss of privacy. Whilst it is noted that there would be potential for overlooking of the rear garden area of this neighbouring dwelling, the immediately private outdoor space close to the property would be set a sufficient distance away so as to still be enjoyed. Therefore it is felt that on balance, no unacceptable level of harm would result.

### **Noise and general disturbance**

With regards to noise and general disturbance associated with the proposed retail unit, it is considered that during daytime hours, the proposal is sited a sufficient distance from neighbouring residential properties so as to not result in any unacceptable impact to amenity. However, during those times within which residents would generally expect to experience a quiet level of amenity, noise from delivery vehicles reversing and customers parking / manoeuvring could create an unacceptable disturbance. Therefore it is considered both reasonable and necessary to impose conditions which prevent deliveries and operation of the store between the hours of 22:30 and 07:00 hours.

On the basis of the above, it is considered that the revised scheme has addressed earlier concerns and reasons for refusal, and would not result in any unacceptable level of harm to the amenities of neighbouring occupants. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

#### **f) Landscape implications**

Within the application site there are two groups of trees which are protected by way of Tree Preservation Orders (TPO). The previous scheme on the site was refused as it was proposed to remove a number of these protected trees without robust and sufficient justification which would have an unacceptable impact upon the visual amenity of the streetscene (an important part of which is formed by the visible tree canopies). The current scheme seeks to retain these protected trees in the main. However, two TPO trees are proposed for removal (Silver Birch trees shown as T4 and T5). These trees have been classed as at the end of their lives and dying. The City Council's Tree Officer has agreed with this assessment and raised no objections to their loss.

In terms of works to and surrounding the TPO trees, T1-3 would be subject to a crown lift to the south-western side by 3 metres and T8 and T9 would be subject to a canopy lift of 5 metres to the north-west and 2 metres on all other sides. These works are necessary to facilitate the development. The Tree Officer has raised no objections to this work, nor the encroachment of the bin store and plant area upon the root protection areas. A condition has been requested to ensure that the trees are protected in accordance with best practice and this is considered necessary to protect the key landscape features.

Within the wider site, a number of other trees are proposed to be removed (shown on the submitted plans as T6, 7, 10, 11, 12, 13, G1 and G3). Whilst some of these trees are acknowledged to be good specimens, it is considered that their contribution to the overall amenity of the locality is limited and that the key landscape features are those trees which are subject to formal protection. Accordingly, the loss of these trees is considered acceptable.

To the front of the site, it is noted that concern has been raised from objectors regarding the loss of the Red Horse Chestnut to the north-western corner. This is a category C tree and acknowledged to be of poor structural form. Accordingly, whilst it is an attractive feature of the frontage it is not considered that the proposal for its removal and replacement with an alternative tree would result in unacceptable harm to the streetscene.

On the basis of the above, the proposal would protect those trees of key value to the visual amenity of the locality and as such, is in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

#### **g) Impact upon heritage assets**

To the south-west of the application site is the Grade II Listed Building of No.3 St Botolph Lane. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must pay special regard and afford great weight to the need to preserve or enhance the features for which it has been designated.

By virtue of the layout of the proposed residential scheme (which would be sited closest to the Listed Building), it is considered that although the development would be visible within the setting of the heritage asset (in particular Units 1 and 2), it would not unduly impact upon the value of the setting as the Listed Building would still most strongly be associated with the grain of development along St Botolph Lane. Accordingly, the City Council's Conservation Officer has advised that from a heritage consideration, the proposal would not harm the setting and special interest of the heritage asset.

With regards to undiscovered buried assets, the City Council's Archaeologist has advised that the site falls within an area of known interest for Roman, Anglo-Saxon and medieval periods and remains have been recorded in the vicinity. As such, there is the potential for undiscovered assets to be contained within the site and thorough evaluation by trial trenching should be secured by condition.

On the basis of the above, the proposal would not result in any unacceptable impact to heritage assets and the proposal is therefore in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 128 and 131 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

#### **h) Contamination**

Given that the application site was previously used as a petrol filling station, and that the underground petrol tanks have not yet been removed, it is likely that contamination will be present within the site. To ensure that no harm to human health or ecology results, both the City Council's Pollution Control Officer and the Environment Agency have requested a number of conditions requiring detailed contamination investigation and the submission and implementation of remedial measures. Subject to the imposition of these conditions, the proposal is in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

#### **i) Ecology**

The application has been accompanied by an Ecological Survey Report and Reptile Survey Report which have been accepted by the City Council's Wildlife Officer. Whilst there are no reptiles present within the site, and no direct evidence of bats was found, several of the mature trees do have potential for bat roosting. In light of the proposed works/felling of the trees, the Wildlife Officer has requested that prior to any tree works, a precautionary inspection is carried out by a suitably qualified ecologist. Similarly, evidence of foxes has been found within the site, including tunnels beneath two collapsed sheds. Given that foxes are protected by legislation from being crushed, suffocated etc., the Wildlife Officer requires that suitable measures are employed prior to construction to ensure that there are no large mammals within the earth. Both of these species are protected by virtue of alternative legislation and it is not for the planning system to replicate this. Therefore, it is most appropriate to advise the Developer of their duties through a suitably-worded informative.

Furthermore, given that the proposal would result in the loss of a number of trees which are used for bird nesting and bat foraging, a range of nesting boxes have been requested by the Wildlife Officer to ensure that there is no overall loss in biodiversity on the site.

On the basis of the above, the proposal would not result in any unacceptable impact to ecology or biodiversity within the site and is therefore in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

#### **j) Amenity provision for future occupants**

Much of the assessment relating to the amenity provision for future occupants is discussed in paragraph (e) above, given that the potential for overlooking/loss of privacy is a reciprocal arrangement.

In terms of the dwellinghouses themselves, all are considered to provide an adequate amount of internal floorspace, with good natural daylight and an acceptable area of private outdoor amenity space. Furthermore, the car parking associated with each dwelling is conveniently located for occupants.

The Inspector in determining the appeal relating to application 14/00345/FUL, raised concerns with regards to the amenity provision for Unit 1 in terms of: loss of privacy to primary habitable windows given the location of the visitor parking spaces (which were immediately to the front of the plot); noise and disturbance from the plant area of the retail foodstore; and an unduly overbearing impact resulting from the blank rear elevation to the foodstore which would extend along the entire shared northern boundary.

With regards to the visitors' parking spaces, the current scheme has revised their location so that they would be set away and to the side of the primary habitable windows to Unit 1. Further, the plant area has been repositioned to be further away from the dwellinghouse and its primary habitable rooms. Whilst it is still situated immediately adjacent to the rear garden area and no technical noise information has been provided, the City Council's Pollution Control Officer has advised that a suitable noise limit could be imposed (no more than 30dB) to ensure that no unacceptable noise disturbance resulted.

Finally, with regards to the overbearing impact of the retail store, this would still be evident under the current proposal (notwithstanding the changes to the scheme) and would have some detrimental impact to the amenities of future occupants. However, Officers consider that on balance, this harm is not of sufficient weight to sustain a reason for refusal.

With regards to other amenity considerations, it should be noted that bedrooms within the second floors of Units 1 and 2 would solely be served by roof lights which are set more than 1.7 metres above floor level. This would therefore restrict any outlook from the windows and offers a lesser level of amenity than traditional window arrangements. However, it is not considered that this outlook would be so detrimental as to render the bedrooms unacceptable places in which to live.

Accordingly, on the basis of the above it is considered that the proposal would on balance, provide an acceptable level of amenity for future occupants and is therefore in accordance with Policy PP4 Planning Policies DPD (2012).

#### **k) Environment Capital contribution**

In accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011), all new development must make a contribution towards the City Council's aspiration of becoming the Environment Capital of the United Kingdom. Officers have an established condition to ensure that this is dealt with which can be applied in this instance.

#### **l) Developer contributions**

The Government recently published revised guidance in respect of tariff-style planning obligations for developments of 10 dwellings or fewer and which have a maximum combined gross floor space of no more than 1000 square metres. The proposed residential dwellings meet these requirements and on this basis, the Local Planning Authority will not be seeking any site-specific contributions for this element of the proposal.

Further, the proposed floor area of the retail foodstore falls below the threshold set out in the Peterborough Planning Obligations Implementation Scheme SPD (2010). Therefore, there is

no requirement for a financial contribution in respect of this part of the scheme.

#### m) Other matters

In response to those objections raised by objectors not dealt with in the preceding assessment:

Boundary dispute – This is not a material planning consideration.

Sale of alcohol close to play areas – This concern is noted however this will be a matter for any subsequent licensing application.

## 6 Conclusions

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

- there is an established commercial use on the site and therefore the development of a small-scale retail unit is considered acceptable in principle, in accordance with Policy CS15 of the Peterborough Core Strategy DPD (2011);
- given the location of the application site within a predominantly residential area which is well-served by existing services and facilities, the principle of residential development is acceptable, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011);
- the design of the proposal would not result in any unacceptable impact upon the character, appearance or visual amenity of the streetscene and surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- adequate and safe parking, access and turning can be provided to/within the site so as to not result in any unacceptable impact upon the safety of the public highway and highway users, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the revised proposal would, on balance, not result in any unacceptable level of harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal would retain trees which are of key landscape value to the visual amenity of the locality, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable impact to heritage assets, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 128 and 131 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- contamination present within the site will be adequately addressed so as to not pose a risk to human health, in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable impact to ecology or biodiversity within the site, in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012);
- on balance, the proposed dwellings would provide an acceptable level of amenity for future occupants, in accordance with Policy PP4 Planning Policies DPD (2012); and
- there is no requirement for a financial contribution towards infrastructure demands generated by the development, in accordance with the National Online Planning Guidance and the Peterborough Planning Obligations Implementation Scheme SPD (2010).

## 7 Recommendation

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



subject to the following conditions:

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

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

- C 2 The development hereby permitted shall be carried out in accordance with the following drawings and documents:

- Existing Floor Layout 08 90 01 D00 - 01.02.2015
- See notes 016 B A01 - 10.12.2014
- See notes 016 C A01 - 10.12.2014
- Existing Site Layout OR080002 D03 - 01.03.2014
- See notes 787-01 - 01.02.2010
- Location Plan OR080001 D05 - 01.03.2014
- Site Proposals Plan RE 080004 D04 - 01.07.2014
- Proposed Floor Layout OR080001 D04 - 01.03.2014
- See notes 016 A A01 - 10.12.2014
- Tree Survey OR080005 D03 - 01.07.2014
- Proposed Floor Layout U2 080001 D06 - 01.03.2014
- Proposed Floor Layout U3 080001 D05 - 01.03.2014
- Proposed Floor Layout U1 080001 D05 - 01.03.2014
- Proposed Elevations RE 087001 D03 - 01.07.2014
- Proposed Site Layout OR 080003 D09 - 01.03.2014
- Section Drawings OR 088001 D03 - 01.07.2014
- Roof Plan RE 082001 D05 - 01.07.2014
- Proposed Elevations RE 087002 D03 - 01.07.2014
- Proposed Floor Layout RE 080001 D06 - 01.03.2014

Reason: For the avoidance of doubt.

- C 3 No development other than groundworks and foundations shall take place until details of the following materials (including samples) have been submitted to and approved in writing by the Local Planning Authority:

- Walling and roofing, including timber cladding and render (samples);
- Windows and doors (details); and
- Rainwater goods.

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

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

- C 4 No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- a) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating

sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be carried out as approved and prior to the commencement of development.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, in accordance with paragraphs 109 and 121 of the National Planning Policy

Framework (2011), EU Water Framework Directive, the Anglian River Basin Management Plan, Environment Agency Groundwater Protection (GP3:2013) position statements A5 and J5 to J7 inclusive and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 5 Prior to first occupation of any part of the development hereby permitted, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure if any remediation is required with regard to land contamination, that it is done in accordance with an approved method statement and a verification report is produced to ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, in accordance with paragraphs 109 and 121 of the National Planning Policy Framework (2011), EU Water Framework Directive, the Anglian River Basin Management Plan, Environment Agency Groundwater Protection (GP3:2013) position statements A5 and J5 to J7 inclusive and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 6 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

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

- C 7 No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full, including any

post development requirements e.g. archiving and submission of final reports, and prior to the commencement of development.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C 8 No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include (but not be limited to):

- Haulage routes for all delivery vehicles
- Hours of demolition and construction, including a restriction that no delivery vehicles shall enter/exit the site between 07:45 and 09:00 hours and 14:30 to 17:00 hours
- Parking arrangements for all vehicles visiting the site
- Materials storage and unloading areas
- Welfare compound
- Protective site fencing
- Measures to prevent the emission of dust from the site
- Wheel wash facility

Demolition and development shall be carried out in accordance with the approved details and all vehicles exiting the site shall pass through the wheel wash facility before entering the public highway.

Reason: In the interests of highway safety and protecting the amenities of neighbouring occupants, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

C 9 The retail unit hereby permitted shall not be brought into use until the areas shown for the access, parking and turning/manoeuvring of customer, staff and delivery vehicles on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan' have been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, those areas shall be retained for the purposes of parking and turning/manoeuvring of vehicles in connection with the use of the retail unit in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

C10 The retail unit hereby permitted shall not be served by any delivery vehicle larger than a 10.5 metre long rigid-wheel based heavy goods vehicle.

Reason: As there is insufficient space within the site to accommodate a larger vehicle and in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C11 The retail unit hereby permitted shall be served by no more than 9 deliveries per week made by a vehicle larger than Class B1 (Light Goods Vehicle) and those deliveries shall not take place between 22:00 to 07:00 hours; 08:00 to 10:00 hours; and 14:30 to 18:30 hours.

