

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 12 JANUARY 2016

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

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

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

4. Minutes of the Meeting Held on 10 November 2015 **3 - 14**

5. Development Control and Enforcement Matters

5.1 **15/00059/FUL - 30B Lincoln Road, Glinton, Peterborough, PE6 7JS** **15 - 36**

5.2 **15/01624/FUL - Peakirk Cum Glinton Voluntary Aided Primary School, School Lane, Glinton, Peterborough** **37 - 54**

5.3 **15/01688/WCPP - 38 Peterborough Road, Eye, Peterborough, PE6 7YB** **55 - 70**

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.



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 Philippa Turvey on 01733 452460 as soon as possible.

Committee Members:

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

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

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

CASE OFFICERS:

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

Minerals and Waste: Theresa Nicholl, Alan Jones

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

NOTES:

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



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 11 NOVEMBER 2015**

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

Officers Present: Lee Collins, Development Management Manager
Theresa Nicholl, Development Manager
Jim Daley, Principal Built Environment Officer (item 5.7)
Gemma Wildman, Principal Strategic Planning Officer (item 6 and 7)
Simon Ireland, Principal Engineer (Highways)
Hannah Vincent, Planning Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor North. Councillor Casey was in attendance as substitute.

2. Declarations of Interest

Councillor Serluca declared that she had been approached by the applicant of item 5.2 '15/01086/R4FUL – Sports Ground, Fulbridge Road, Peterborough'. She was not, however, predetermined on the application. Councillor Serluca further declared that, as she was related to the applicant of item 5.6 '15/01452/HHFUL – 15 Queens Walk, Fletton, Peterborough', she would withdraw from the Committee for that item.

Councillor Casey declared that he had been approached by the applicant of item 5.1 '14/02021/R4FUL – Nene Park Academy, Oundle Road, Orton Longueville, Peterborough'. He was not, however, predetermined on the application.

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

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

4. Minutes of the Meeting Held on 29 September 2015

The minutes of the meeting held on 29 September 2015 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 14/02021/R4FUL – Nene Park Academy, Oundle Road, Orton Longueville, Peterborough

The planning application was for the construction of all-weather training facility at Nene Park Academy, Oundle Road, Orton Longueville, including fencing and lighting.

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 highlighted a number of key issues within the report.

The Committee discussed the application and considered that, given the distance of the closest residence from the application site, there would not be any significant impact on amenity. It was suggested that the advanced flood light technology would create little light spillage and a proposed condition provided an avenue for any related complaints. The condition of the road was highlighted as a concern, however this did not form part of the application.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) 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 give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the opportunity for usage throughout the year, in accordance with paragraphs 70 and 74 of the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- the all-weather pitch and associated facilities would not result in an 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);
- whilst the proposal would result in some harm to the setting of the Grade II Listed Orton Hall, the public benefit arising from the development would outweigh this harm, in accordance with paragraph 134 of the National Planning Policy Framework (2012);
- the proposal would not result in any unacceptable impact to the amenities of neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal provides adequate on-site parking to meet the needs of the development and would not result in any harm to the safety of the surrounding public highway network, 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 proposed AWP would not result in any unacceptably harmful impact to ecology present within and surrounding the site, in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012);
- the proposal, subject to further details being provided, would ensure that surface water run-off is effectively managed and does not increase flood risk elsewhere, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011); and
- the proposal would not result in harm to undiscovered buried heritage assets, in

accordance with paragraph 128 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).

5.2 15/01086/R4FUL – Sports Ground, Fulbridge Road, Peterborough

The planning application was for the creation of a new external sports pitch at the Sports Ground, Fulbridge, Peterborough, with perimeter ball-stop fencing, floodlights, access and outdoor storage for maintenance equipment and onsite vehicular parking. This application had returned to Committee following a resolution of the Committee to grant planning permission, subject to an amendment to the hours of pitch use, and a further consultation response received from Sport England. The hours of use agreed by Committee on 13 October 2015 were:

- The use of the all-weather sports pitch hereby permitted shall not take place outside the following hours:
Monday to Friday – 09:00 to 19:30
Saturday / Sunday / Public or Bank Holidays – 10:00 to 19:00
- All external lighting within the site shall not be used outside the following hours:
Monday to Friday – 09:00 to 20:00
Saturday / Sunday / Public or Bank Holidays – 10:00 to 19:30

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 highlighted a number of key issues within the report.

Councillor Smith, Werrington Neighbourhood Councillor, Councillor Davidson and Councillor Fower, Ward Councillors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Committee previously recognised the impact on the amenity of surrounding residences and reduced the hours of operation accordingly.
- The Committee were urged to adhere to their original resolution.
- Concern was raised in relation to the potential for noise and light intrusions. It was suggested that a route be provided to allow residents to feed back.
- In relation to parking facilities, it was suggested that the Voyager Academy be the preferred option for coach parking.
- It was stated that the Committee should not yield to pressure placed on them by Sport England.

Steve Critchley addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Critchley represented the majority of local residents and objected to any increase in the hours of operation agreed by the Committee previously.
- An additional 9.5 hours a week, as suggested by Sport England, would have a significant detrimental effect on local residents.
- There were very few 3G pitches in the Peterborough area. This resulted in a low number of complaints being recorded in relation to them.
- The Glinton facility was surrounded by open farm land with a low amount of residential occupation. It was not comparable to the application currently before Committee.
- It was noted that Sport England had said they would not appeal and Mr Critchley asked that the Committee reaffirm their previous decision.

Wendy Newey, Peterborough and District Football League, and Tom Betts, Surfacing Standards, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- It was believed that the proposal would enhance sporting facilities for students and the local area.
- Mr Betts stated, on behalf of Scott Hudson, that it was essential that the facility remain open until 9:30pm to allow for full and proper access.
- Ms Newey advised that the facility would be run with the community, with a not for profit Committee set up to support community involvement.
- The facility would be fully staffed with an office and classroom to deliver training.
- The Peterborough and District Football League was working closely with the Duke of Edinburgh programme to become an approved activity provider.
- Mr Betts commented that the Football League intended to be good neighbours, with good security, and visual and acoustic screening.
- Mr Newey confirmed that no visits had been made to the Glinton site, but it was understood to be of a similar nature.

The Planning Lawyer advised the Committee that the principle of development had been agreed at the Committee held on 13 October 2015. The matter currently before the Committee was solely in relation to the hours of operation.

The Committee discussed the application and suggested that comparisons made to facilities at Glinton and Northborough were misleading. The hours of operation agreed at the previous meeting arose from the high density of residences near the application site. As this situation had not altered, the Committee saw no reason to deviate from their previous decision.

In response to a question the Development Management Manager advised that within the proposal condition 7 required the applicant to demonstrate compliance following a reasonable compliant in relation to light intrusion.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, but subject to the conditions as agreed at the Committee meeting held on 13 October 2015, minute reference 4.2. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the conditions as agreed at the Committee meeting held on 13 October 2015, minute reference 4.2.

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 give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the opportunity for usage throughout the year, in accordance with paragraphs 70 and 74 of the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- the all-weather pitch and associated facilities would not result in an 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);

- the proposal floodlighting would not result in any unacceptable light intrusion to neighbouring properties however it was acknowledged that some increased noise and disturbance would result to residents. It was considered that this harm was outweighed by the public benefit arising from the improved facilities on the site;
- the proposal provided adequate on-site parking to meet the needs of the development and would not result in any harm to the safety of the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- subject to appropriate mitigation the proposal would not result in any unacceptably harmful impact to ecology present within and surrounding the site, in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012);
- the proposal, subject to further details being provided, would ensure that surface water run-off was effectively managed and does not increase flood risk elsewhere, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);
- adequate archaeological evaluation has taken place to demonstrate that the proposal would not pose a risk to undiscovered buried heritage assets, in accordance with paragraph 128 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); and
- the proposal would not pose any unacceptable risk to established trees and shrubs surrounding the site, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

5.3 15/01202/FUL – Land to the East of Fountains Place, Eye, Peterborough

The planning application was for the construction of 11 residential dwellings on land to the east of Fountains Place, Eye, Peterborough including associated garages and infrastructure.