Reason: In the interests of highway safety and protecting the amenities of neighbouring occupants, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C12 The retail unit hereby permitted shall not be brought into use until signage for 'no right turn' manoeuvres out of the site has been installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, any delivery vehicle larger than Class B1 (Light Goods Vehicle) serving the retail unit hereby permitted, shall only exit from the site onto the public highway in a westerly direction and shall not perform a 'right turn' manoeuvre in exiting the site.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C13 Notwithstanding the details shown on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan', the retail unit hereby permitted shall not be brought into use until three cycle parking stands have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, those stands shall be maintained for the purpose of cycle parking in connection with the use of the retail unit in perpetuity.

Reason: In order to encourage more sustainable methods of travel to/from the site, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C14 Notwithstanding the details show on the submitted drawings, the retail unit hereby permitted shall not be brought into use until the following off-site works within the public highway have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority:

- A pedestrian crossing facility within the vicinity of the site across Oundle Road, including appropriate signage, lighting and road markings;
- Signing and lining along Oundle Road to prevent delivery vehicles loading/unloading; and
- Revised access arrangements to the retail unit in accordance with the principles shown on drawing number URB RE [08] 00 01 Revision D06 'Retail Unit Ground Floor Plan As Proposed'.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C15 Notwithstanding the details shown on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan' and prior to first occupation of any dwellinghouse hereby permitted, a revised drawing to show the vehicular and pedestrian access serving the residential dwellinghouses to a minimum width of 5.5 metres for a distance of 10 metres from the back edge of the public highway shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved revised drawing and prior to first occupation of any dwellinghouse.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C16 Prior to first occupation of the dwellinghouse to which they relate, the parking and turning areas shown on drawing numbers URB OR [08] 00 03 Revision D09 'Proposed Site Plan', URB U1 [08] 00 01 Revision D05 'Unit 1 Plans and Elevations As Proposed', URB U2 [08] 00 01 Revision D06 'Unit 2 Plans and Elevations As Proposed' and URB U3 [08] 00 01 Revision D05 'Unit 3 Plans and Elevations As Proposed' shall be provided in accordance with the approved details. Thereafter, those areas shall only be used for the purposes of parking and turning in connection with the dwellinghouse to which they relate in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C17 No dwelling hereby permitted shall be occupied until the refuse collection point shown on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan' has been provided. Thereafter, that area shall be retained solely for the purpose of refuse collection associated with the residential dwellinghouses in perpetuity.

Reason: In the interests of highway safety and to provide an acceptable level of amenity for future occupants, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP4 and PP12 of the Peterborough Planning Policies DPD (2012).

C18 Notwithstanding the submitted drawings and prior to the commencement of development, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- Proposed finished ground and building slab levels;
- Planting plans including retained trees, species, numbers, size and density of planting for all communal and public areas (excluding private gardens);
- Boundary treatments, enclosures and gates;
- Hard surfacing materials;
- External lighting;
- Refuse bin(s) to serve the retail foodstore; and
- Bollards or other means of vehicular access prevention.

Development shall be carried out in accordance with the submitted details and at the following times:

- Hard landscaping (boundary treatments, hard surfacing, external lighting, refuse bins and bollards etc.) shall be provided prior to first occupation of the unit or dwellinghouse to which it relates; and
- Soft landscaping shall be carried out no later than the first planting season following the occupation of the unit or dwellinghouse to which it relates.

Reason: In the interests of the visual appearance of the development and to mitigate the loss of trees within the site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

C19 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

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

- C20 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses or positioning of site huts) until a finalised Tree Protection Plan and an addendum to the submitted Arboricultural Method Statement (produced by Lincolnshire Tree Services reference 140129-02) has been submitted to and agreed in writing by the Local Planning Authority. The addendum shall include greater detail of all control/protection measures relating to potential root protection area infringements of retained trees during the demolition, construction and landscaping phases of the development.

The scheme shall be implemented as approved and prior to the commencement of any works within the site.

Reason: In order to protect trees of key amenity value, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C21 Prior to the commencement of development, a scheme which specifies the provisions to be made for the control of noise emanating from the retail foodstore site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include physical and/or administrative measures to ensure that the level of noise emitted from the site does not exceed 30dB LAeq, 15 minutes when measured from the nearest noise sensitive receptors (Nos.486/488 and 492 Oundle Road and Unit 1 of the scheme hereby permitted).

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer (or their Successors in Title) shall be required to undertake a noise assessment in accordance with BS 4142:2014 to demonstrate compliance with the above noise limit and submit the results to the Local Planning Authority within 21 days. If a breach of the limit is found, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the initial complaint being made.

Reason: In order to protect the amenities of neighbouring and future occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP4 of the Peterborough Planning Policies DPD (2012).

- C22 Surface water run-off resulting from the development hereby permitted shall be disposed of by way of soakaways. In the event that percolation tests indicate that this method would be unsuitable, the development shall be constructed in accordance with an alternative scheme for dealing with surface water run-off which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that surface water run-off is adequately dealt with, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C23 Prior to the commencement of development, a scheme (including a timetable for installation) for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and in accordance with the timetable submitted.

Reason: To ensure that there is no loss of biodiversity within the site resulting from the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

C24 Before the residential dwellinghouses shown on the submitted drawings as Units 1 and 2 hereby permitted are first occupied, the proposed first floor windows to the eastern (front) elevation of Unit 1 and western (rear) elevations of Unit 2 shall be obscure glazed to a minimum of Level 3 obscurity, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Thereafter, those windows shall be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C25 Notwithstanding the provisions of Part 1 Classes A, B and C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the eastern (front) and western (rear) elevations/roofslopes of the residential dwellinghouses shown on the submitted drawings as Units 1 and 2 hereby permitted other than those expressly authorised by any future planning permission.

Reason: In order protect the amenity of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C26 Notwithstanding the provisions of Part 1 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions or detached outbuilding/enclosures shall be constructed to/within the curtilage of any of the residential dwellinghouses hereby permitted other than as those expressly authorised by any future planning permission.

Reason: In order to protect the amenities of neighbouring occupants and to prevent overdevelopment, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

C27 Notwithstanding the provisions of Part 2 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure shall be constructed within the site other than as those expressly authorised by any future planning permission.

Reason: In the interests of the amenity of the area and highway safety, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012).

C28 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

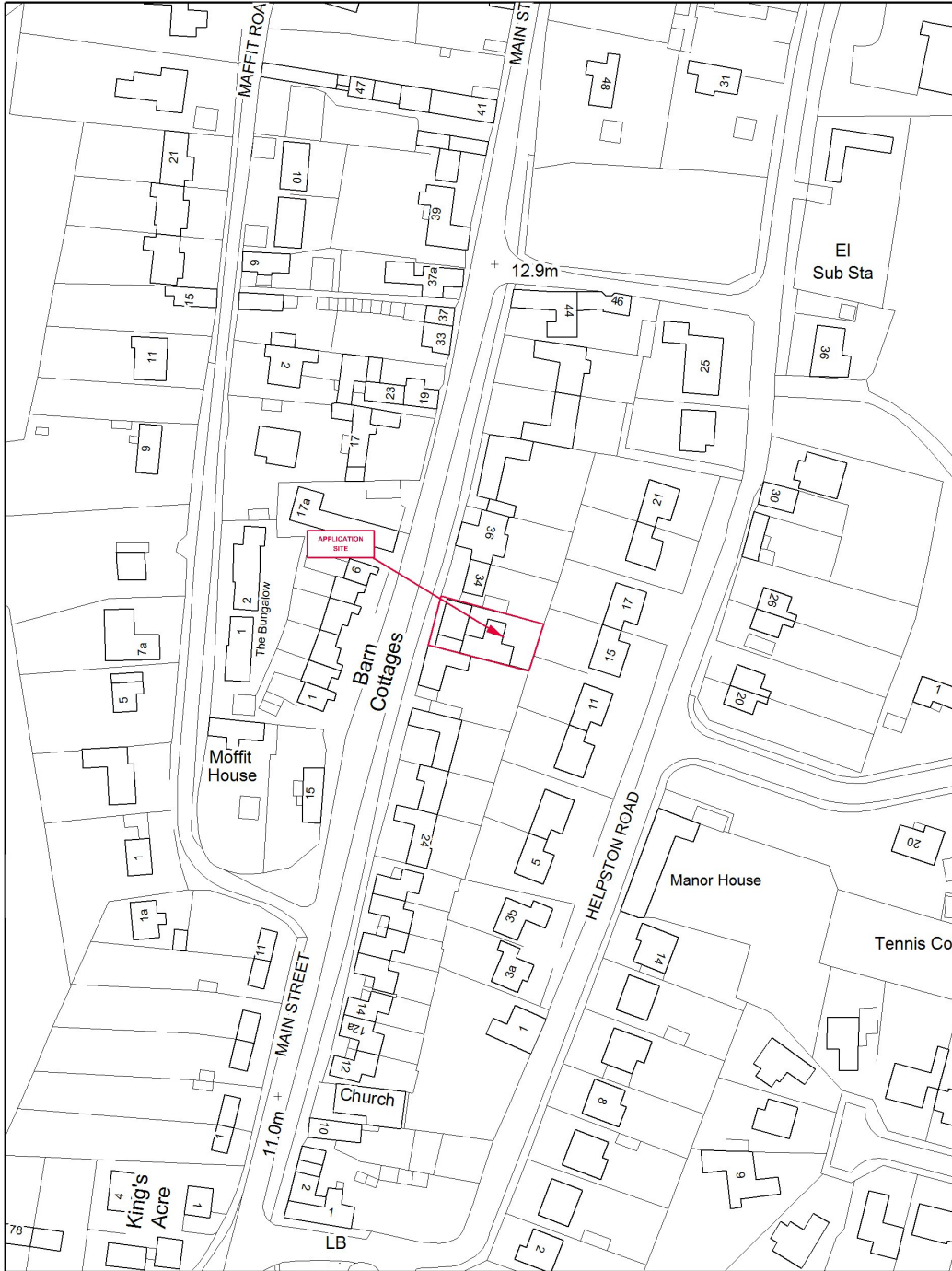
Reason: To accord with Policy CS10 of the Peterborough Core Strategy DPD (2011).

C29 Prior to first use of the vehicular access for both the residential and retail use, vehicle-to-pedestrian visibility splays measuring 2 metres x 2 metres (measured from and along the back edge of the public highway) shall be provided to both sides of each of the two accesses. Thereafter, those splays shall be kept clear of any obstruction above a height of 600mm in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors: S Scott OBE, D Seaton, N North





**LOCATION PLAN 15/00019/FUL**  
 32 Main Street, Ailsworth, Peterborough, PE5 7AF

Scale NTS Date 20/3/2015 Name AA Department Planning Services

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**Application Ref:** 15/00019/FUL

**Proposal:** Single storey flat roof extension to rear of doctor's surgery

**Site:** 32 Main Street, Ailsworth, Peterborough, PE5 7AF

**Applicant:** Dr Laliwala

**Agent:** Janice Kendrick Design Services Ltd

**Referred by:** Cllr Holdich

**Reason:** Objects and considers level of objection to be of wider interest

**Site visit:** 07.02.2015

**Case officer:** Mr S Falco

**Telephone No.** 01733 454408

**E-Mail:** sam.falco@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

### Site Description:

The site is host to Ailsworth Medical Centre located on Main Street. The property looks to be a former single storey dwelling, constructed of painted brick elevations, a concrete tiled roof and white upvc windows. Access to the Medical Centre is located to the right hand side of the front elevation, via an undercover area facing onto Main Street. To the rear of the building, large monopitch single storey extensions have been added as the facilities on offer have grown over the years. Beyond the rear extensions is a small paved yard that appears to be largely unused.

### Proposal:

The proposal is for a single storey, flat roof rear extension to the rear of the existing extensions to provide 2no. additional consulting rooms, a treatment room, a phlebotomy room and a small store. The extension is proposed with a footprint measuring 8100mm (projection) x 12100mm (width) at its largest. The height of the proposal is 3100mm from ground level to the highest point of its parapet roof.

It should be noted that the site sits approximately 500mm lower than the adjacent properties to the East (rear) and the North (side).

## 2 Planning History

Reference	Proposal	Decision	Date
02/01465/FUL	Single storey extensions to provide enlarged waiting room and other internal alterations	Permitted	12/12/2002
03/01404/CTR	Reduce Crataegus, thin Betula by 15 per cent and thin and maintain mixed shrubs and trees on rear boundary with possible reduction in height	Permitted	23/10/2003

### **3 Planning Policy**

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

#### **Planning (Listed Building and Conservation Areas) Act 1990**

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

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

#### **National Planning Policy Framework (2012)**

##### **Section 1 - Economic Growth**

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

##### **Section 6 - Presumption in Favour of Sustainable Development**

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

##### **Section 7 - Good Design**

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

##### **Section 8 - Safe and Accessible Environments**

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

##### **Section 11 - Noise**

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

##### **Section 12 - Conservation of Heritage Assets**

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

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

##### **Section 13 - Unacceptable Adverse Impacts**

Should be avoided on the natural and historic environment, human health and aviation safety. The cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality must be taken into account.