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

In response to a question the Development Manager clarified that the figure of 50 properties identified in the site allocations document for the site was indicative only. It was neither a maximum or a minimum figure.

The Committee suggested that the proposal was of a reasonable size and that the density levels of the development as a whole were acceptable. A Member of the Committee did express concern at an increase in size of 20%, which was thought to be significant.

A motion was proposed and seconded to agree that permission be granted, subject to the conditions set out in the report. The motion was carried nine voting in favour, one voting against.

RESOLVED: (nine voted in favour, one voted against) 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:

- This was an allocated housing site within the Adopted Site Allocations DPD and lies within the village envelope of Eye which is designated as a Key Service Centre;
- The proposed access was at an appropriate standard to serve the development and parking provision would be provided in accordance with parking standards;
- The scale and design of the development would respect the character and appearance of the surrounding area;
- The development makes adequate provision for the residential amenity of the future occupiers of the properties;
- The development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings.

Hence the proposal accorded with policies PP2, PP3, PP4, PP12, PP13, PP14 and PP16 of the Adopted Peterborough Planning Policies DPD 2012, policies CS02, CS8, CS10, CS13, CS14, CS16 and CS22 of the Adopted Peterborough Core Strategy DPD 2011, policies SA4 and SA5 of the Adopted Peterborough Site Allocations DPD 2012 and the National Planning Policy Framework.

5.4 15/01235/FUL – 1650 Lincoln Road, Peterborough, PE6 7HH

The planning application was for the provision of three new gas compressors and enclosures at 1650 Lincoln Road, Peterborough. The application also included a new vent stack, site office, administration and welfare buildings and associated infrastructure.

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

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

- Councillor Holdich believed that the applicants should move further away from residences, rather than closer to them, as in this application.
- It was suggested that the development would be five decibels louder than at current, which would travel widely in the open countryside.
- It was questioned why the stack could not be located nearer the compressors to decrease the size of the site.
- Councillor Johnson advised that the Parish Council had no objection to the site expanding, however not as per the current proposals.
- The proposed design was considered to be abysmal for its rural location.
- The increase in noise would have an impact on the ability of local residents to sleep, particularly as many people slept with their windows open.
- Issue was taken with the prospect of removing the tree screening. It was believed that the proposal would offer a less than satisfactory outlook to those arriving to the city via Bourges Boulevard.
- Councillor Johnson queried why the removed screening could not be replaced by

already matured trees.

Paul Emmett, Nigel Chalmers and Philip Smith, National Grid, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Peterborough was considered a key operational site and was due for an environmental upgrade.
- There was insufficient space on the current site and an extension to the east was most appropriate.
- Noise mitigation techniques would be employed, the most advanced of any National Grid site. As such, the noise emission of the proposed compressors would be lower than at current.
- The height of the Stack was a legal requirement and was required to be a certain distance away from the compressors. A sterile surrounding area was required for safety in the event of a fire.
- The removal of trees was required to maintain safety. New screening would be provided, however.
- A decision had been made to not include individual enclosures around the compressors, as such enclosures would be of a large scale due to safety restrictions. It was felt that the proposals were of a slender design, neutral colour and would allow light through.
- If cladded enclosures were to be erected around each of the proposed compressors, the scale of the development would multiply and would not be able to fit within the application site. Where three compressors were sited on the current proposal, approximately one would be able to fit with a cladded enclosure. National Grid would have to obtain additional land, possibly through compulsory purchase if it were to fully enclose the units.
- Mature trees could not be planted directly onto the landscaping mounds, as the trees would fail. A variety of other trees would be provided as screening. The exact height of the mounds would be determined under the landscaping condition, however was expected to be approximately 4 metres.
- The existing compressors worked at a level of 41 to 44 decibels. The new proposal would operate at 38 decibels.
- The new compressor would operate at a 2 decibels greater than background noise in the night time. Background noise was the quietest general level.
- The noise emitted would be similar to current in terms of tonality.
- The land to the east was considered optimum.

The Committee considered the application and highlighted that there was a definite need for an increase of utility services, as the city continued to expand. The matter of design was discussed and the Committee considered that the proposal was highly visible in the rural landscape, and was in stark contrast to its surroundings. It was suggested that the addition of an enclosure would improve the visual impact of the compressors. A Member of the Committee commented that there was nothing significantly wrong with design of the application.

The Planning Lawyer advised that the Committee was required to consider the application before it. It was not for the applicant to return with a proposal on land that was not available to them.

A motion was proposed and seconded to agree that permission be refused, contrary to officer recommendation, on the grounds that the visual appearance of the development was alien in the landscape, detrimental to the public realm and out of character with the surrounding area. The motion was carried seven voting in favour, three voting against.

RESOLVED: (seven voted in favour, three voted against) that planning permission is **REFUSED** for the reasons set out below.

Reasons for the decision

The proposed development, in particular the appearance of the three gas compressor units, constituted alien features within a predominantly rural landscape. As such the proposals harmed the visual appearance and character of the landscape setting and locality contrary to policies CS16 and CS20 of the adopted Peterborough Core Strategy and policy PP2 of the Peterborough Planning Policies DPD.

5.5 15/01388/FUL – 122A and 122B Padholme Road, Eastfield, Peterborough, PE1 5EN

The planning application was for external wall insulation at 122A and 122B Padholme Road, Eastfield, Peterborough.

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 highlighted a number of key issues within the report.

The Committee considered the property to be in a prominent position on the street and that it possessed distinctive, original character which would be lost if the application were to be permitted. Further concern was raised that granting the application would set a precedent for similar proposals.

The Committee noted that, although the application had been referred by a Councillor, no Ward Councillors were in attendance to make representation to the Committee.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation. 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 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 in the report.

5.6 15/01452/HHFUL – 15 Queens Walk, Fletton, Peterborough, PE2 9AN

Councillor Serluca left the meeting at this point.

The planning application was for a first floor extensions to the rear of 15 Queens Walk, Fletton, Peterborough, with spiral staircase access. The application also sought to enlarge the window the east elevation with a juliet balcony.

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 highlighted a number of key issues within the report.

A motion was proposed and seconded to agree that permission be granted, subject to the conditions set out in the report. The motion was carried unanimously.

RESOLVED: (unanimous) 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 detract from the character and appearance of the existing property or from the visual amenity of the surrounding area
- The proposal would not unduly impact upon the amenity of neighbouring occupiers.

Hence the proposal accorded with policies PP2 and PP3 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

5.7 Article 4 (1) Direction (Non-immediate) to Remove Permitted Development Rights of Specific Dwellings in the Ailsworth Village

Councillor Serluca re-joined the meeting at this point.

The planning application was for an Article 4 (1) Directions (non-immediate) to remove permitted development rights for the installation of solar photovoltaic and thermal equipment at specific properties in the Ailsworth conservation area.

It was officer's recommendation that the Article 4 (1) Direction be made and served, and that authority be delegated to the Corporate Director for Growth and Regeneration to confirm the Directions as appropriate following public consultation. The Principal Built Environment Officer provided an overview of the application and highlighted a number of key issues within the report.

The Committee thanked the officer for his report. It was believed that the addition of solar panels to the properties within the proposal, while not entirely restricted, should be subjected to additional consideration. The Committee noted that specific types of solar panels would likely be supported on a number of the properties mentioned.

The Principal Built Environment Officer advised such Directions were to be expected for a number of other areas in the future.

A motion was proposed and seconded to agree to make and serve a non-immediate Article 4(1) Direction to remove permitted development rights for the installation of solar photovoltaic and thermal equipment in the Ailsworth Conservation Area and to give delegated authority to the Director for Growth and Regeneration to confirm the Directions as appropriate following public consultation. The motion was carried unanimously.

RESOLVED: (unanimous) that:

- 1) The making and serving of non-immediate Directions under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 2015 to withdraw the 'permitted development' right of development within Part 14 Class A of the Order for the installation of solar photovoltaic and thermal equipment be

- approved to preserve the character and appearance of the Ailsworth conservation area; and
- 2) Authority be delegated to the Corporate Director of Growth and Regeneration to confirm those Directions as appropriate following public consultation.

Reasons for the decision

The properties listed in the proposal for Article 4 Directions were considered to have the potential to result in significant impact on the Ailsworth Conservation Area by way of unrestricted installation of photovoltaic (solar/thermal) panels, by virtue of their location, prominence and visibility in longer views within the locality. It was considered that making the installation of such equipment at certain prominent properties the subject of planning control through the use of Article 4 Directions was in the interests of the proper planning of the area.

6. Peterborough Statement of Community Involvement

The Committee received a report which sought the Committee's views on the revised Statement of Community Involvement, which was to be presented to Cabinet on 14 December 2015 for approval. The Committee's views and comments would be taken into account and reported to Cabinet.

The Principal Strategic Planning Officer provided an overview of the report and raised the following points:

- The Statement of Community Involvement set out how the Council would consult with the public on planning applications, local plans, neighbourhood plans, and others.
- The Statement was a statutory requirement and set out the minimum consultation necessary.
- The current Statement was adopted three years ago and required updating due to changes in legislation.

The Committee discussed the requirements for public consultation and the Principal Strategic Planning Officer advised this was currently a minimum of 21 days, and was not proposed for change. There was no maximum consultation level, as such, for larger applications additional consultation could be undertaken if it was considered to be appropriate.

The Committee further discussed the matter of referring applications to the Planning and Environmental Protection Committee. It was advised, however, that this was a matter for the Constitution and not the Statement of Community Involvement.

It was noted that any further comments could be fed into the Cabinet report through the Principal Strategic Planning Officer or the Cabinet Member.

RESOLVED:

The Committee noted the report.

7. Peterborough Preliminary Draft Local Plan

The Committee received a report which sought the Committee's comments on the Preliminary Draft Local Plan before it was submitted to Cabinet on 14 December 2015 for approval for the purpose of public consultation in January 2016.

The Principal Strategic Planning Officer provided an overview of the report and raised the following points:

- The document would combine and replace the previous Core Strategy, Site Allocations, Planning Policies and City Centre DPD's.
- There had previously been discussion regarding the lack of available employment land.
- The report reflected the preliminary draft Local Plan, with public consultation due to take place between January and February 2016.

The Committee queried how the final decision on site allocations was reached. The Principal Strategic Planning Officer advised that the process consisted of several stages. Officers would rule out any obviously inappropriate sites, following submissions. Discussion would then be had with other relevant departments to form a recommendation to Committee.

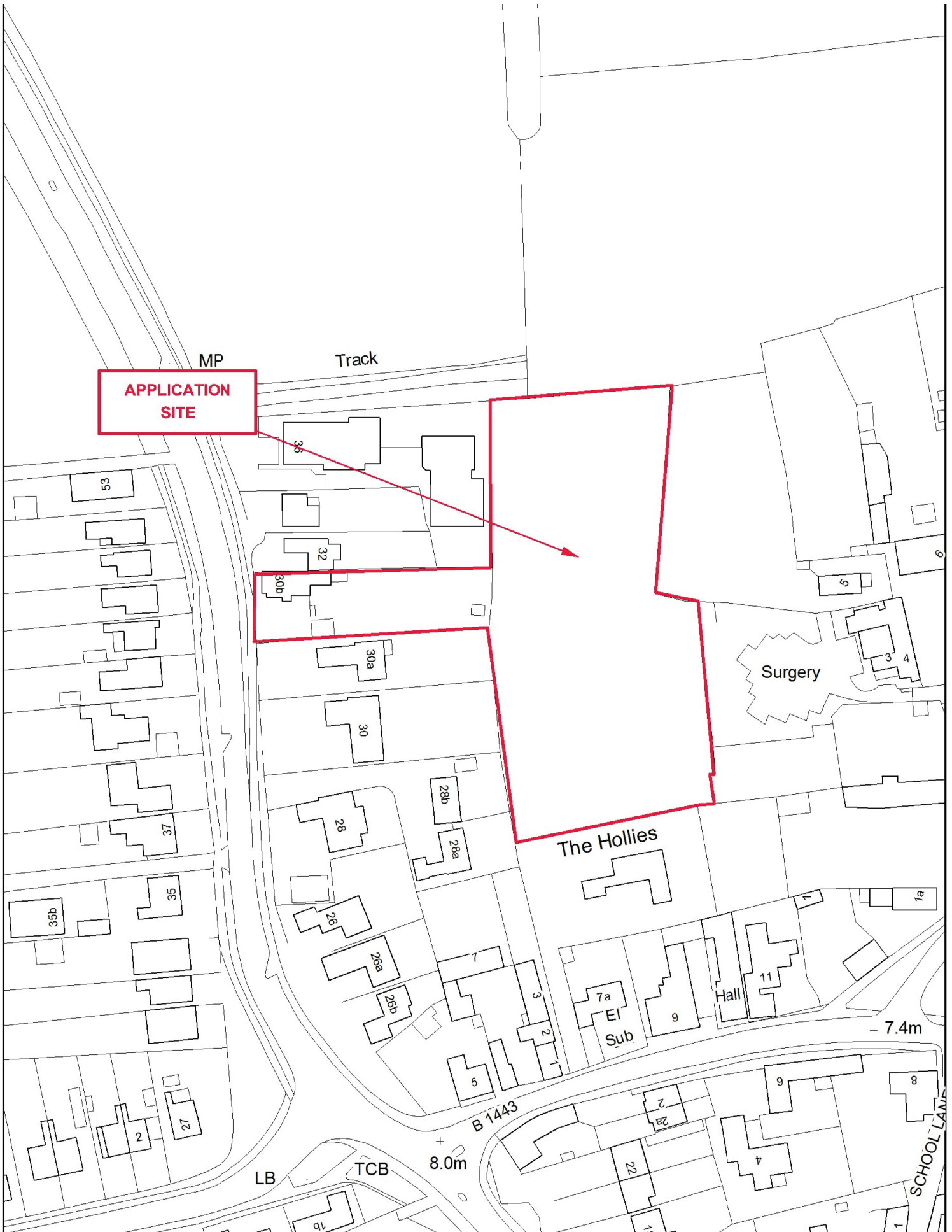
The Principal Strategic Planning Officer explained that, as Peterborough had not met its previously high targets in terms of housing supply, an additional 20% buffer had been applied to the five year housing supply target. This meant that, under the National Planning Policy Framework, an application made outside the site allocations boundary could not be used as an automatic reason for refusal.

RESOLVED:

The Committee noted the report.

Chairman
1.30pm – 5:12pm

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LOCATION PLAN 15/00059/FUL
 30B Lincoln Road, Glinton, Peterborough, PE6 7JS

Scale NTS Date 22/12/2015 Name AA Department Planning Services



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Application Ref: 15/00059/FUL

Proposal: 8 x dwellings

Site: 30B Lincoln Road, Glington, Peterborough, PE6 7JS
Applicant: Alston Country Homes

Agent: Remway Design Ltd

Referred by: **Glington Parish Council**
Reason: Too few homes and too exclusive a development
Site visit: 04.02.2015

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

Recommendation: Approval

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

The application site is located within the Glington Conservation Area and the site forms part of a wider parcel of land allocated for residential development under Policy SA6.9 of the Peterborough Site Allocations DPD (2012). The indicative number for the allocation is for 28 dwellings. There is an extant outline planning permission on the same site area for the erection of 14 dwellings.

The site is heavily overgrown, principally by long grasses with a scattering of trees, brambles, unmaintained hedging and boundary fencing.

No.30b Lincoln Road which is to be demolished comprises of a detached dwelling and a detached double garage. This is necessary for the creation of the vehicular access for the development. The property is currently vacant. The rear garden area is overgrown with grasses and areas of brambles.

The immediate area of the village is dominated by single and one and a half storey dwellings although there are 3 x detached 2 storey dwellings to the north of the site. The dwellings are quite close together and the set back away from the pavements. The curtilages of the dwellings are of reasonable sizes.