## **Peterborough Core Strategy DPD (2011)**

### **CS16 - Urban Design and the Public Realm**

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

### **CS17 - The Historic Environment**

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

## **Peterborough Planning Policies DPD (2012)**

### **PP01 - Presumption in Favour of Sustainable Development**

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

### **PP02 - Design Quality**

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

### **PP03 - Impacts of New Development**

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

### **PP12 - The Transport Implications of Development**

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

### **PP13 - Parking Standards**

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

### **PP17 - Heritage Assets**

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

## **4 Consultations/Representations**

**Ailsworth Parish Council (26.02.15)** – No Objection, but observations made.

Ailsworth Parish Council has considered the planning application in conjunction with talking to neighbours, local residents and Dr Laliwala. We support the development and continuation of the medical practice, and support the application to extend the existing accommodation. However, we do have some concerns as follows. We would like to see as much landscaping as possible, and the need for careful material colour choice for the rear wall of the extension included in the application/conditions, to minimise the visual impact on neighbouring properties. Also, we have a concern about a possible increase in street parking, with a growth in patient numbers, where parking spaces are restricted in numbers in this small, rural, conservation village street.

In addition, we would like to see a reasonable restriction placed on the opening hours of the practice, in order that out of hours opening in the evenings and weekends will not add to the congestion in this area.

**PCC Conservation Officer (01.03.15) – No Objection.**

The property is located in the Ailsworth Conservation Area. The proposed rear single storey extension will not be visible from Main Street or other public vantage points in the conservation area. From a heritage consideration the proposed extension can be supported.

**PCC Tree Officer (17.02.15) – No Objection.**

The main vegetation loss to facilitate the proposal would be an early mature Silver birch on the rear boundary. This tree can be seen from both Main Street and Helpston Road. Although it breaks the skyline it is not a prominent tree. Unfortunately it is not of sufficient quality to merit a Tree preservation Order due to its form and long term potential.

I have no objections to the proposal. However, any mitigation planting to the rear of the development would be welcomed due to the loss of screening.

**PCC Transport & Engineering Services (19.02.15) Objects.**

The current medical centre does not benefit from any off street parking for staff or visitors and therefore all vehicles would need to park on Main Street.

Vehicles appear to park on both sides of the road at present and in some areas this means that 2 vehicles cannot pass. Vehicles also appear to park on verges.

The increase in traffic associated with the proposal would exacerbate the issue of parking along Main Street.

Additional information was submitted by the applicant's agent. The LHA have considered this and still maintain their objection, on the grounds set out above.

**Local Residents/Interested Parties**

Initial consultations: 6

Total number of responses: 6

Total number of objections: 6

Total number in support: 0

Representation 1:

Objection: The proposed extension will cover the whole width of the rear garden of 32 Main Street and will come within 1 metre with our residential boundary wall. It will project above the shared boundary wall by approximately 450mm which will face the rear of our house.

The impact will be significantly increased by the removal of the trees and shrubs, as at present there is a line of trees which shield our view from the existing building.

Our garden is 15m long and the proposals will have a major impact on the outlook from all the rooms at the rear of the house and result in an overbearing impact.

The availability of parking is not sufficient to support increase the numbers of patients.

Why is such a large extension required when a smaller extension could still achieve improved facilities, whilst not encroaching on the amenities of neighbouring properties? Little thought appears to have been given to layout.

Representation 2:

Objection: With all tree and shrubs removed the proposed building will be overbearing and allow other houses to overlook my property.

Representation 3:

Objection: The proposal will result in an overall negative impact on the village and especially the neighbouring properties.

Of particular concern is the increase in traffic that would result. There is already a significant undersupply of parking.

Representation 4:

Objection: There is already noise and disturbance resulting from cars visiting the medical centre.

The proposal will result in increased traffic with no parking provision. Cars parked on both sides of the road will compromise safety in terms of pedestrians and emergency vehicles. There are also a number of delivery vehicles that access the surgery.

The design of the proposed extension is ugly and out of character with the surrounding buildings. The extension projects to the extremes of the site and is overdevelopment and will have a negative impact on the rear gardens surrounding the site.

Cllr Holdich:

Objection: Strongly object the planning application for an extension to the above surgery, normally you would welcome such an extension to a local service, but my post bag is full of complaints about this surgery with regard to parking, patients and indeed doctors parked across and on peoples drives, it is no good saying it is for local people as it is not so long ago I was sent his web site as he was advertising for new patients from across the city. I am told that this practice now has several doctors which proves it is not a local practice any more. Perhaps you could ask for a list of the areas his patients come from. I also believe this extension is out of keeping with the character with the surrounding area .The parish council have pictures of the parking problem which I will ask they submit to you in there objection although they can only take pictures in daylight and are worse at night when many of the surrounding properties which do not have off street parking are at home. I would therefore ask if you are mindful to approve this application that it goes to committee Cllr John Holdich OBE

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

**a) Background of Development:**

The proposal as stated above is for the expansion of the Ailsworth Medical Centre. A supporting statement submitted during the application process outlines the reasons for this application. It is stated that the surgery needs to expand its services as dictated by recent changes to NHS contracts. The current practice has 2250 patients on its books and the equivalent of 3.5 full time doctors, 1 nurse and 1.5 administration staff. The proposed extension is hoped to raise the patient numbers by 250 to 2500 for the foreseeable future, thus increasing the staff team by 1 no. trainee doctor, the equivalent of 0.25 increase in full time nursing staff and an additional 0.5 of a post in administration.

**b) Character Appearance:**

The proposal is located within the Ailsworth Conservation Area and therefore special consideration must be given to this during assessment. The Conservation Officer has considered the proposal and deems the works unlikely to result in any significant detriment to the Conservation Area as it is largely unseen from the public realm. The Case Officer would concur, in that no significant material change will be visible from the public realm of the Conservation Area.

The proposal is of basic architectural appearance, however, so are the existing extensions to the rear of the building. Whilst it is accepted that the surgery is under pressure to expand, this development will effectively result in the whole of the site being developed, which is at odds with the residential character of houses with rear gardens of the surrounding area.

It should be noted however, that the proposed extensions are single storey and flat roofed, and therefore the development of the whole site will only be perceptible to the immediately adjoining neighbours. Impact on neighbour amenity will be discussed in the section below.

In light of the above assessment, it is considered that the proposal will not result in significant detrimental impact to the wider character and appearance of the Ailsworth Conservation Area. The proposed development will however, be at odds with the built form of its surroundings and will result in detriment to the character and appearance of the area when viewed from the immediately adjacent residential gardens. After weighing up the advantages and disadvantages to the proposal, it is deemed that on balance, the

proposal does not unacceptably detract from the character and appearance of the area in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012.

**c) Area Amenity:**

In terms of the amenity of the area, the proposal will provide an improved service to the users of the Medical Centre which is considered to be an amenity benefit to the village as a whole. It is considered that the impact on the amenity of the wider area will be limited to the residential dwellings sharing a boundary with the property, resulting in detriment to the outlook of the immediate properties by way of an increase in development that is unsympathetic to the surrounding residential character.

Whilst this is the case, it can be argued that only approximately 500mm of the extension will project above the boundary walls with the neighbours with the building projecting almost to the boundary of no.34 Main Street to the north and within 1m of the boundary of no.15 Helpston Road to the rear (east). The property that the proposed extension will be most visible from, is considered by the Case Officer, to be that of 15 Helpston Road, for which the extension shall span across approximately 70% of the rear of their garden. The occupants of both no.15 Helpston Road and 34 Main Street have objected on the grounds of a detrimental impact on their amenity. With regards to impact on no.30 Main Street, located to the south, objections have not been received relating specifically to the built form of the proposal having a detrimental impact on amenity. Having considered the impact on no.30, there will be an increase in the built form at the boundary. It is however the case that no.30 forms an L-shape and the rearward projection faces south and therefore little additional impact on amenity is considered likely to ensue.

Having visited the site and viewed the proposal from neighbouring residential gardens, it is considered that there will certainly be an impact as outlined above. However, it must be noted that the impact is considered largely confined to outlook, for which there is already an expanse of featureless brickwork at the back of the surgery, albeit a greater distance from the boundary, but on the other hand, taller than the proposed extension. The impact is deemed largely related to outlook rather than a significant overlooking, overbearing or overshadowing impact.

It is the opinion of Officers that whilst inevitable visual detriment will ensue to the neighbours, it could not be argued that the proposal will result in significant overlooking, overbearing or overshadowing impact, that would warrant the refusal of this application on its own. After considering the advantages and disadvantages of this development, an on balance decision has led to the consideration that proposal will not result in undue detriment to neighbour amenity, in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012.

**d) Highways:**

The Local Highways Authority have assessed the proposal and have raised objections and ultimately recommend refusal on highway grounds. It is a fact that the site does not benefit from any off street parking and therefore all staff and visitors arriving by car, have to park on Main Street.

Main Street, Ailsworth is a narrow residential village street with no central line markings. It is apparent that most of the properties have some form of on-site parking, but it is apparent that there is not enough for the number of cars at each household. For this reason, the road is often heavily used for on street parking which is argued by residents to be at or beyond capacity, with cars parked along both sides of the carriageway. The application form states that there will be no net increase in the number of staff working at the surgery, however the later information states that there will be a small increase as referred to above and also the proposed additional increase of patients by 250, will in the view of the LHA increase the need for parking beyond an acceptable standard. The



proposal also gives rise to the concern that the site could take on more than the stated 250 patients as well as additional staff, without restriction, exacerbating the problem further.

The Parish Council have commented on the parking issue stating that they would be comfortable with an opening hours condition so that the surgery opening hours do not conflict with the times when many of the neighbouring residents return home. This option has been considered, however as the existing site has no restriction on opening hours, it would not be possible to place this on an extension.

A supporting statement was submitted by the applicant's agent to counter some of the LHA's concerns which stated that the surgery was intending to expand its patient numbers from 2250 to 2500. It is stated that the facility has the equivalent of 3.5 Doctors, 1 nurse and 1.5 administration staff. The proposed extension is considered likely to increase the patient numbers by 250 as outlined above and an increase in staff of 1 trainee Doctor, an additional 0.25 full time nursing staff and 0.5 full time administration staff. With regards to parking, the statement surmises that the increase in staff and patients will increase the number of parking for staff from between 3-5 to 3-6 at any one time and an increase of parking for patients from 2-3 to 3-4 at any one time. It should be detailed however, that this was stated for the 'foreseeable future' and does not take into consideration any increase in patients and staffing thereafter.

The LHA reviewed the revised supporting information submitted and the LHA are still of the view that the proposed extension would cause parking issues along Main Street. The submitted information does not accord with information submitted or experience in respect of other surgery extensions in the Peterborough area. Generally surgeries will expand to fill all available space therefore even if at present all rooms will not be used, this would change in the future. It is also noted that this surgery is currently advertising for patients outside the local catchment area.

This leads the LHA to conclude that there will be an increase in parking on Main Street as a result of this proposal. This increase would cause highway safety issues narrowing a large part of Main Street so that vehicles cannot pass. In addition vehicles parking on verges will block visibility from residential accesses. The LHA would therefore be mindful to recommend that the application is refused on the basis that the increase of vehicles generated by the proposal will, because of a lack of off road parking cause detriment to the safety of the users of the adjoining public highway contrary to Policy PP12 of the adopted Peterborough Planning Policies DPD

On the basis of the above statement, the LHA object to the proposal on the grounds of lack of sufficient parking which would in turn result in detriment to the safety of the Main Street highway and therefore contrary to Policy PP12 and PP13 of the Peterborough Planning Policies DPD 2012.

**e) Trees:**

The works will result in the loss of some onsite trees and vegetation. The City Council Tree Officer has assessed the proposal and considers that the main vegetation loss to facilitate the proposal would be an early mature Silver birch on the rear boundary. The tree officer goes on to state that the tree can be seen from both Main Street and Helpston Road. Although it breaks the skyline, it is not a prominent tree and is not of sufficient quality to merit a Tree Preservation Order due to its form and long term potential. For the above reasons, there is no objections to the works, however the Tree Officer stated that any mitigation planting to the rear of the development would be welcomed due to the loss of screening.

Having considered the Tree Officers consideration that mitigation planting would be ideal, it is deemed that there is insufficient space on the plot, post development, to accommodate any level of screening or planting other than potted plants and or climbing

plants on the rear elevation.

It is considered that the loss of the on-site landscaping as part of the proposal would not result in significant detriment to the wider area, in accordance with CS20 of the Peterborough Core Strategy DPD 2011 and PP16 of the Peterborough Planning Policies DPD 2012.

## **6 Conclusions**

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

## **7 Recommendation**

The case officer recommends that Planning Permission is **REFUSED**

- R 1 The proposed increase in development and the services offered at Ailsworth Medical Centre as part of this proposed extension are considered likely to exacerbate the parking problems currently experienced in the vicinity of the site, specifically on Main Street, to the detriment of highway safety and therefore contrary to Policy PP12 and PP13 of the Peterborough Planning Policies DPD 2012.

Copies to Councillors: J Holdich OBE, D Lamb



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**Application Ref:** 14/01691/HHFUL

**Proposal:** Ground and first floor extensions with remodelling

**Site:** Rectory House, Castor Road, Marholm, Peterborough

**Applicant:** Mr Chris Haythornthwaite

**Agent:** Dr David Shaw

**Referred by:** **Cllr John Holdich**

**Reason:** Impact upon the amenity of the neighbour

**Site visit:** 17.10.2015

**Case officer:** Mr D Jolley

**Telephone No.** 01733 453414

**E-Mail:** david.jolley@peterborough.gov.uk

**Recommendation:** Approval

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

### **Site and surroundings**

The site is a chalet style dwelling of brick and tile construction located within the Marholm Conservation Area directly adjacent to the listed 'Old Rectory'. The site is reached by a short track and is well screened from the public realm. The dwelling has a link garage to the front of the building and garden on three sides. In addition to the garage there is hardstanding with space for 2+ vehicles.