The northern boundary of the site comprises of significantly overgrown hedging and beyond that is open countryside. The eastern boundary is predominantly tree lined with understorey vegetation. To the south of the application site is a bungalow known as The Hollies. The boundary of this property comprises of hedging with a large mature Horse Chestnut tree located just inside of the application site. The rear elevation of the bungalow is set 15m back from the boundary of the site. A 2m high close boarded fence forms the rear boundaries of the existing dwellings that front Lincoln Road. A bungalow with a large footprint is located just beyond the northwest of the site.

Upon the travelling/walking from the north towards the village the St Benedict's church is clearly in view. The site however is not readily visible due to the presence of trees and high hedgerows between the view points and the application site.

There are two protected trees just beyond the west boundary of the site. One is a Poplar tree at the end of the rear garden of no.30 Lincoln Road and one a Horse Chestnut tree at the end of the gardens of nos. 20a and 20b Lincoln Road.

There are no listed buildings adjoining the application site.

The Proposal

The proposal is seeking full planning permission for the erection of 8 x 4 bed detached dwellings each with a double garage. The site is in a backland location accessed off Lincoln Road.

Six of the dwellings are to be one and a half storey in height and two are to be two storey. The proposal initially sought permission for the erection of a dwelling at the entrance to the site but this has been removed following negotiation with the Local Planning Authority.

Building heights are to vary between 6.7m to 7.8m. The dwellings are to comprise of natural limestone with a conservation type Collyweston slates. The garages are to be of natural stone with orange pantile roofs. They are to include rooms above but with no rooflights to the rear roof slope.

The development has been revised since first submitted. The principal changes are:-

- The deletion of a proposed dwelling at the entrance to the development
- Alterations to the fenestration of the front elevations of the dwellings by the removal of 'catslide' dormer windows to be replaced with modest sized gabled and hipped dormer windows
- The relocation of the garages to each dwelling to more hidden locations within the layout

The vehicular access is to be created by the demolition of a detached dwelling and free standing double garage at no.30b Lincoln Road. The access is to comprise of a stone wall, with black railings on top, to either side to a height of 1.5m. Gates are proposed at a setback of 12.5m from the back edge of the pavement.

The access is to have a width of 5.5m until closer to the dwellings where after it is to be reduced to a width of 5m. Landscaping is proposed either side of the access road.

2 Planning History

Reference	Proposal	Decision	Date
13/01318/OUT	Erection of 14 no dwellings including demolition of 30B Lincoln Road	Permitted	07/01/2014

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

Sections 66 and 72 of the Act put a duty on Local Planning Authorities to pay special regard to the setting of listed buildings and a desirability of preserving or enhancing the special character or appearance of conservation areas. Special regard should be paid to such matters as: height; scale, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and detailed design.

National Planning Policy Framework (2012)

Section 4 - Assessment of Transport Implications

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

Section 6 - 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 10 - Development and Flood Risk

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

Section 11 - Natural and Local Environment and Biodiversity

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.

Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

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.

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.

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.

CS22 - Flood Risk

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

Peterborough Site Allocations DPD (2012)

SA06 - Limited Growth Villages

Identifies the sites within the Limited Growth Villages which are allocated primarily for residential use.

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.

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

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:- (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. In addition obligations should be: (i) relevant to planning; (ii) reasonable in all other respects. Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

The Glinton Village Design Statement

The main principals of the Village Design Statement that relate to the development

- The designs of any new building should be sympathetic to its neighbours and in keeping with the village character and take into considerations of the views into the village, particularly of the spire of St Benedict's Church from both roads and footpaths
- Traditional building materials must be used on all buildings within the Conservation Area e.g. local limestone and timber windows should be used in preference to Upvc
- Good quality rainwater goods should be used
- Chimneys should be a feature of any new houses in the Conservation Area
- Old walls, railings and hedges should be preserved and maintained where applicable

4 Consultations/Representations

Glinton Parish Council

Glinton Parish Council – Objections – The Parish submitted representations received on 19th February and 19th October.

The objections are set out below with the officer response:

1. The Parish council have noted that the significant revision to the plans from that originally submitted was the demolition of the existing property on the Lincoln Road at the entrance to

the site, thereby reducing the number of dwellings proposed from 9 down to 8. The Parish Council objects to the proposal on the grounds that this would be an inefficient use of the site in that a previous permission for the residential development of the site was for 14 dwellings. The revised proposal therefore have exacerbated an already unacceptable situation.

Officer's reply - *The allocated site is 1.09ha. The site area of the proposed development is 0.60ha. The site is identified for 28 dwellings at a density of 30dph in the Site Allocation DPD. This is only an indicative figure. As set out in the Site Allocations DPD – developers are encouraged to produce the most appropriate design led solutions and need not be constrained by the indicative dwellings figure.*

2. City and Parish had previously committed to a scale of development that would have resulted in 26 dwellings between this site and that of the former crown public house. This application, together with that of the former Crown Public House site would result in 10 dwellings, a 60% SHORTFALL at a time when the city is reviewing the local plan to cater for many MORE houses.

Officer's reply – *There is an extant planning permission for 14 dwellings on the same site area the subject of this current application. Were the current proposal to be approved the site could still be developed for the higher number of dwellings. The development of the former Crown Public House site is constrained and the residential development of the site to meet the specified number in the Site Allocation DPD is proving optimistic. The former Crown Public House site has been the subject of several residential proposals but no development has resulted thus far.*

3. Furthermore in the Housing needs survey, carried out in the village as part of the neighbourhood planning process, has shown a need for 2 and 3 bedroom sites sufficient to justify a rural exception site if necessary. Parish council are of the opinion that this site could be used for that purpose avoiding the need for such an exception site. The village does not need additional 4 bedroom properties at the high end of the market.

Officer's reply - *Core Strategy policy CS8 requires a mix of housing types and size that will meet the needs of Peterborough. We do not specify the required mix of housing sites, because this should be left to the market to decide what is needed. The Authority have sought to encourage the provision of prestige homes as set out in policy SA8 of the Site Allocation document. This policy requires specified allocated development sites within the district to provide a reasonable number of prestige homes. The policy also requires allocated sites in the rural area to accommodate such housing. The application site is a site allocated for residential development and as such the development would accord to the Local Development Framework.*

4. A previous application for this site allowed access to an adjoining site thereby paving the way for further development. The layout of this site precludes that further development
This application in the revised form still shows a gated community, to which the Parish Council is vigorously opposed in general favouring open access to our rural community. We are one community and do not want communities within communities. It will restrict access and freedom of movement. The gates would cause traffic problems e.g. refuse vehicles having to wait at the entrance to collect waste where another vehicle wants to enter/leave the development.

Officer's reply – *The layout of the 8 dwellings has kept an access available into the remaining area of the allocated site to the east. The submitted gated access into the site is not considered to be a determinative issue. The gates could be a feature, they could remain open most of the time. The applicant is satisfied that, by way of the use of intercom to each of the dwellings and the emergency services having an override key there would not be public safety issue. The refuse bins are no longer proposed to be kept at the entrance to the site unless an indemnity agreement cannot be agreed to allow the refuse vehicles to enter the site.*

5. Furthermore a gated access from the busy Lincoln Road presents an unacceptable hazard not only from the residents but also from emergency vehicles, refuse freighters, Royal Mail and other commercial vehicles.

Officer's reply – *The applicant has advised that the gates would remain open during the day at times when it is to be most used.*

6. The detail of this application shows a location for wheelie bins which suggests that the refuse freighter may not need to enter the site, at worst adding to the hazard by extended parking on Lincoln road and is incongruous with the concept of upmarket 4 bedroom dwellings.

Officers reply – *The location of the wheelie bins, on days when waste is to be collected, is satisfactory to the Local Highways Authority. These vehicles will be able to leave the site in a forward gear. There will be landscaping around the bin store area to screen them from the public gaze.*

7. Design is not in keeping with Glington village scene e.g. gabled dormer windows are the norm in Glington, and the designs lack architectural merit.

Officers reply – *The designs of the dwelling have been revised to provide for a development that comprises simple features that includes the appearance of the dormer windows. There is a variety to the design of the dwellings that includes cottage style architecture and agricultural barns styles.*

8. The proposals do not appear to comply with CS10 and in any event the highest possible (not minimum required) insulation should be required for all new development by way of the submission of details.