### **Proposal**

Permission is sought for ground and first floor extensions, insertion of dormer windows, garden store and plant room. Permission is also sought for an overall remodelling of the appearance of the dwelling.

## **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.

### **Peterborough Core Strategy DPD (2011)**

#### **CS16 - Urban Design and the Public Realm**

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

#### **CS17 - The Historic Environment**

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

### **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

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

### **PP03 - Impacts of New Development**

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

### **PP17 - Heritage Assets**

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

### **PP01 - Presumption in Favour of Sustainable Development**

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

## **4 Consultations/Representations**

### **PCC Conservation Officer (19.10.14)**

From a heritage consideration the proposed work can be supported.

### **Marholm Parish Council (23.02.15)**

Marholm PC welcomes the development and sees it as beneficial for the village.

The appearance of the dwelling will be improved and will be more in keeping with the village.

There will be big improvements in the energy efficiency of the property

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

Initial consultations: 8

Total number of responses: 5

Total number of objections: 2

Total number in support: 3

### **Objections have been received from the occupier of Grey Gables and from an agent acting on their behalf in relation to the proposal stating;**

The occupier of Grey Gables (which lies to the north of the application site) has stated the following:

1. My wife and I would not like to see any further buildings nearer to our site boundary than those which already exist. However at present I shall confine this communication to two major objections.

a) Workshop, Plant Room, Toilet and Garden Store alongside our boundary.

All the properties built on the ex-Rectory House parcel of land of which ours was the first (completed 1958) are of bungalow, chalet type and the rear garden boundaries are kept free from any buildings and mostly consist of trees, hedges and bushes to keep the country feel and provide some colour all year round. We do not want to lose our trees, and bushes which are along our boundary and are likely to be damaged and overwhelmed by buildings. They are also a haven for the birds who visit our feeding stations on that side of our house. For the same reasons we do not

want building operations to be carried out from our side of the boundary as we know from experience what damage and mess that creates to adjacent land, existing vegetation and the like.

These buildings have also been designed with high roofs (over 3 metres to top of ridge) and despite the ground level falling from front to back the ridge height has been maintained to make their garden room even 3 steps higher (to over 3.7 metres). Not only does the whole length of the buildings down this side further detrimentally affect all planting on our side of the boundary but it will also block out a large amount of sunshine and put that side of our garden in permanent shade as the sun moves around that side of our garden throughout the day. They are taking that sunshine by positioning their solar panels on their side of the high roof slope.

**b) High Structure coming nearer to us beyond the existing gable end, housing bedroom 3**

This should be disallowed as it blocks our light and sunshine to our garden and is very overbearing to ourselves. It is around 7 metres high to top of ridge which runs parallel with our garden. It is so obvious that I should not need to comment any further at present.

Please note that their drawing 232-02 Red Line Plan and 232-03 Block Plan choose to indicate Grey Gables plan without the extensions carried out nearly 2 years ago and the design of which gave due consideration to all adjoining properties. Nor do either show the new buildings and extensions superimposed thereon.

There is also no north elevation drawing indicating the large expanse and height of wall and roof surfaces plus toilet window directly facing on to our property and its relationship with the existing ground sloping from front to back of property.

Following your visit to us on Friday we were browsing over the drawings again and realised that we had overlooked the fact that the high roof constructions on the first floor wings housing Bedrooms 4,5 and Dressing Room/ En Suite which run parallel to our property will also block sunlight to our property. We will therefore be including these as our third objection. They are a little further away from us so a reduction of 6 feet or so in the height of the ridges would be helpful. If not then we would request they be accommodated elsewhere.

The heights to ridge mentioned as 3 to 3.7 metres was taken by scaling approximately from the section on an internet copy of drawing 232-P-02. When looking from our property yesterday it appeared to me that the heights would be a good deal more. I therefore went to the nearest point of reference which was the corner of the existing Barn/Garage and physically measured the height which is 2.92 metres from ground level to eaves which would give a total height to ridge of around 4 metres increasing to around 4.7 metres as the ground slopes down the garden. Once again their drawings do not properly indicate the effect of their buildings on our property!

*2. The following objection has been received from an agent working on behalf of the occupier of Grey Gables. This objection discusses how a past scheme at the objectors' property was dealt with at the time. The agent has quoted expired policies which are no longer relevant to the determination of the application. However in the interests of transparency this objection will be reproduced in full within the appendix to this report. The objection contains a summary which states;\**

"The dwellings in the Marholm Conservation Area benefit from large plots and generous separation spaces between dwellings and their boundaries.

The proposal so close to the Grey Gables boundary and so long (14 metres) and high (4 -4.7 metres) viewed from Grey Gables, fails to embrace the material considerations of policy CBE3 and is totally incompatible with the character of the Conservation Area.

My clients have no objection in principal to the extending of rectory house. However the applicants, no doubt conscious of the orientation of their own plot, have chosen to extend their house to the

north east thus preserving their own south facing amenity space, but harming the amenity space of their neighbours.

It is obvious, with all the space to the south west of Rectory House, that any extension should be sited in that direction so that the benefit of the development is not achieved at the expense of the neighbour.

I respectfully request that on behalf of my clients that the council insists on the extensions to rectory house be made in a south westerly direction and be consistent with advice my clients received when planning their extension.

The facts are that the neighbours' ground and floor levels are a lot higher than our own and the ground falls from front to back of our property. Due to the differences in levels the height to the ridge of the three bed and en suite extension will be 8 metres above our ground level and only 4.0 metres away from our boundary and 16 metres away from our lower level extended building. It is very overbearing and restrictive to light and we consider contrary to policy PP3. It could be accommodated elsewhere on their property without overburdening themselves. It is not in keeping with our chalet bungalow design where roof and floor levels are kept down in consideration for all other chalet bungalows built on the Old Rectory land.

In conservation area we are in we could never have expected to have such overbearing buildings thrust upon us.

**3.** In relation to the revised scheme the following objection has been received from the occupier at Grey Gables (north of the application site).

We were astounded that the Council Planning should even consider putting these plans forward to Committee when the only alterations we can see are that the buildings next to our rear boundary have been moved back half a metre and the roof over the garden store increased in height. All of our previous objections still apply and reference to our previous letters and emails from 7th October 2014 onwards and those from our Consultant Architect, John Hartley, should all be read by the Committee members.

Buildings so close to our garden boundary might have been more expected had we lived on a City building estate, but NOT here, in an individually designed property in the country and within a prime conservation area on a parcel of land originally owned by the Church and Rectory where all the eight dwellings built thereon have been restricted in height to bungalow or chalet bungalows. All their rear boundaries inter connect and it has not been allowable to construct buildings next to those boundaries. All the rear boundaries are hedges, shrubs or fences as befits a country/conservation area location. If this application goes ahead we shall feel extremely cheated and unhappy with a loss of quality of life in our property. Also will it be a precedent for others to erect buildings near their rear boundaries in the future?

Although the buildings now appear to be approximately 1.1 metres away from our rear boundary, they are still too close and the impact of them is immense and overbearing to our property. There has been NO attempt to lower their floor levels or roof heights to be more comparable with the lower ground levels of our garden and floor levels of our extensions. It should be remembered also that the extensions on the rear of our property are not shown on their drawings 232.02 Red Line Plan and 232.03 Block Plan so how our property is affected is not obvious from their drawings. See copies of our drawings attached to our letter of 23rd October 2014 for block plan of our building extensions and stepped down roofs and floors. Our paved patios are not shown on our block plan. Our extensions include our Lounge, Garden Room and External Paved Patio, all of which will be affected by these overbearing and light restricting structures. The left hand side of our rear garden will also be put in permanent shade.

We were not allowed to build against our rear garden boundaries and the floor levels of our extensions were stepped down as required by planning in consideration of our neighbours. The



heights of their buildings alongside our boundary range from 4 metres as previously stated to now in excess of 6 metres due to raising roof height and downward slope of our land. The garden room height is equivalent to a two storey dwelling next to our boundary. These are dwelling outbuildings which should not warrant such high floors or roofs.

We are also still objecting to the Bedroom 3 and En Suite 1st floor extension for reasons already recorded. It is overbearing to our property as it is 6.7 metres wide and 4.2 metres nearer and only 4 metres away from our boundary. It is 8 metres high to ridge above our land. It replaces an existing triangular gable end average 3 metres wide. So it fills in considerably more space where light usually passes through to ourselves. The sun also travels round that side of the property throughout the day and that structure will restrict our afternoon and evening light. It also contributes to putting the left hand side of our garden into permanent shade as previously mentioned.

In view of the somewhat extreme roof heights we have asked whether they could be lowered above the 1st floor wings housing Bedrooms 4,5 and Dressing Room/En Suite. This appears to have been ignored. See John Hartley's North elevation indicating the vast wall of structures which would be viewed from our property through a length of 14 metres of that elevation (sent with his letter of 23rd October 2014)!

With these objection items we are also very concerned for the wellbeing of our trees, shrubs and bushes along that boundary and also for the birds who use them as a haven. We have often had to cajole and persuade the previous owners of Rectory Cottage to cut down the height of their Leylandii trees on their land alongside our rear boundary when they have been allowed to grow too high. However at least with trees their height can be controlled and cut down when necessary but the building proposed will be high permanently.

I moved here with my parents as a teenager and this has been the Plant family home since 1958. A brief history was outlined in our communications dated 7th and 23rd October 2014. My father Mr B Plant was awarded a compensation by the Council in 1980 when the full effect on Grey Gables of the original Rectory Cottage building was realised and after I became involved. He would have been distraught if he knew what was happening now.

We consider our objections illustrate that these proposed extensions to which we refer are in breach of Peterborough Planning Policy 2.3 PP3 Clauses (d) and (e), quote "Planning permission will not be granted for development which would result in unacceptable loss of light to and/or overshadowing of any nearby property or overbearing impact on any nearby property. They are damaging to ourselves as neighbouring residents and invoke on us a loss of amenity. They will greatly affect our enjoyment of our property which we should have expected in this Conservation area during the remaining years of our lives.

We believe that because a lot of the extensions are loaded against our side of the property and that there is a seeming unwillingness to alter them, it has become extremely unsympathetic and unneighbourly on our neighbour's part. They did not have the courtesy to advise us of any of their proposals prior to submission of their plans; neither has any of them come to view the impact of their proposals from our property and perspective.

Their proposals are in need of some radical changes and not just minor titivation.

#### **4. A single letter of support has been received in relation to the proposal stating;**

This will improve the look of the building. I should like to suggest that the stone used is in keeping with the older houses in the village, i.e. not too white.

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

The main considerations are

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

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

The current building is believed to date from the 1970's and is set back a distance off Castor Road, probably within the original curtilage of The Old Rectory (grade II listed). The site lies to the north and north-west of The Old Rectory.

The present building is not readily visible within the conservation area, save for occasional glimpses of the main ridge of the building. Viewed from the Old Rectory, between the former stable block and main building, part of the main ridge of the building is visible over a boundary of conifer trees cut as a large high hedge (located within the application property). Other trees at the end of the driveway to the application property screen direct views of the property from Castor Road.

Although the proposal represents a significant change in the scale and appearance of the building the LPA consider that the setting of the listed building (the Old Rectory) will not be adversely affected. There will be no adverse impact on the character and appearance of the Marholm Conservation area due to the set-back location from Castor Road and limited views of the building.

The alterations will provide the building with arts and crafts inspired design, which will significantly improve the appearance of the existing building which suffers from a lack of strong design identity and through the use of unsympathetic materials. The Conservation Officer has raised no objection to the proposals but has requested that details of materials and finish, and any landscaping or boundary treatments can be conditioned.

### **The impact of the proposal on the amenity of the occupiers of neighbouring dwellings**

The proposal includes a large amount of single storey development directly adjacent to the northern site boundary and 2 storey development close to this northern boundary. The single storey development extends for 14 metres from the rear of the existing garage at a height of 4.1 metres increasing to 4.4 metres (as the land level drops) before this element joins with the proposed two storey extension. This element has been revised to move it further from the neighbour's boundary, leaving a gap of 1.7 metres between the boundary to the extension. The 1.7 metre inset will help to reduce the overshadowing caused to the neighbours amenity space and moves the highpoint of this element 3.3 metres from the boundary, reducing its impact and in the opinion of the LPA preventing this element from being unacceptably overbearing.

The two storey extension will be seen as an 8.0 metre wide roof slope, bringing development 5.0 metres closer to the boundary. Clearly this represents a significant change to the outlook of the neighbour to the north and will cause some additional overshadowing of the neighbours amenity space. However this element is not considered to be unacceptably harmful to the amenity of the neighbour as the overshadowing will mainly affect amenity space and is unlikely to unacceptably overshadow the primary habitable room windows of the dwelling. The proposal will not result in any overlooking of the neighbour to the north. The proposal is not considered unacceptably overbearing as the neighbour benefits from a relatively generous rear garden, the proposed two storey side extension would result in development of 8 metres along a total rear boundary length of 90 metres and as such represents a small amount of development of the boundary area.

The neighbour has objected to the window which would be located above the fence line. In order to prevent overlooking from this window a condition will be appended to the permission requiring that this window be obscure glazed and fixed shut.

The new wing running east west and constructed above the existing single storey element will reach a height of 7.25 metres, the ridge point will be approximately 17 metres from the northern site boundary. At this distance this element of the proposal will not cause material overshadowing and will not be overbearing to the occupiers of the dwelling to the north.

Whilst policies PP3 and CS16 state that planning permission should not be granted if the proposal results in unacceptable harm to the amenity of the occupiers of neighbouring dwellings, Policy PP1 states that there is a presumption in favour of sustainable development as contained within the National Planning Policy Framework. Therefore the aims of these policies must be balanced and a decision made that gives weight to the sustainability of the proposal against any harm that it causes.

For the reasons listed above the LPA are of the opinion that on balance the proposal is acceptable, due to the limited impact upon the neighbours located to north being balanced by the overall improvement to the quality of the dwelling proposed for the application site and the efficiency improvements that will result. However it must be noted that an impact does result and that this impact could be detrimental to the amenity of the occupiers of the neighbouring dwelling.

The proposal involve the creation of additional bedrooms and subsequently additional 1st floor windows facing south and west. The new 1st floor south facing windows will be approximately 15 metres from the closest part of the Old Rectory and 21 metres from the main body of the dwelling, this level of separation distance is acceptable and the proposal is considered unlikely to result in unacceptable overlooking especially when the mitigating factor of the conifer hedge boundary treatment is taken into account. The dwellings to the west are at least 35 metres from the location of the new windows, at this distance the windows will not result in unacceptable overlooking of neighbouring primary habitable rooms. No overshadowing will be caused to these other neighbours and the development will not be overbearing.

### **Other Matters**

The neighbour to the north (and their agent) has submitted a number of objections to the proposal. Many of the points raised have been addressed above, those outstanding will now be addressed.

The objector has stated that this type of development, and its resulting impacts should not happen in Conservation Areas. The designation as a conservation area is not to protect residential amenity, but to preserve the character of such areas. Given that that the majority of the development will not be visible from the public realm the LPA do not consider that this could constitute a reason for the refusal of the application.

The agent highlights the wording of expired policies stating that an application should be refused if any adverse impact is caused. The new policies (PP3 and CS16) have different wording, stating that applications should be refused only if unacceptable impact is caused. As stated above the LPA do not consider that the proposal results in unacceptable impact, but do acknowledge some harm is caused.

The agent also highlights the fact that Grey Gables were made to revise their extension in order to preserve the character of the Conservation Area and the amenity of the neighbour. Each case must be judged on the specific merits, on a site specific basis. The application site is not easily visible from the Conservation Area and the alignment of dwellings is completely different and therefore this objection is not considered to be a reasonable reason for the refusal of the application.

The occupier of Grey Gables and the agent representing the neighbour have stated that there is ample room within the site to accommodate much of the development and that there is no need to develop along the northern boundary. This is true and the applicant was asked to explore development in alternative locations. Unfortunately this was not deemed to be suitable to the applicant who wished to continue development along the northern boundary, albeit with a revised scheme that set the development in by an additional metre.

The occupier of Grey Gables has raised concerns about their trees and shrubs. Given the amendment to the proposal, which sets back development 1.7 metres from the boundary the LPA consider it unlikely that the proposal will result in the loss of the neighbours shrubs. If damage is caused then this would be a civil matter.

## 6 **Conclusions**

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

- The proposal will not unacceptably harm the character of the area or the amenity of the occupiers of neighbouring dwellings; in accordance with policies PP2, PP3 and PP17 of the Peterborough Planning Policies (DPD) 2012 and policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011.

## 7 **Recommendation**

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

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

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

C 2 No development shall take place until details of the materials to be used in the external surfaces of the development hereby approved 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: In order to preserve the special architectural and historic character of the Marholm Conservation Area; in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C 3 No development shall take place until details of the windows, doors and rainwater goods to be used 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: In order to preserve the special architectural and historic character of the Marholm Conservation Area; in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C4 Before the development hereby permitted is first occupied, the proposed north east facing ground floor window serving the proposed w/c shall be obscure glazed, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

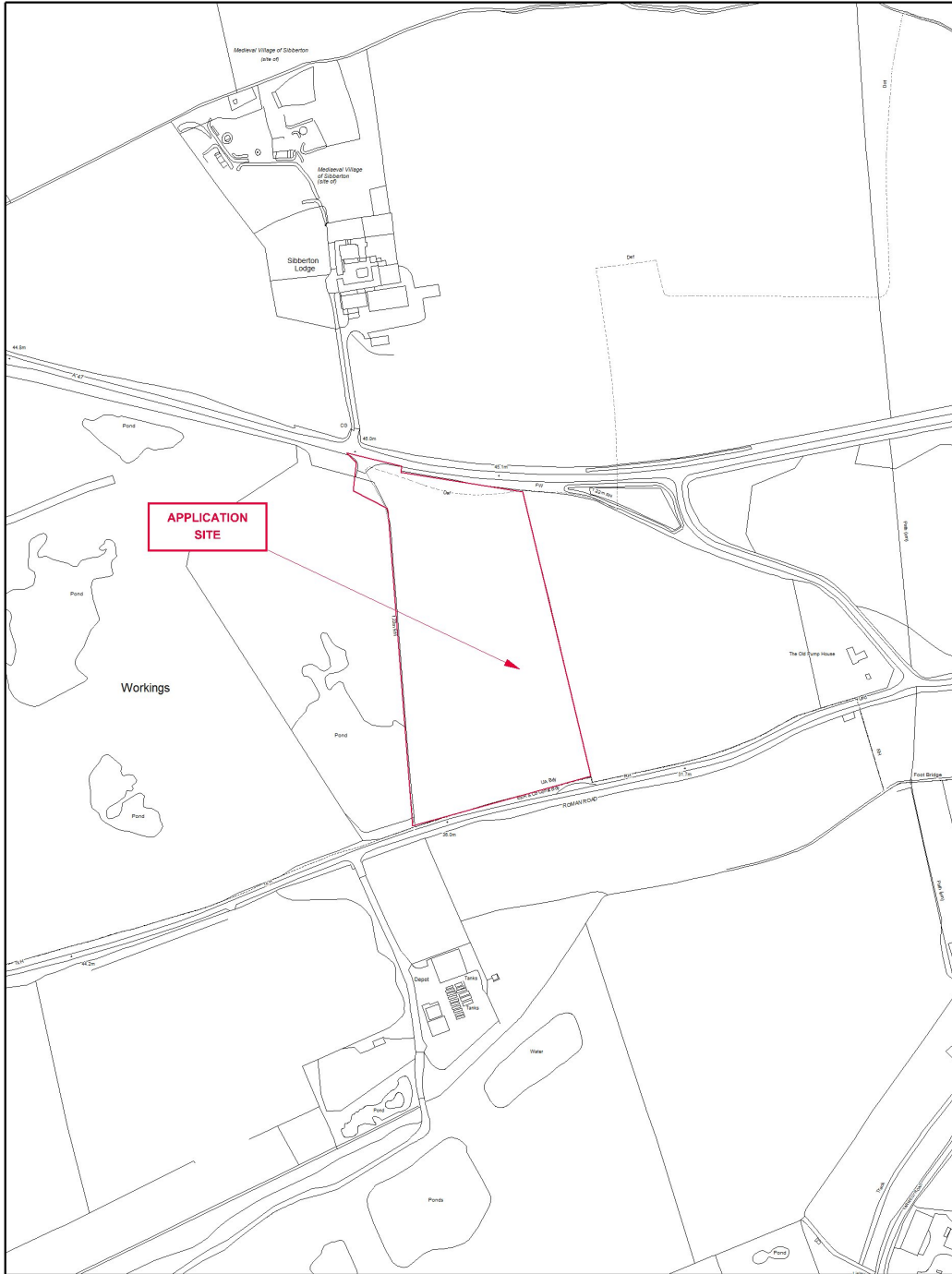
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C5 Surface water shall be disposed of by way of a soakaway. Should percolation tests indicate that soakaway would be ineffective then details of an alternative means of surface water disposed shall be submitted to and approved by the LPA and implemented in accordance with the approved details before the development is first occupied.

Reason: In the interest of flood prevents in accordance with National Planning Policy Guidance.

Copies to Councillors: J Holdich OBE, D Lamb

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**LOCATION PLAN 14/01716/MMFUL**

Land at Leicester Road, Wansford, Peterborough

Scale NTS Date 20/3/2015 Name AA Department Planning Services

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PCC GIS

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**Application Ref:** 14/01716/MMFUL

**Proposal:** Limestone extraction and restoration

**Site:** Land At, Leicester Road, Wansford, Peterborough  
**Applicant:** Bullimores Sand And Gravel Ltd

**Agent:** Liam Toland

**Site visit:** 02.02.2015

**Case officer:** Mr A O Jones  
**Telephone No.** 01733 454440  
**E-Mail:** alan.jones@peterborough.gov.uk

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

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

### **Site and Surroundings**

The site comprises a single arable field of approximately 5.4 hectares sitting in open countryside immediately to the east of Thornhaugh II limestone quarry and the recently permitted inert landfill site within that quarry. Sibberton Lodge farmhouse lies beyond farm buildings approximately 200m to the north, beyond the A47, with the village of Thornhaugh approximately half a mile beyond the site boundary. The closest residential property to the east is the Old Pump House, at approximately 250m from boundary to boundary, with the village of Wansford approximately 550m beyond the site boundary. An oil depot lies beyond the Wansford to King's Cliffe Road, approximately 150m to the south beyond the county boundary.

### **Proposals**

Permission is being sought to extract approximately 700,000 tonnes of limestone over a 5 year period commencing at the end of 2021, with progressive backfilling of 400,000 cubic metres of inert waste. Permission is being sought for an extended commencement period due to the complicated history of the wider Thornhaugh II site which previously enabled operations to be completed up to 2025. The quarry is proposed to be operated between the hours of 07:00 to 18:00 Mondays to Fridays, and 07:00 to 13:00 Saturdays. 56 vehicle movements (in and out) are predicted in relation to quarrying activities, with a 50% backhaul rate for inert fill. Allowing for periods when backhauling is not possible a maximum of 156 vehicle movements per day are anticipated. No blasting is proposed as part of the extraction operation as the limestone is proposed to be extracted by a 360 hydraulic excavator. Restoration is proposed on a phased basis to arable farmland based on the existing landform, with biodiversity enhancements to include gapping up of existing hedgerows and supplementary calcareous grassland strips along field margins with an emphasis on the area in proximity to the County Wildlife Site along the A47 verge.

## 2 Planning History

Reference	Proposal	Decision	Date
11/01711/MMFUL	Importation of inert material for recycling and infill to achieve a beneficial restoration to agricultural land	Refused	30/01/2012
97/P0071	Application to determine new conditions for extraction of limestone and restoration to agriculture and nature conservation after use - site 2	Permitted	25/04/1997

## 3 Planning Policy

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

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

#### **MW01 - Strategic Vision and Objectives for Sustainable Minerals Development**

In delivering the growth agenda there will be an increase in the use of recycled secondary aggregates and a preference in these over land won minerals, however, where this is not practicable a steady supply of mineral from the Plan area will be maintained. Limestone only exists in the Peterborough area and extraction will continue through the Plan period. In order to avoid reserves becoming exhausted, new sites will need to be identified and brought forward if they meet environmental criteria. Major infrastructure projects will be facilitated by the supply of mineral and in the case of the A14 improvements, by borrowpits close to the scheme. Mineral safeguarding and consultation areas will be identified to avoid needless sterilisation and prejudice to future mineral extraction. As extraction progresses across the area it will help deliver other objectives through restoration including increased biodiversity, amenity and recreational use. The natural and historic environment will continue to be protected with increased emphasis on operation practices which contribute towards addressing climate change and minimise the impact of such development upon communities. (Policy CS1 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

#### **MW02 - Strategic Vision and Objectives for Sustainable Waste Management Development**

Growth will be supported by a network of waste management facilities which will deliver sustainable waste management. The facilities will be 'new generation' which will achieve higher levels of waste recovery and recycling in line with relevant targets. They will also be of high quality design and operation, contributing towards addressing climate change and minimising impacts on communities in Cambridgeshire and Peterborough. There will be a network of stand alone facilities but also co-located facilities in modern waste management 'eco-parks'. The network will manage a wide range of wastes from the plan area, contributing to self sufficiency but also accommodating the apportioned waste residues from London or authorities in the East of England. Any long distance movement of waste should be through sustainable transport means - such facilities will be safeguarded via Transport Zones. A flexible approach regarding different types of suitable waste technology on different sites will be taken and Waste Consultation Areas and Waste Water Treatment Works Safeguarding Areas will be designated to safeguard waste management sites from incompatible development. A proactive approach to sustainable construction and recycling will be taken and strategic developments will need to facilitate temporary waste facilities to maximise the reuse, recovery and recycling of inert and sustainable construction waste throughout the development period. Where inert waste cannot be recycled it will be used in a positive manner to restore sites. The natural and built historic environment will continue to be protected with an increased emphasis on operational practices which contribute towards climate change and minimise the impact of such development on local communities. (Policy CS2 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

#### **MW06 - Scale and Location of Future Limestone Extraction**

The Mineral Planning Authorities will seek to maintain a limestone landbank of at least 10 years supply to meet the requirement to supply 300,000 tonnes of limestone per annum and contribute towards the national and regional need for aggregates. Proposals for new or extended quarries for extraction of oolitic limestone from the north west Peterborough area will only be permitted where it is demonstrated that they meet the criteria set out in the policy.

#### **MW14 - The Scale of Waste Management Provision**

Sets out the amounts of waste provision and timescales for the various types of waste management facility to be provided for by the Waste Planning Authority by 2026.

#### **MW15 - The Location of Future Waste Management Facilities**

A network of waste management facilities will be developed across Cambridgeshire and Peterborough. The spatial distribution of the network will be guided by various economic and environmental factors (the relevant details of which will be discussed in the main body of the report).

#### **MW20 - Inert Landfill**

Strategic allocation is made at Block Fen/Langwood Fen Area of Search.