Officers reply – *This requirement will be agreed with the developer prior to the commencement of the development by way of the submission of details and a condition has been imposed requiring a 10% target above the Building Regulations. This is the standard approach.*

PCC Wildlife Officer – No objections

Protected Species:

The proposed development has been accompanied by a Bat and Reptile Survey Report (Sept 2015).

Bats: The existing buildings on the site have been adequately assessed for bats. No evidence of bat roosts was found in the building, however bats were observed flying around within the application site. Therefore the following recommendations as set out in the Bat Report should be undertaken and secured by condition.

- "Soft stripping" of building roof and chimney under supervision of an ecologist
- Use of Type 1F Bitumen Felt to line new roofs and not breathable roofing membrane (BRM) which is harmful to bats
- Provision of a range of bat roosting features within the development
- External lighting (both during construction and operation) to be designed to be baffled downwards away from the boundary features
- Bat-friendly landscape planting be incorporated into the site landscaping

Nesting Birds: The proposal involves the removal of vegetation which may support nesting birds. A standard bird nesting informative should be attached to a planning permission.

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. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

Reptiles: The surveys of the site for the presence of reptiles has been undertaken adequate reptile presence/absence surveys has been carried out which found no evidence of them within the site area. Therefore no further action is required with regard to reptile species.

Badgers: Whilst there was no evidence that badgers occupied the site a further search for signs of badger activity should be undertaken prior to the commencement of the clearance of the site.

Site design & landscaping: It is recommend that the trees and hedgerows which border the site are retained and any gaps be re-planted with appropriate native species.

No objections to the granting of planning permission subject to the use of appropriate conditions as specified in this advice.

Subject to the recommendations being fully incorporated into the approved scheme the development will result in no net loss to biodiversity.

Archaeological Officer (03.02.15)

No objections, in principle, to the proposed development.

The proposed development site is located immediately outside the Glington Conservation Area, which includes extant heritage assets, namely historic buildings. Since the later part of the 19th century, the site has witnessed very limited development.

The site is located in an area of high archaeological potential. It is located close to the core of the historic village. Faint marks on aerial photographs may suggest the presence of ridge and furrow remains associated with the open fields of the medieval settlement. There are features dating from the Neolithic period to the present times including representing prehistoric ritual, funerary and domestic activities, as well as prehistoric and later agricultural practices. The site may contain remains of all periods. If present, these are expected to have survived in good conditions of preservation.

Given the known historic and archaeological background in the immediate area a programme of archaeological evaluation by trial trenching must be undertaken prior to the commencement of development. The proposed trench location submitted with this application is acceptable

The archaeological works will include a written scheme of investigation. This will fulfil the conditions specified in a 'brief' issued by the Authority. The justification for archaeological investigation is set out as follows from the National Planning Policy Framework document.

NPPF 12.139 'Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'.

NPPF 12.128 '... Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Building Control Manager

Building Regulation approval will be required.

Local Highways Authority - There are no highway safety objections to the development

The access width is acceptable but could be reduced to 5.5m for the first 10m and a width of 5m thereafter. A dropped kerb design could be used. Pedestrian - vehicle and vehicle and vehicle to pedestrian visibility splays need to be shown on the drawings. However both of these splays can

be achieved. The site is in a sustainable location in terms of the frequency of buses. The garages could be widened/lengthened slightly than as proposed to make them more likely to be used for parking. Space should be provided to the front of the garages for 2 vehicles to park. Visitor parking should be provided. Refuse vehicles can access the site without there being highway safety issues. These vehicles should reverse onto the site to the front of the gates. Thereafter they would be able to exit the site in a forward gear. If the refuse vehicles are not to enter the site i.e. past the proposed gates, but still on the access road the developer would have to enter into an indemnity agreement with the Authority regards to the possibility of damage to the road way up to the gates.

Cambridgeshire Fire & Rescue Service - No objections

Should the planning authority be minded to approve the application the Fire Authority would ask that adequate provision be made for fire hydrants. This would be acceptable by a planning condition. The number of fire hydrants and their location will be determined following a risk assessment and with reference to guidance that is contained with the National Guidance

PCC Pollution Team - No objections

Line of sight fencing along the north rear boundary of No.30 Lincoln Road and similarly along the southern rear boundary of no.30a Lincoln Road, both adjacent to the vehicular access into the application site would give approximately a 5dB reduction in noise for the passing cars. The movement of the passing cars will however remain audible.

The most significant noise source will be Lincoln Road and given the number of passing vehicles there would not be a measurable impact upon the rear gardens against any recognised noise standards. The fencing may be appropriate for privacy and perception, however such a requirement could not be recommended on noise grounds.

Waste Management

The Authority should only permit the refuse vehicles to access to the development with an indemnity agreement in place.

PCC Conservation Officer

The site is allocated in the development plan for residential development and also located in the Glington Conservation Area. For the proposal to be successful in preserving/enhancing the character and appearance of the Conservation Area it has had to focus on the form and style of the dwellings and the layout of the development.

The dwellings and the layout of the development have been redesigned on a plot by plot basis following advice given by the Conservation Officer. The proposed development now has a much stronger design coherence and is appropriate for the location. The use of coursed local limestone with replica Collyweston slates with pantiles to garages would be appropriate and consistent with the Glington section of the Design and Development in Selected Villages VDS and The Glington Conservation Area Appraisal.

Windows, particularly dormers (hipped and gables replacing cat slide style) are better proportioned and have a correct hierarchy. Garages have been reduced in scale with the omission of external stairs. These are now typical garage forms and have a correct subservience to each of the host building. The use of garage blocks has also helped to provide a more attractive layout. Plots 2, 5, 6 and 9 provide more attractive building arrangement at the head of the access road. A comparison of the submitted and revised proposals for each plot illustrate the favourable changes.

From a heritage consideration the proposed work can be supported as the scheme will not have an adverse impact on the setting of listed buildings and would accord with section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. The layout, form, details and materials will provide a positive sense of place introducing an appropriate new character to this part of the

conservation area and so would preserve the character and appearance of the Glington Conservation Area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).

PCC Landscape Officer

No objections have been raised other than a requirement to move a garage away from a protected tree on the west boundary of the site. Concerns have been raised to the siting of two dwellings close to a Horse Chestnut tree on the southern boundary of the site that may have the potential to over shadow the rear of the dwellings. The submitted drawings show that the spread of the canopies of the trees would not extend over the proposed dwellings. Any proposed surgery to the trees on the site would require the approval of the planning authority as they lie within the Glington Conservation Area.

Police Architectural Liaison Officer (PALO)

Lincoln Road, Glington shows low levels of crime, most reported crimes relate to a service station on Lincoln Road. There has not been any recent crime in relation to the application post code, nor is there reported anti-social behaviour.

In terms of layout, the general surveillance across the site is acceptable. The car barn and adjacent parking spaces to the rear of 30B do suffer from a lack of surveillance. Given the location, the private nature of the proposal and low level of crime in the immediate area, there are no objections to the development. East of the site is the Glington Surgery. There is post and rail fencing separating the surgery car park from the application site. This boundary will need to be secure.

It is considered that the scheme could benefit with a change of road surface and some form of symbolic barrier at the entrance e.g. brick piers. This would tend to reinforce the nature of the proposal.

It is recommend that any lighting scheme within the site meets the standard BS.5489. The immediate length of Lincoln Road appears well illuminated with good quality lighting columns.

Drainage – No objections

The application site does not lie within any areas that has been identified as land at high risk of flooding however it is acknowledged that residents have raised concern regarding surface water flooding issues that arise at times of heavy rainfall or snow thaw. The developer will be required that surface water drainage is to be discharged into the existing mains sewer. It is accepted to ensure that any drainage and foul sewerage strategy is capable of meeting the demands of development without resulting in increased flood risk, it is considered necessary to secure the submission of scheme by way of a condition, prior to the commencement of development. Such a scheme would be subject to approval by the City Council's Drainage Engineer and Anglian Water. On this basis, it is considered that the surface and foul sewerage demands of the development can be met, in accordance with the National Planning Policy Framework (2012) and Policy CS21 of the Peterborough Core Strategy DPD (2011).