Sites to deliver the remaining 3.69 million cubic metres capacity will be made at mineral extraction sites requiring restoration and identified in the Site Specific Proposals Plan.

#### **MW22 - Climate Change**

Minerals and waste proposals will need to take account of climate change over the lifetime of the development, setting out how this will be achieved. Proposals will need to adopt emissions reduction measures and will need to set out how they will be resilient to climate change. Restoration schemes which contribute to climate change adaption will be encouraged.

#### **MW24 - Design of Sustainable Minerals and Waste Management Facilities**

All proposals for minerals and waste management development must achieve a high standard in design and environmental mitigation. Waste Management proposals must be consistent with guidance set out in The Location and Design of Waste Management Facilities SPD.

#### **MW25 - Restoration and Aftercare of Mineral and Waste Management Sites**

Minerals workings and waste management sites will be restored to a beneficial afteruse with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

#### **MW26 – Minerals Safeguarding Areas**

Minerals Safeguarding Areas identify economic deposits of mineral, and are defined in order that proven resources are not needlessly sterilised by non-mineral development.

#### **MW27 – Mineral Consultation Areas**

Mineral Consultation areas are allocated to ensure that existing or future working of mineral reserves will not be prevented or prejudiced by other forms of development.

#### **MW29 - The Need for Waste Management Development and the Movement of Waste**

Proposals for new or extended waste management development will be permitted where they meet a demonstrated need within Cambridgeshire and Peterborough. Applicants will be required to enter into binding restrictions on catchment area, tonnages and/or types of waste. Permission may be granted for development involving importation of waste from outside the Plan area where it is demonstrated it is sustainable.

#### **MW30 – Waste Consultation Areas**

Waste Consultation Areas are allocated to ensure that existing or future planned waste management facilities will not be prevented or prejudiced by other forms of development.

### **MW32 - Traffic and Highways**

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

### **MW33 - Protection of Landscape Character**

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

### **MW35 - Biodiversity and Geodiversity**

Mineral and waste management development will only be permitted where there will likely be no significant adverse affect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

### **MW36 - Archaeology and the Historic Environment**

Minerals and waste development will not be permitted where there is an adverse effect on a designated heritage asset, historic landscape or other historic asset of national importance and/or its setting unless substantial public benefits outweigh the harm, or any significant adverse impact on a site of local architectural, archaeological or historical importance. Development may be permitted where appropriate mitigation measures are in place following consideration of the results of prior evaluation.

### **MW38 - Sustainable Use of Soils**

Mineral and Waste development which affects the best and most versatile agricultural land will only be permitted where it meets the criteria set out in this policy.

### **MW39 - Water Resources and Water Pollution Prevention**

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

### **MW40 - Airport Safeguarding**

Mineral and waste development in the safeguarding areas of airports/aerodromes will only be permitted where the development will not cause a significant hazard to air traffic.

## **Peterborough Planning Policies DPD (2012)**

### **PP01 - Presumption in Favour of Sustainable Development**

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

## **4 Consultations/Representations**

### **PCC Wildlife Officer (17.02.15)**

No objections subject to operations being carried out in accordance with the recommendations of the Ecological Assessment. The amended restoration proposals are acceptable subject to the inclusion of 6m calcareous grassland strips (rather than 2m wide) and the planting-up of all existing gaps along the boundary hedgerows.

**PCC Pollution Team (13.02.15)**

No objections. Appropriate noise limits are recommended and a monitoring scheme should be agreed. Details of reversing alarms will be required. Suitable dust control measures are set out and a monitoring scheme should be agreed. Appropriate lighting is required and can be secured by condition.

**PCC Landscape Architect (Amey) (14.02.15)**

No objections. A broader strip of limestone grassland is recommended and further details can be secured by condition in relation to hedgerow and grassland management.

**PCC Transport & Engineering Services (23.02.15)**

No objections subject to provision of appropriate vehicle cleansing equipment and vehicle to vehicle visibility splays.

**PCC Archaeological Officer (02.02.15)**

The evaluation of the area has been completed, including geophysical survey and trial trenching. No objections subject to an appropriate archaeological scheme of work being required by condition.

**Natural England - Consultation Service (13.02.15)**

No objection. Natural England are satisfied that the additional information confirms that the proposal is unlikely to have any adverse effect on nearby Sites of Special Scientific Interest, including Wansford Pasture SSSI. The amended restoration proposals to include provision of a limestone grassland field margin and gapping up of hedgerows are also welcomed.

**Environment Agency (18.02.15)**

No objections subject to the inclusion of appropriate conditions to establish greenfield run-off rates and require a surface water drainage scheme ensuring post restoration infiltration and run-off rates match the existing greenfield runoff rate.

**Defence Infrastructure Organisation (MOD - Statutory) (06.10.14)**

No safeguarding objections.

**National Grid (17.11.14)**

No objections subject to no demolition being allowed within 150 metres of a pipeline without an assessment of vibration levels at the pipeline. Further advice provided in relation to working in the vicinity of pipelines.

**GeoPeterborough (Designated Sites) (06.02.15)**

The amended application acknowledges the status of the Local Geological Site and the applicant supports the conditioned provision of access to record geological exposures during the working life of the quarry. Representative sections through the Lincolnshire Limestone should be conserved throughout the wider Thornhaugh II quarry.

**The Wildlife Trust (Cambridgeshire) (16.02.15)**

No objections subject to the inclusion of suitable areas of limestone grassland in the restoration, such as a 6m margin recommended by environmental stewardship schemes, and the use of appropriate seedmix to establish the grassland.

**Thornhaugh Parish Council (03.02.15)**

In addition to the points raised by Wansford Parish Council, Thornhaugh PC has concerns regarding effective monitoring of dust and noise, conditioning appropriate lighting, Parish Council involvement in monitoring, additional traffic along the A47, and request that a 40mph speed limit is imposed on the A47 from the Old Oundle Road junction to Wansford.

**Wansford Parish Council (21.10.14)**

Object. Concerns regarding; the suitability of the noise assessment; noise and dust monitoring; increased volumes of traffic on the A47; appropriate implementation of restoration and request for fines in the event of failure to restore within set timescales.

**Barnack Parish Council (14.10.14)**

Wildlife enhancements should be considered when restoration is undertaken.

**East Northamptonshire Council (29.10.15)**

No objections subject to ensuring dust emissions are controlled and blasting practices regulated to minimise the impact on the amenity of neighbouring occupiers; all other matters should be considered and mitigated including those specifically affecting East Northamptonshire.

**Local Residents/Interested Parties**

Initial consultations: 5

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

Two objections have been raised with regard to the following issues;

The number of vehicles using the site daily; the proposed operating hours; the views from residential property to the east; blasting; duration of operations; impacts on potential residential development between the Old Pump House and Robins Field; use of hydraulic breakers and crushing and screening plant; noise and dust.

The background noise data presented is not representative of ambient conditions, including background noise from the A47 and A1, and working at the neighbouring Thornhaugh II quarry; concerns regarding the methodology used to propose noise limits; concerns regarding the ability of the operations to take place within the proposed limits; concerns regarding noise monitoring and arbitration of any disputes;

There are no guaranteed measures to minimise the effect of dust; the mature vegetation at the boundary of the Old Pump House and the outbuildings at Sibberton Lodge should not be used to class the properties as being of low to moderate sensitivity (to dust); measures to reduce the impact of dust have been demonstrably ineffective at nearby quarrying operations; limestone will dry out following extraction and wind blown dust will be generated during loading and HGV movements; concerns regarding dust monitoring and remedial measures.

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

The main considerations are

1. Suitability of the proposal (mineral extraction and infilling with inert material)
2. Noise and dust
3. Landscape and visual impact
4. Biodiversity and Geodiversity
5. Floodrisk
6. Archaeology
7. Traffic and Highways
8. Other Issues

### **1. Suitability of the proposal**

The proposed works include the extraction of mineral and the deposition of waste. As such it must accord with policies CS1 and 2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 (the Core Strategy). The proposals will help to ensure that local requirements for limestone can be met and would represent the only permitted limestone landbank reserves (CS6), and provision made for inert landfill capacity (CS20). The Core Strategy is aligned with the National

Planning Policy Framework, which includes the requirement to 'give great weight to the benefits of mineral extraction, including the economy' (paragraph 144).

### *Mineral Extraction*

The proposed extraction area lies within the eastern extent of the former Thornhaugh II quarry, which benefitted from planning permission P0071/97 granted on appeal (ref. M25/1/3-M25/1/6). The proposal site was acknowledged as being both a separate and constituent part of the former Thornhaugh II quarry by virtue of the permission, which included a number of bespoke conditions for this area of the site. The appeal permission was recently subject of a review of conditions, for which no application, which would have been required to cover the entirety of the site, was forthcoming. As such, the previous permission, which enabled extraction up until 2025, has fallen away in so far as it related to the extraction of the mineral reserves. The landowner for the proposal site did not exercise this option due to the practical difficulties involved with making a submission including land outside their control.

Notwithstanding that the previous permission for mineral extraction has fallen away, the site still benefits from being within a Mineral Consultation Area (MCA) (CS27) and is within a Minerals Safeguarding Area (MSA) (CS26). The MCA exists to ensure that where mineral reserves are permitted or allocated, the Mineral Planning Authority will seek to ensure that existing or future working of reserves will not be prevented or prejudiced by other forms of development. The MSA designates mineral deposits considered to be of economic importance. The proposals enable the accessing of known economic reserves of limestone in this area. As the proposal meets with all other relevant policy and material considerations, the principle of extraction at this site is acceptable. The remainder of this report sets out why this is the case, indicating how the proposal complies with the relevant policies.

### *Infilling with inert material*

The National Planning Policy for Waste sets out a number of criteria for waste planning authorities, with which it is considered the Core Strategy is in compliance. The scale, location and requirement for inert landfill is set out in policies CS14, CS15 and CS20, and the proposal site is allocated for inert landfill in the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD 2012 (the SSP) policy SSP W2 as site W2F. The proposal is therefore considered to be consistent with the waste spatial strategy. As the proposal meets with all other relevant policy and material considerations, the principle of inert landfilling at this site is acceptable. The remainder of this report sets out why this is the case, indicating how the proposal complies with relevant policies, and the 'implementation issues' as outlined in the SSP.

## **2. Noise and dust**

The National Planning Policy Framework clearly establishes (para. 144) that some noisy short term activities are unavoidable to facilitate minerals extraction, and there is a corresponding need to ensure that unavoidable noise emissions are controlled, mitigated or removed at source. The Technical Guidance accompanying the NPPF provides guidance and advice upon acceptable levels of noise from minerals operations.

'Typical' background levels are advised as the most appropriate means of establishing the permissible noise levels for the site and will minimise the impact on noise sensitive properties without imposing unreasonable burdens on the operator, ensuring noise levels are appropriately controlled by condition to protect surrounding uses, including residential noise sensitive properties. Some concerns were raised through representations regarding the validity of the noise assessment provided with the application, however this has been independently assessed by the Council's Environment and Pollution Control Officer and found to be appropriate and sound, with realistic and achievable noise limits, in accordance with the Technical Guidance to the NPPF, proposed. Although concerns have also been raised about the effectiveness of any monitoring and enforcement of the proposed noise levels, a robust monitoring system is implemented within the authority, (in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012), and enforcement options are available in the event of non-compliance with conditions. As such, the proposals are in accordance

with Core Strategy policy CS34. A noise monitoring scheme can establish the frequency and duration of monitoring requirements, any additional mitigation measures and be secured by condition.

Concerns have been identified regarding the manner in which the 'typical background noise levels' have been established for the site, whereby a single recording occurrence was undertaken. These levels were acknowledged as not being indicative of background noise levels on Saturdays, and the Environment and Pollution Control Officer has consequently recommended different noise limits for both weekday and Saturday working. It is also acknowledged that the applicant is not seeking to commence development until 2021, and that the only permitted activity with the exception of the Mick George Ltd area of the quarry benefitting from planning permission (11/01711/MMFUL) on appeal (APP/J0540/A/12/2179541/NWF) for inert fill (which must be commenced by 8th May 2016, and completed within four years from the commencement of the development) within the wider Thornhaugh II quarry is for restoration purposes. The nearby Stonehill quarry in East Northamptonshire must also be completed no later than 15 January 2016 (permission ref. 13/00004/MINVOC). As such, there is limited potential for 'overlapping' of the nearby quarry developments and cumulative impact in terms of noise. The proposed noise limits can be controlled by condition and the Environment and Pollution Control Officer is satisfied that these are achievable and appropriate.

Temporary operations which will be in excess of normal operating site noise limits (such as site preparation, soil stripping and replacement, and bund formation and removal) can be satisfactorily controlled by condition to a maximum of eight weeks per calendar year. Mobile plant can cause nuisance if unsuitable reversing beepers are used; this can be satisfactorily controlled by condition to ensure suitable beepers are utilised.

The proximity of residential properties to the extraction area of the proposal requires regular monitoring to ensure that additional mitigation measures can be implemented if proven necessary. It is noted that the impacts of the development will vary over time as operations progress between phases, and it is therefore important to control by condition the scheme of soil movements to ensure the perimeter bunds are constructed at appropriate times to aid mitigation. The effective storage of top-soils (to preserve its nutrients) dictates that top soil cannot be stored in bunds greater than 3m in height. The provision of a scheme of soil movements prior to the commencement of development will ensure both the satisfactory storage of soils and the effectiveness of the bunds as noise mitigation barriers. This can be appropriately controlled by condition in accordance with policy CS34. Additionally, operating hours, and the use and maintenance of machinery to manufacturers specifications can be controlled by condition to ensure minimal noise impacts.