Local Residents/Interested Parties

Initial Consultations: 45

Number of responses: 3

Total number of objections: 2

Total number in support: 0

2 letters of objection (from the same household i.e. no.30 Lincoln Road) were submitted in response to the original scheme raising the following issues:-

- The change in the outlook from the rear garden which is currently rural
 - Overlooking
 - A garage is too near to the rear boundary fence that could give rise to maintenance issues
 - The water table is often close to the surface. Has allowance been taken into account of this with concern that the physical works might impede the flow of water.
 - The gates would allow limited access to the development e.g. for emergency vehicles and refuse vehicles.
 - The dwellings should be of a style to reflect the location of the site within the Glington Conservation Area
 - The times that the school opens and closes is very busy and the vehicles generated by the development may have difficulty in entering and exiting from the development.
 - The proposal would adversely impact upon the amenities of the occupiers of the close by residential properties
 - The setting of the St Benedict's Church will be affected by the built development
 - It would be like living in a town
 - There would be no break within the development to retain a rural feel and view
 - Uncertainty of the choice of the materials
 - The development should retain the mature trees for insects to be able to thrive
 - Trees should be retained for landscape interest.
- The objectors were consulted in response to revised proposal and no further comments were submitted.

5 Assessment of the planning issues

Main considerations

- The principle of the residential development of the site
- The impact of the development upon the Glington Conservation Area and the setting of listed buildings
- The impact of the development upon highway safety
- The impact of the development upon the amenities of the occupiers of the close by residential properties
- The amenities for the future occupiers of the site.
- The landscaping of the site and the impact of the development upon the trees within and outside of the site
- Wildlife implications
- The archaeological implications of the development of the site
- Drainage

The principle of the residential development of the site

Glington is classed as a Limited Growth Village (policy CS1) in the Peterborough Core Strategy. Given that the site is allocated for residential development and has an extant residential permission the principle of the residential development of the site is accepted.

The existing dwelling on Lincoln Road that is to be demolished is not of such significance or architectural/historical merit to require retention.

Given that the proposal seeks to develop only part of this allocation, it is essential that any proposal does not prejudice or prevent the development of the remaining allocated land for residential development. The layout of the development has left space for a vehicular access to this area. This is towards the north east boundary between two of the proposed dwellings

Impact of the development upon the character and appearance of the Ginton Conservation Area or the setting of listed buildings

The site abuts the northern boundary of the village. The late 20th Century buildings to the northern part of Lincoln Road have an edge of village character and appearance. Arriving from the north on Lincoln Road there are views of the spire of St Benedict's Church arising behind mature landscaping east of the development to Lincoln Road. The church and its spire are the central focus in views and glimpses toward and within the village. There will be a change to some views towards the church with plots 3 and 4 likely to be visible and then other ridges and roofs visible in gaps to the east between buildings to Lincoln Road on arrival in the village.

At 4m to eaves and 7m to ridge the building to plots 3 and 4 will not compete or significantly detract with the approach views of the spire from the north. These building heights are not out of step with adjacent buildings to the north edge of the village. The spire will remain a solitary reference feature seen on the approaches from the north behind mature trees and hedgerows.

It is considered that the revised proposal provides a better sense of place through a more coherent design. The design of the buildings respond to the local character of the many stone built dwellings in the village.

The key principle of the Ginton Village Design Statement (VDS) requires that development should not harm the setting of St Benedict's Church from views from both roads and footpaths. This has been taken into account by the development. The ridge height of the dwellings is modest and there are trees and hedges that will screen the dwellings north of the site. There will only be fleeting glimpses of the development and the spire of the church in the same vista from the public realm.

Other key principles have been positively addressed to include the use of natural limestone and the design of the dwellings are traditional in keeping with the older dwellings in the village

From a heritage consideration the proposed work is acceptable as the scheme will not have an adverse impact on the setting of listed buildings and would accord with section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. The layout, form, details and materials will provide a positive sense of place introducing an appropriate new character and would preserve the character and appearance of the Ginton conservation area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).

The impact of the development upon highway safety

The Local Highway Authority (LHA) have not objected to the proposal. The dimensions of the proposed access are acceptable and a simple dropped kerb design is preferred. The vehicle to vehicle visibility splays are satisfactory to Lincoln Road as are the vehicle to pedestrian visibility splays. There are no objections raised about the proposed gated access arrangement. The LHA have raised an issue about the width and the depths of the double garages. However the proposed garages will permit the parking of two vehicles and there will be space for at least two vehicles to the front of them. By increasing the dimensions of the garages they would be more bulky and dominant features within the development. The movements of the refuse vehicles is not expected to be a highway safety issue as the speed along this stretch of Lincoln Road is slowed by traffic calming measures. Once at the entrance the emptying of the bins should not take more than five minutes such that the delays in vehicles entering and exiting the development would be brief.

Visitor parking will be available within the development, principally to the front of the garages for example.

The development is in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

The impact of the development upon the amenities of the occupiers of the close by residential properties

Objections on amenity grounds have only been received from the occupiers of no.30 Lincoln Road. Their concerns have been detailed earlier in this report. There will be a change in their outlook to the rear and vehicles would pass the north side of their dwelling. Such a relationship has been accepted in the planning permission that has been granted for the development of 14 dwellings on the same site. That development would be expected to generate more vehicles than the current proposal. However, the Environmental Health Officers have advised that the noise from the vehicles travelling along Lincoln Road will be more audible against the slower more occasional vehicle movements closer to them. The rear garden of no.30 is approximately 26m deep and there are to be no windows of the proposed dwellings that would overlook the rear garden of no.30.

The neighbouring resident at The Hollies, whose northern boundary will be shared with the southern boundary of the application site has not objected. However the boundary hedgerow has gaps within its length which will be required to be filled with native hedgerow plants and thereafter maintained. This can be secured by condition.

The separation distances from the Hollies to the nearest two storey elevation of the development i.e. on plot 8 is approximately 26m and at such a distance there would not be undue overlooking. The rear of the Hollies is not the main sitting out area. The landscaping scheme will require new hedge planting, particularly where there are gaps in existing hedgerow may also include tree planting and boundary fencing, of an appropriate style.

Overall the proposed dwellings have been set out to minimise the potential for the occupiers of the existing residential properties to be overlooked. The existing dwellings that front onto Lincoln Road have long gardens so that there would be no significant adverse impact upon privacy.

The proposal therefore satisfies the requirements of policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD.

The amenity of future occupants of the development

The future occupiers of the development would benefit from a pleasant traditional residential environment with each dwelling being afforded private areas within rear garden areas. The dwellings have been located away from the curtilages of the existing dwellings such that overlooking from those dwellings would be minimal. Each dwelling will have the potential to park up to 4 vehicles within the curtilage.

The landscaping of the site and the impact of the development upon the trees within and outside of the site

The landscaping of the development should be simple in design. The principal area to be landscaped is to the side of the access road to the development where there is space for of medium sized trees and shrubs. Hard and soft landscaping, where appropriate, will respect its village location.

There are trees along the boundaries of the site. The most prominent are 3 trees along the southern boundary with a mature Horse Chestnut tree the most prominent. These trees are all being retained. There is concern that the two dwellings closest to these trees may have the potential to become over shadowed however the dwellings are to be a distance of 12m and 15m respectively from the trunks of the trees and these are to be protected during construction. The rear gardens of these two dwellings are wide and spacious such that pressure to seek radical tree surgery works to the aforementioned trees is not expected.

As the site lies within a conservation area the Local Planning Authority will require notification of works to trees thus affording it control.

Wildlife Implications

The Wildlife Officer has raised no objections to the proposal following the receipt of a Protected Species Survey that was undertaken during this summer. No reptiles were found on site. There were a number of species of birds witnessed and there should be nest boxes provided.

The dwelling and the double garage to be demolished to make way for the access road will need to be surveyed for the presence of bats since it has been left vacant and as bats were witnessed flying around it, it may be that these buildings have been used as bat roosts. Such survey work is to be conditioned.

No badger sets were discovered although it would be pertinent to survey the site again prior to the commencement of the development. This is to be secured by condition. The scheme would suffer from no loss in biodiversity if the measures outlined in the ecological report are undertaken.

Archaeology implications

The application site lies within an area of high archaeological potential given its proximity to the historic core of the village. It is accepted that a scheme of evaluation may be secured by condition with a need to assess the archaeology by trial trenching. It is considered that the proposal is in accordance with 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).

Drainage implications

Residents have advised that the site often has a high water table but the site does not lie within an area that is liable to flooding as set out in the Environment Agency Flood Risk Charts. However by way of consistency it is advised that to ensure that any drainage and foul sewerage strategy is capable of meeting the demands of development without resulting in increased flood risk, it is considered necessary to secure the submission of a scheme by way of a condition, prior to the commencement of development. Such a scheme would be subject to approval by the City Council's Drainage Engineer and Anglian Water. On this basis, it is considered that the surface and foul sewerage demands of the development can be met, in accordance with the National Planning Policy Framework (2012) and Policy CS21 of the Peterborough Core Strategy DPD (2011).

Environment Capital

In accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011), all new development is required to make a contribution towards the City's Environment Capital Agenda. This is to be secured by way of a compliance condition, requiring all dwellings to be constructed to achieve a 10% betterment of Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

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 application site forms part of a wider allocation under Policy SA6.9 of the Peterborough Site

Allocations DPD (2012) and accordingly, the principle of residential development is acceptable;

The submitted site layout affords provision for access to the remaining allocation and as such, would not prejudice future residential development, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011) and Policy SA6 of the Peterborough Site Allocations DPD (2012);

The demolition of No.30B will not result in any unacceptable impact upon the character and appearance along Lincoln Road in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);

The site is of a sufficient size to accommodate the scale of development proposed without resulting in unacceptable harm to the character, appearance or significance of the Glington Conservation Area and surrounding locality in accordance with the National Planning Policy Framework (2012), policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012);

The desirable number of dwellings allocated for the site is only an indicative figure. As set out in the Site Allocations DPD – developers are encouraged to produce the most appropriate design led solutions and need not be constrained by the indicative dwellings figure. The development is in accordance with policies CS1 and CS16 of the Peterborough Core Strategy and policy CS8 of the Peterborough Site Allocations DPD

The proposed vehicular access would provide safe access into/out of the site and would not result in any unacceptable impact upon the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);

The use of a gated access to residential properties is of a feature than a barrier preventing the general public from accessing the site. The gate is to remain open for

The use of the proposed vehicular access will not result in any unacceptable impact upon the amenities of the occupiers of the close by residential properties in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and policy PP3 of the Peterborough Planning Policies DPD (2012);

The site has been surveyed by qualified wildlife specialists and it was found that the site does not contain any protected species. Bat and bird boxes are to be installed around the site in accordance with policy CS21 of the Peterborough Core Strategy and policy PP16 of the Peterborough Planning Policies DPD

Adequate surface water and foul drainage will be provided so as to not result in any unacceptable risk of flooding in the locality, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);

Archaeological evaluation will be undertaken to ensure no harm results to unidentified buried archaeology, in accordance with 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);

The development will make a contribution towards the City Council's Environmental Capital Agenda, in accordance with policy CS10 of the Peterborough Core Strategy DPD (2011);

The development will make a financial contribution towards the infrastructure demands that the development will generate, in accordance with policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011)

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is

- 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 Prior to the commencement of the development hereby approved details of the following external materials shall be submitted to and approved in writing by the Local Planning Authority:-

- Walling and roofing
- Windows and doors
- Rainwater goods
- Cills and lintels
- Soil flues and vents

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

- C 3 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 PP14 of the Peterborough Planning Policies DPD (2012).

- C 4 Prior to commencement of the development hereby approved details for the provision of fire hydrants within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include an implementation scheme.

Reason: In the interests of fire safety, in accordance with Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 5 Prior to the commencement of any development (including demolition), a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCMP shall include:

- Details of parking, turning, loading and unloading of all construction and delivery vehicles;
- Hours of construction; and
- Location of material storage, compounds and welfare facilities.

A chassis and wheel cleaning facility for all construction vehicles visiting the site shall be operated such that no debris is deposited on the public highway.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring residents and highway safety, 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 6 The access road and footways, as shown on drawing number 2378/001L, shall be constructed to base course level prior to the first occupation of any dwelling.

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).

This is a pre-commencement condition that requires further information to be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development.

- C 7 Notwithstanding the provisions of condition 6 above, prior to the commencement of development of the vehicular access hereby approved, details of boundary treatments between the access road and Nos.30 A and 32 Lincoln Road shall be submitted to and approved in writing by the Local Planning Authority. These boundary treatments shall be implemented in accordance with the approved details prior to construction of the access.

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

- C 8 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). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

- C 9 Prior to first occupation of any dwelling, a scheme for the provision of bat and bird boxes, to include details of their siting and specifications to accommodate a range of different species, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and prior to the last occupied dwelling

Reason: In order to preserve and enhance the biological diversity of the surrounding area, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

- C10 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year unless a detailed bird nesting survey has been submitted to and approved in writing by the Local Planning Authority beforehand.

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

- C11 None of the existing hedgerows as identified on drawing no.2378/001L are to be cut down or destroyed without the prior approval in writing of the Local Planning Authority. Should the removal or destruction or death of the hedgerow to occur replacement planting of hedgerow species shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- C12 No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- Hard landscaping including the access road and the driveways to serve the dwellings
- An implementation programme
- Details of any boundary treatment

The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

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

- C13 No development shall take place on the site until an arboricultural protection scheme has been submitted to and agreed in writing by the Local Planning Authority. The arboricultural protection scheme shall include:

1. A site meeting between the site agent/architect/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer which shall inform the;
2. Submission of a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology. The Method Statement/Tree Protection Plan shall identify (not necessarily exclusively) the following:
 - Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the site;
 - Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);
 - 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;
- Details of signage to be erected within the tree protection areas

The approved scheme shall be implemented in full, strictly in accordance with the agreed details/plans and shall be retained as such for the lifetime of the demolition/construction of the development.

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

This is a pre-commencement condition that requires further information to be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development.

- C14 Prior to the commencement of the development a scheme for the lighting of the access roads hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be implemented in accordance with the approved details.

Reason; In the interests of the security of the development, the visual amenities of the development, to preserve the character of the Glinton Village Conservation Area, the amenities of the occupiers of the close by residential properties and the local bat population in accordance with policies CS16, CS17, and CS21 of the Peterborough Core Strategy and policies PP3, PP16 and PP17 of the Peterborough Planning Policies DPD

This is a pre-commencement condition that requires further information to be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development.

- C15 Prior to the commencement of development (other than demolition), a scheme for the provision and implementation of surface water drainage and foul sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Reason: To ensure the development does not result in any increased flood risk elsewhere, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2012).

This is a pre-commencement condition that requires further information to be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development.