The Dust and Air Quality Assessment provided with the application sets out an appropriate range of mitigation measures which can be controlled by condition to minimise the environmental impacts. Restricting plant and vehicle movements to clearly defined haul routes, will serve to both preserve the condition of soils, in accordance with policy CS38, and minimise the potential for dust to arise on site in accordance with policy CS34. In addition, the provision of a water bowser / spray to be used as required for site operations can be satisfactorily conditioned. Although concerns have also been raised about the effectiveness of any monitoring and enforcement of the proposed dust mitigation measures, a robust monitoring system is implemented within the authority, (in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012), and enforcement options are available in the event of non-compliance with conditions. As such, the proposals are in accordance with Core Strategy policy CS34. A Dust Action Plan can be secured by condition, and can establish the frequency and duration of monitoring requirements, any additional mitigation measures and be secured by condition.

### **3. Landscape and visual impact (including lighting)**

The Landscape and Visual Impact Assessment provided with the application is recognised by the



Landscape Architect as having been carried out appropriately with a sound methodology. The proposed restoration ensures the land will be returned to original contours, which is desirable in light of the approved contours at the neighbouring inert fill site immediately to the west within Thornhaugh II, and the long term impacts are therefore acceptable.

The site is relatively small and well screened due to the local topography and surrounding hedgerows, with the only significant views into the site being from the A47 and the entrance to Sibberton Lodge to the north. The timely construction of the soil storage bunds will assist with mitigating this visual impact during the lifetime of development. In addition the proposals include the gapping up of hedgerows, which, whilst providing little immediate mitigation, over the medium to long term will improve the landscape in the area.

The gently undulating topography in the locality requires any lighting to be carefully designed, as the site is visible from some residential properties and from two major trunk roads in the form of the A1 and A47. Although none is expressly proposed, it is a reasonable expectation that lighting may be required, during winter months for example. A condition is therefore proposed requiring lighting details to be submitted for approval.

Notwithstanding the construction of the bunds, the visual impact of the proposed development is likely to be at its most significant during the early stages of operation whilst the plant and stockpiles have to sit on the mineral surface. Although this impact will reduce when the stockpiles and plant can be relocated to the quarry floor, both the plant (e.g. to control the size) and size of stockpiles can be controlled by condition to minimise this to an acceptable level, and the proposal therefore accords with Core Strategy policies CS33 and CS34.

Although the broad scope of the revised Restoration Plan is acceptable, the detail, including the aftercare of both the biodiversity enhancements and the arable land, and an expansion to the limestone grassland strip to 6m in line with the criteria for the Natural England's Environmental Stewardship scheme, can be controlled by condition and the proposal is therefore in accordance with Core Strategy policies CS25 and CS33.

#### **4. Biodiversity and Geodiversity**

The Ecological Impact Assessment has adequately assessed protected species, including the population of Great Crested Newts known to inhabit the Thornhaugh II site, and habitats, including the SSSIs within 2km of the site at Bedford Purlieus, Wansford Pasture, and West, Abbott's and Lound Woods within Peterborough, and Old Sulehay Forest, within Northamptonshire, and the A47/A1 Interchange Road Verges County Wildlife Site. The Assessment provides broadly acceptable mitigation and enhancement measures to ensure ecology and biodiversity is effectively controlled, the measures of which can be controlled by condition in line with the strategic objectives of policies CS1 and 2. Such measures address the issues raised by Natural England (NE) and the Wildlife Officer.

The National Planning Policy Framework aims to ensure the conservation and enhancement of the national environment (Ch.11), and the safeguarding of best and most versatile agricultural land through the restoration and aftercare of mineral sites (Ch. 12). The soils on the site are classified as Grade 3 (good to moderate), and the proposal must incorporate proposals for the sustainable use of soils in accordance with CS38. As previously described, schemes of soil movements prior to commencement of development will ensure the satisfactory handling, temporary storage, and replacement of top and sub soils. Although not considered to be land of the highest grade, the restoration nonetheless strikes an appropriate balance between restoration to arable agriculture (as it is at present) and biodiversity enhancements.

The final restoration proposals must strike a balance between retention of the site for agricultural purposes and biodiversity enhancements. The two are not mutually exclusive, and effective husbandry of agricultural land can enhance biodiversity on a site. Notwithstanding such measures which can be controlled by an effective Aftercare Scheme required by condition (as described in

the Landscape and Visual Impact section of this report), the proposed restoration of the site offers a number of biodiversity enhancements over and above its current condition, in physical areas distinct from the arable restoration. The proposal therefore accords with policy CS25 particularly parts c and e with respect to biodiversity enhancements and restoration of high grade agricultural land. Having achieved an appropriate balance with the restoration proposals, controlling the final detailed elements of the scheme, which may include a requirement for underdrainage of the restored arable field, will be required by Condition to ensure a comprehensively satisfactory scheme.

The proposed restoration scheme has evolved from that submitted with the original application, and improved to a standard that can be recommended for approval. The main biodiversity enhancements, the limestone grassland strips, have increased substantially in size, and the gapping up of hedgerows, prior to commencement of development, help ensure the thoroughness of the biodiversity enhancements, which accord with the priority habitats and biodiversity targets set out in the Cambridgeshire and Peterborough Biodiversity Action Plans. The restoration scheme when viewed as a whole, is deemed to offer an appropriate balance. To secure biodiversity enhancement benefits, a detailed restoration and landscaping scheme will be required by condition to ensure the satisfactory balancing of competing and complementary afteruses.

The proposal site lies within the 'Thornhaugh II' Regionally Important Geological Site. As such the proposal presents an important opportunity to provide access to the exposed underlying geology. Temporary section recording during the working life of the quarry can be facilitated by condition in accordance with policy CS35. The restoration scheme for the neighbouring phase of Thornhaugh II, approved on appeal, is such that the landscape potential of Thornhaugh IIb does not lend itself to the retention of rockfaces without creating an inappropriate landform.

## **5. Floodrisk**

The proposal site is located within Flood Zone 1, and the application included an assessment of the impact on water resources and Flood Risk, and further information was supplied in the form of a Water Environment Report to ascertain a better understanding of the impacts of the proposal, particularly in relation to the Wansford Pasture SSSI. The Environment Agency took into consideration the Flood Risk Assessment submitted in support of planning application 11/01711/MMFUL (i.e. the inert fill site within Thornhaugh II) and withdrew their objection on floodrisk grounds.

The additional information within the Water Environment Report establishes that dewatering of the site will not be required as the watertable elevation is likely to be below the base of the Northampton Sand. Water management is unlikely to be required on site due to the permeability of the sand underlying the limestone. Although groundwater monitoring will be required prior to infilling for Environmental Permitting purposes, the application demonstrates that the principal of infilling with inert material is achievable.

The Environment Agency have highlighted the need to ensure there is no additional risk of surface water flooding from the proposal, and this can be secured by condition in accordance with Core Strategy policy CS39. Adequate water pollution prevention and control, such as the risk of spillages within the quarry, can also be secured by condition.

## **6. Archaeology**

A Geophysical Survey has been undertaken at the site and present with the application. The Council's Archaeologist has identified a number of features in the adjacent quarry at Thornhaugh II, and in combination with the geophysical survey is satisfied that the evaluation of the area has been completed. With regards archaeology, the next phase of work will entail targeted excavation, and this can be conditioned alongside a Written Scheme of Investigation in accordance with Core Strategy policy CS36.

Sibberton Lodge, to the north of the site, is a Grade II listed building. The Lodge is separated from the proposal site by the A47, a small area of arable fields, and numerous agricultural buildings. Any impacts on the setting of Sibberton Lodge are considered to be short term and negligible, the mitigation measures as outlined in the rest of the report will also help to ensure there are no significant impacts on this heritage asset.

## **7. Traffic and Highways**

A Transport Statement was included with the application, and further information has been supplied in relation to vehicle movements and numbers, swept path analysis of the site entrance, and a plan depicting the accident data included within the Transport Statement. The Local Highway Authority have no objections to the proposal subject to the imposition of a condition to control wheel cleaning.

The proposal includes the exportation of a maximum of 150,000 tonnes per annum of limestone over a three year period, with waste infilling of 100,000 cubic metres per annum over a four year period. Infilling is expected to commence until after the first year of extraction has been undertaken, i.e. when sufficient void space has been created. Following the first year it is expected that 50% of loads will be back hauled. As such, the worst case scenario for traffic volume would see 156 HGV movements, 56 in relation to extraction, and, with no back hauling, 100 HGV movements associated with the inert filling. The proposal represents less than a 1% proportional increase in traffic on the A47, and consideration has also been given to Thornhaugh II quarry, which no longer benefits from planning permission and therefore has no associated vehicle movements. The proposals are not considered to adversely increase the level of traffic on the adjacent highway.

The proposal site will be accessed by the existing junction of the A47, which has appropriate vehicle to vehicle visibility splays, and, despite the extraction operations within Thornhaugh II quarry has been demonstrated to be accessible to HGVs through the swept path analysis presented with the application.

The access and highway network serving the site are considered to be suitable to accommodate the increase in traffic, which is accepted as being marginal, and whilst it is acknowledged that there is a local desire for speed restrictions to be imposed on this stretch of the A47 it is not considered that this proposal carries a requirement for such acts of traffic management to be imposed. The proposals are therefore considered to be in accordance with Core Strategy policy CS32.

## **8. Other issues**

The proximity to RAF Wittering requires the proposal to ensure that operations and final restoration do not present a bird strike hazard. Defence Estates have raised no objections to the proposals, which are therefore considered to be in accordance with Core Strategy policy CS40.

Following consultation and further review the applicant no longer intends to work the proposal site with quarry blasting, but rather through using a 360 hydraulic excavator; this can be controlled by condition and will remove a number of concerns expressed through representations regarding the proposed working practices at the proposal site.

Concerns have been raised regarding the effectiveness of any monitoring that may be required in the event that the proposal is approved. Such concerns are not a reason to refuse permission, and the proposed conditions are considered to offer an appropriate level of control over the impacts of the development and are enforceable. In addition to the regular monitoring required under the Regulations (as described above, and typically undertaken 3 – 4 times per year), the operator may choose to organise a Liaison group. Such community engagement is a recognised method of alleviating concerns, airing grievances, and creating a better understanding of working practices and the implications of development. Although whether or not these are held is at the discretion of the operator this approach would be encouraged by the Minerals and Waste Officer at every Site

Monitoring Visit. Additionally, the reports published following every Site Monitoring Visit are available on request, and interested members of the public and / or Parish Councils can take the opportunity to scrutinise the effectiveness of the monitoring regime. Effective monitoring is assisted by the reporting of any complaints, both to the operator and to the Council, who will investigate if a breach of control is occurring and enforce where necessary and appropriate.

## **6 Conclusions**

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The principle of development is in accordance with policy SSP W2 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD (SSP DPD) which allocates the site for inert landfill; and the proposed extraction lies within the Minerals Consultation Area (CS27) associated with the previous permission for limestone extraction at Thornhaugh II quarry.

An Environmental Statement accompanies the application which, alongside the submitted further information is considered comprehensive and meets the requirements set out in the Town and Country Planning Environmental Impact Assessment Regulations 2011. Detailed topic areas have been assessed/considered:- With regard to noise and dust, the proposal is in compliance with policies CS24 and CS34. The landscape and visual impacts of the proposal are in compliance with policies CS25, CS33 and CS34 of the Core Strategy. Ecology, Hydrogeology and Physical characteristics (including soils) have been carefully considered (no objections raised by Natural England or the Environment Agency subject to conditions) and are in compliance with policies CS22, CS25, CS35 CS38 and CS39 of the Core Strategy. Heritage and Archaeology have been assessed and are in compliance with policy CS36. Other matters have been assessed including Traffic and Highways, Flood risk, quarry design and climate change and are considered acceptable and in compliance with development plan policy. Cumulative impact of this development with that of the neighbouring site, Eyebury landfill, has also been taken into account. Comments of consultees have been taken into account and suitable conditions will be attached which address any issues raised. The representations have also been also taken into account but given that the site is allocated for inert landfill, previously benefitted from permission for limestone extraction, and in all other respects the proposal is acceptable, there is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

## **7 Recommendation**

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

- C 1 The development hereby approved shall be begun no later than the expiration of 6 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 be carried out in complete accordance with the details set out in the application (received 22/09/2014) and approved plans except as required elsewhere in this scheme of conditions.  
Location Plan, Drawing No. HPL/TH/003 (Sept 2014)  
Quarry Phasing Plan, Drawing No. HPL/TH/001 (June 2014)  
Depths of Working, Drawing No. HPL/TH/002 (May 2014)  
Restoration Plan, Drawing No. LD025/TGH/001 Rev B (March 2015)  
Planning and Environmental Statement, dated September 2014  
Letter from Liam Toland, and accompanying information, dated 27th January 2015

Reason: To clarify what is hereby approved and in accordance with policies CS; 1, 2, 6, 14, 15, 20, 22, 24, 25, 26, 27, 29, 30, 32, 33, 34, 35, 36, 38 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD, policy SSP W2 of the Cambridgeshire and Peterborough Site Specific Proposals DPD, and the National Planning Policy Framework, particularly Chapter 13.

- C 3 The site shall be restored on a phased basis in accordance with the 'Quarry Phasing Plan'. Notwithstanding any additional landscaping, biodiversity enhancement or aftercare works, the restoration shall be complete no later than 5 years after the development is commenced.

Reason: To ensure a timely restoration allowing beneficial restoration in accordance with policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

- C 4 Only inert material shall be imported for the restoration of the site.

Reason: For the avoidance of doubt of the extent of the development and operations hereby permitted, and to ensure that the principles of the waste hierarchy have been applied in accordance with policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

- C 5 Prior to the commencement of development a scheme of soil movements, placements and replacements, based on the 'Quarry Phasing Plan' shall be submitted to and approved in writing by the Mineral Planning Authority. The development thereafter shall be carried out in accordance with the approved scheme.

Reason: To ensure the sustainable use of soils and to safeguard the amenity of sensitive receptors in the vicinity of the site in accordance with policies CS 34 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

- C 6 Plant and vehicle movements shall be restricted to clearly defined haul routes or to the overburden surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users, and to ensure conservation of soils in accordance with policies CS34 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 7 Prior to commencement of development, a Dust Action Plan, for the monitoring of dust from the site, and outlining appropriate mitigation measures, shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users, and to ensure conservation of soils in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 8 The operator shall give the Mineral Planning Authority at least 21 days written notice prior to the commencement of top or sub soil stripping from any part of the site. Prior to soil stripping any standing crop or vegetation shall be cut and removed.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users, and to ensure

conservation of soils in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 9 Prior to the commencement of development an Environmental Management Plan, based on the mitigation measures outlined in the Ecological Assessment, and the Restoration Plan, Drawing No. LD025/TGH/001 Rev B (March 2015), shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include at least the following:
- 1) An effective survey and monitoring programme, and submission of survey reports and updates of any implementation issues.
  - 2) Provision for overseeing of the permitted works by an appropriately qualified Ecological Clerk of Works, including works of biodiversity enhancement aftercare.
  - 3) Details of the timing of the measures to be put in place as part of the approved scheme, e.g. landscaping.
  - 4) Tree and hedge protection measures

The development thereafter shall be carried out in accordance with the Environmental Management Plan.

Reason: In order to ensure appropriate protection and conservation of protected species and provide appropriate biodiversity enhancement and visual impact mitigation in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS1, 24 and 33.

- C10 Prior to commencement of development a detailed landscaping scheme, including the timing of planting, shall be submitted to and approved in writing by the Mineral Planning Authority based on the following submitted drawings.  
Restoration Plan, Drawing No. LD025/TGH/001 Rev B (March 2015)  
Should any trees, shrubs or other planting die, become diseased or be removed within 5 years from its planting, it shall be replaced in the first available planting season with a plant/plants of a similar size and species to that removed.  
The development shall not take place except in complete accordance with the approved scheme.

Reason: To ensure the development will be appropriately assimilated into its surroundings and local landscape character in accordance with policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

- C11 A detailed 5 year strategy of agricultural aftercare shall be submitted to and improved in writing by the Mineral Planning Authority at least 6 months prior to the restoration of each phase. The scheme shall incorporate, but not be limited to, measures for soil replacement, stone removal and under-drainage if required.  
The aftercare shall be carried out in accordance with the approved scheme other than such minor variations as may be set out in the required annual detailed programmes for the forthcoming year which have been approved in writing by the Mineral Planning Authority.

Reason: To ensure the effective restoration of agricultural land in accordance with police CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C12 The operations authorised, required or associated with the development hereby permitted shall only be carried out between the following times:  
07:00 - 18:00 Mondays to Fridays  
07:00 - 13:00 Saturdays  
and at no other times including Sundays and Bank Holidays.

Reason: In order to safeguard the amenity of surrounding occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C13 All plant, machinery and vehicles operated within the site shall be maintained in accordance with the manufacturer's specification and shall be fitted with and use effective silencers in accordance with the manufacturer's recommendations and shall be operated so as to minimise noise emissions. The manufacturers specifications shall be provided to the Minerals Planning Authority within 5 days of being so requested.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C14 Prior to the commencement of development details of reversing alarms to be fitted to all mobile plant shall be submitted to and approved in writing by the Mineral Planning Authority. The approved reversing alarms shall be utilised on all mobile plant throughout the period of the development.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C15 Except for temporary operations, the level of noise emitted from the site when measured at the noise sensitive properties listed, shall not exceed the limits set out in below:

LOCATION	During permitted weekday working hours dBLAeq 1 hour (free field)	During permitted Saturday working hours dBLAeq 1 hour (free field)
Sibberton Lodge	53	51
Old Pump House	55	51

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C16 Prior to the commencement of development a scheme for the monitoring of noise from the site shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C17 For temporary operations essential for site preparation work and restoration such as soil stripping and replacement, and bund formation and removal, the free field noise level due to operations at the nearest point to locations identified in condition 16 shall not exceed 70 dB LAeq,1hour(free field). The Local Planning Authority shall be notified at least 21 days in advance of essential temporary operations. Temporary operations shall not take place for more than eight weeks in any calendar year.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C18 Prior to the commencement of development details of mobile hydraulic breakers to be used on site shall be submitted to, and approved by, the Mineral Planning Authority. Such breakers as may be approved are only to be used below existing ground level and only between 08:00 to 17:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays and not at all at any other times.

Reason: In order to safeguard the amenity of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C19 No blasting shall take place within the site at any time.

Reason: In order to protect the amenity of the locality in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C20 No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the Local Planning Authority in writing. No development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD and the National Planning Policy Framework, particularly paragraphs 128 and 141.

C21 The developer shall make allowance for 'Temporary Section Recording' of the limestone sequences on an annual basis or at the request of the Minerals Planning Authority.

Reason: To secure the benefits of exposing the geological interest within a RIGS site in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C22 No basal clay shall be removed from the site.

Reason: For the avoidance of doubt of the extent of the development and operations hereby permitted in accordance with policies CS32, 34 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other statutory instrument revoking and re-enacting that order) no fixed or mobile plant, machinery or buildings connected with the development shall be erected or placed on site without the express permission of the Mineral Planning Authority.

Reason: For the avoidance of doubt of the extent of the development and operations hereby permitted, and to safeguard the amenity of the area and minimise disturbance to adjacent land users, in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C24 In the event of a cessation of operations prior to the completion of the development hereby permitted, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of restoration, landscaping and aftercare, shall be submitted within 12 months of the cessation to the Mineral Planning Authority for approval. The approved revised scheme shall be implemented in full within 12 months of the written approval unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: For the avoidance of doubt of the extent of the development and operations hereby permitted in accordance with policies CS1 and 2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.



C25 Any fuel, oil, or chemical storage above ground and refuelling facilities shall be banded to at least 110% of the tank capacity.

Reason: To protect the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C26 No permanent fixed lighting shall be erected unless a scheme of lighting is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of types of lights, mountings and positions, lux values and measures to prevent light spillage occurring outside the site. No lighting shall be erected except in accordance with the approved scheme.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and highway safety in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

C27 There shall be no access to the site other than from that approved at the A47.

Reason: In the interests of highway safety and local amenity in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

C28 A wheelwash facility shall be retained on site in full working order for the duration of the mineral extraction and restoration works.

Reason: In the interests of highway safety and dust control in accordance with policies CS14 of the adopted Core Strategy, CALP 14 and emerging policy CS6 of the Minerals and Waste Core Strategy.

C29 Prior to commencement of development a Surface Water Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The Scheme shall be include, but not be limited to the following;

- Percolation tests and existing site surveys shall establish existing Greenfield runoff rates
- Rates of infiltration to be achieved as a result of the inert fill; the rates of infiltration must match the existing Greenfield runoff rates.

The development shall thereafter be undertaken in complete accordance with the approved scheme.

Reason: To ensure there is no significant adverse risk to the quantity or quality of surface water resources in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

Copies to Councillors: J Holdich OBE, D Lamb

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<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 6</b>
<b>7 APRIL 2015</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer:	Nick Harding (Head of Development & Construction)	Tel. 454441
Reporting Officer:	Paul Smith (Compliance & S106 Manager)	Tel. 453468

**PLANNING COMPLIANCE QUARTERLY REPORT ON ACTIVITY & PERFORMANCE  
OCTOBER TO DECEMBER 2014**

<b>RECOMMENDATIONS</b>	
<b>FROM</b> : Director of Growth and Regeneration	<b>Deadline date</b> : April 2015
That Committee notes past performance and outcomes.	

**1. PURPOSE AND REASON FOR REPORT**

It is useful for Committee to look at the Planning Service's planning compliance performance and activity and identify if there are any lessons to be learnt from the actions taken. This will help inform future decisions and potentially reduce costs. This report is presented under the terms of the Council's constitution Part 3, delegations section 2 para 2.5.1.4.

**2. TIMESCALE.**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>n/a</b>
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**3. MAIN BODY OF REPORT**

In the third quarter of 2014/15 we received a total of 109 service requests (we usually average 150 cases per quarter). Taking into account the number of cases closed over the period (128 cases) as at 31 December 2014 we had 137 live cases being investigated / in the process of being resolved. The Technical Services Team acknowledged 95% of new service requests within 3 working days this quarter, well above the target of 80%. 91% of initial site visits were made within 7 days of the service request being received, again well above the 80% target. A total of 5 enforcement notices were issued in the quarter and 5 enforcement notices issued in previous quarters have been checked and were found to have been complied with. We received 41 less cases than the quarterly average of 150. The number of cases closed was 22 below the quarterly average. Court Action was agreed to be taken against one case for failing to comply with an enforcement notice. There were no prosecution cases to report this quarter. However there were four notable outcomes to report:-

- Land south east of Nine Bridges, Mile Drove, Glinton (13/00269/ENFCOU) – Appeal dismissed.

- Land south east of Nine Bridges, Mile Drove, Northborough (13/00387/ENFHRD) – Appeal dismissed.
- 15 Serlby Gardens, Netherton (12/00500/ENFGAR) – Appeal dismissed.
- 285 Lincoln Road, Peterborough (09/00404/ENFAD) – Adverts removed.

Please see the attached Appendix for further details of the Planning Compliance Team Quarterly Report on Activity & Performance.

#### 4. IMPLICATIONS

4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the enforcement process itself must have due regard to legal considerations and requirements.

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

**Human Rights Act** – This report itself has no human rights implications but the enforcement process has due regard to human rights issues.

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

**ICT** – This report itself has no ICT implications.

**Property** – This report itself has no Property implications.

**Contract Services** – This report itself has no Contract Services implications.

**Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the enforcement process has due regard to such considerations.

## **APPENDIX**

### **INFORMATION ITEM: PLANNING COMPLIANCE TEAM QUARTERLY REPORT ON ACTIVITY & PERFORMANCE – Qtr 3 (Oct-Dec 2014)**

<b>Description</b>	<b>No.</b>	<b>Comments</b>	
Complaints Received	<b>109</b>	The number has fallen by 47 from the last quarter and risen by 3 for the same period last year	
Complaints Resolved (cases closed as % of cases received)	<b>128</b>	The number has fallen by 12 from the last quarter and by 1 from the same period last year	
Complaints on Hand/Pending	<b>137/99</b>	Cases on hand has fallen by 27 since the last quarter and the number of cases pending has fallen by 15	
<b>Enforcement Notices Served</b>			
Type of Notice	No.	Comments	
S215 Notice untidy land and buildings	1	14/00352/ENFS215 249 Peterborough Road Stanground	
Stop Notice	1	13/00248/ENFCOU Land To The Rear 4 Cavendish Street Eastfield	
Operational Development Notice	2	09/00153/ENFACC Picnic area Adj. A47 Wansford 13/00496/ENFCOU R/O 1125 Bourges Blvd	
Advert Removal Notice	1	14/00377/ENFAD 189 Lincoln Road	
Total Notices Served	<b>5</b>		
<b>Enforcement Notices Complied With</b>			
Type of Notice	No.	Comments	
PCN	1	09/00404/ENFAD 285 Lincoln Road	
Operational Development Notice	1	14/00150/ENFOTH Bodrum Restaurant 349 Lincoln Road	
Change of use	<b>1</b>	11/00142/ENFCOU 8 St Pauls Road New England	
Advert Removal/Action	2	14/00377/ENFAD 189 Lincoln Road 09/00404/ENFAD 285 Lincoln Road	
Total Notices Complied with	<b>5</b>		
<b>Other Notable Outcomes</b>			
Ref No.	Address	Issue	Outcome
13/00269/ENFCOU	Land south east of Nine Bridges, Mile Drove, Glinton PE6 9EZ	Stationing of residential caravans, installation of fencing and metal gates.	Appeal dismissed
13/00387/ENFHRD	Land south east of Nine Bridges, Mile Drove, Northborough PE6 9BJ	Stationing of residential caravans.	Appeal dismissed

12/00500/ENFGAR	15 Serlby Gardens, Netherton	Enclosure of amenity land as private garden, erection of fences adjacent to highway and construction of an outbuilding.	Appeal dismissed
09/00404/ENFAD	285 Lincoln Road	Unauthorised adverts	Adverts removed

#### Court Action Agreed

Type of Notice	No.	Comments
Failure to comply	1	12/00499/ENFACC 55 Cherry Orton Road

#### Prosecutions

Type of Notice	No.	Comments, including cost awards
None		

#### Performance Measures

	Description	% / Time	Comments
	% of cases closed within 8 weeks if No Breach found.	61%	Target of 80%
LPI	Average time (weeks) to resolve all cases closed last quarter.	19 weeks	Down by four weeks
LPI	% of complaints acknowledged within 3 working days.	95%	Target of 80%
		91 %	Target of 80%

#### Cumulative Compliance Performance

Description	Target	This quarter	Yearly average
Enforcement cases closed within 8 weeks if no breach found.	80% within 8 weeks	61%	77.5%
Acknowledgement of enforcement complaints.	80% within 3 working days	95%	97.%
Enforcement site visits carried out within 7 days of acknowledgement.	80% within 7 days	91%	97.%