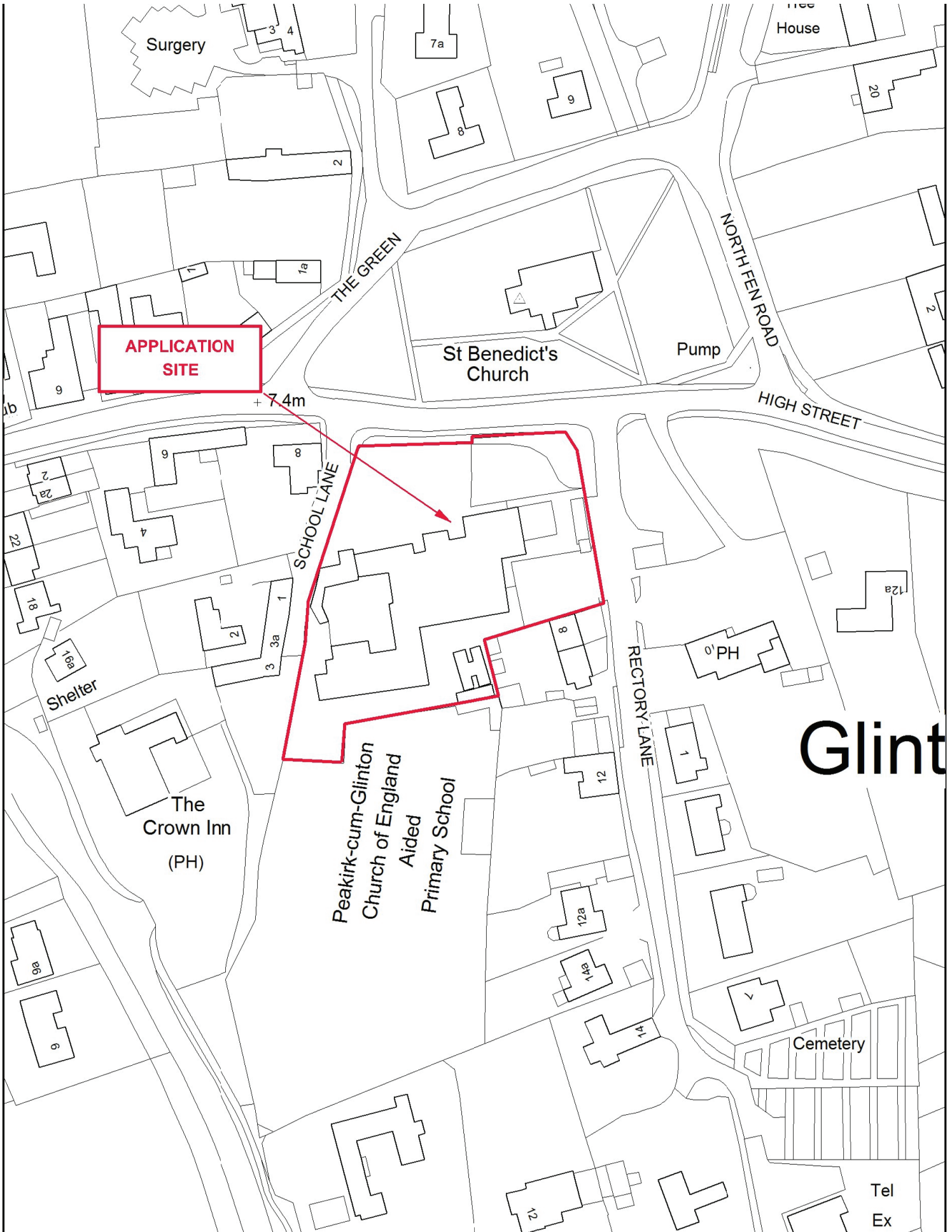
- C16 The access features including the wall with railings and the access gate, drawing no.2378/001L refers, shall erected prior to the occupation of 7th dwelling hereby approved. However, if these features were to be no longer to form a part of the development the areas should be suitably landscaped as require by condition 12 of this permission.

Reason: In the interests of the visual amenities of the immediate area of the village in accordance with policy PP16 of the Peterborough Planning Policies DPD.

C17 The refuse bin storage area, drawing no.2378/001L refers, shall be implemented prior to the first occupation of the development hereby approved and the area shall thereafter be retained solely for the storage of refuse bins.

Reason: In the interest of the visual amenities of the area in accordance with policy CS16 of the Peterborough Core Strategy.

Copies to Councillors: John Holdich OBE. Diane Lamb



Glinton

LOCATION PLAN 15/01624/FUL

Peakirk Cum Glinton Voluntary Aided Primary School, School Lane, Glinton, PE6 7LR

Scale NTS Date 22/12/2015 Name AA Department Planning Services



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Planning and EP Committee 12 January 2016

Application Ref: 15/01624/FUL

Proposal: Demolish existing temporary mobile unit and replace with a new permanent nursery facility

Site: Peakirk Cum Glington Voluntary Aided Primary School, School Lane, Glington, Peterborough

Applicant: Peakirk Church of England School

Agent: Mr Robert Dimond
Peter Smith Associates

Referred by: Glington and Wittering Parish Council

Reason:

Site visit: 28.10.2015

Case officer: Mrs A Walker

Telephone No. 01733 454418

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

Recommendation: **GRANT** subject to relevant conditions

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

The application site comprises the original and main two storey school building and associated front play areas, rear playing fields and staff car park (14 spaces). The building has been altered and extended as the school has developed and there are a variety of different building designs and heights on the site including the tall boiler room adjacent to the application site and the current nursery facility, which is located within a temporary mobile unit, adjacent to the eastern site boundary. There are a number of mature trees located along the western site boundary. Vehicular access is off Rectory Lane.

The application site falls within the Glington Conservation Area. To the north of the site is St Benedicts Church, a grade I listed building, and to the east numbers 8, 10 and 12 Rectory Lane and the Bluebell public house, which are Grade II Listed. The surrounding character is predominantly residential in nature and comprises a mix of attractive stone built houses interspersed with some more modern in fill properties.

Proposal

This is a revised planning application that seeks planning permission for the demolition of the existing mobile nursery unit, to be replaced with the construction of a single storey nursery facility, set to the south of the main school building and located approximately 1 metre off the western boundary. The proposal would have a footprint of approximately 11.4 metres x 13.5 metres creating approximately 140 square metres floor space for use as a nursery/pre-school facility (D1 Use). The proposal has a pitched roof and rises to a height of approximately 4.55 metres high at the ridge. The finish of the building would be slate tiles and elevations with vertically hung tiles, timber cladding and facing brick work. Windows and doors are proposed to be powder coated aluminium.

The facility will have a maximum capacity of 45 children and will be run with 4 members of staff. The facility will offer pre-school (breakfast club) and post school activities for 4-11 year olds as well as running pre-school sessions for 2-4 year olds. It is also envisaged that the building may be used outside of these times by other community groups, as is the case with the current facility.

The existing mobile unit will continue to operate until the new facility has been constructed and opened, at which time the mobile will be removed and the land re-instated as hard surfaced playground. It should be noted that the mobile unit was granted two years temporary planning permission under planning application reference 13/00883WCPP. This lapsed on 14 August 2015. Given that the school have been working to find a more permanent solution, and in the knowledge that a revised planning application would be forthcoming, the Local Planning Authority (LPA) has taken a pragmatic approach towards this lapse in permission. However, in the event that planning permission is not granted for a replacement building this will need to be re-visited and the relevant temporary permission sought.

No additional car parking is proposed. No changes are proposed to the existing cycle parking.

Background

This is a revised application, which follows the refusal of planning application reference: 15/00521/FUL. This application was for a two storey nursery building, also located adjacent to the south of the main school building and set off the western site boundary. This application was refused on the following grounds:

The application site is located with the Ginton Conservation Area. Whilst the school itself is constructed using a variety of styles and materials, the general area is characterised by more traditional building designs and materials. The proposed modern box like structure with its wood clad exterior would not be in keeping with the tones set by the general character of the buildings in the Conservation Area and therefore would not contribute positively towards it and be harmful including in the context of views of the Parish Church. The proposal is therefore considered to be contrary to the provisions of the NPPF (paras 58, 61,131), Peterborough City Council Core Strategy DPD 2011 Policies CS16 and CS17, Peterborough City Council Planning Policies DPD 2012 Policy PP2 and Peterborough Design & Development in Selected Villages SPD 2011 Policies BM1, and Glin 1 and 2.

Background/rationale for site selection

The school has selected the site put forward as part of this planning application as they consider it the best option in light of the site constraints, available funding and the new nursery/pre-school requirements. It should be noted that not all of these constraints are material planning issues and weight cannot therefore be given to them in the evaluation of this planning application. However, these constraints are listed below in order to provide the background to the process the school has gone through in selecting the site put forward.

- The current temporary mobile unit has reached the end of its useful lifespan and a more permanent solution is required.
- The application site is within the Ginton Conservation Area. Any development at the front of the school building would have a greater impact on the Conservation Area. There would also be an issue in terms of the loss of playground, no connection to services, safeguarding issues to the main access to the school and the need to erect security fencing.
- The school building is located on land own by the Diocese of Peterborough. Funding for the development will only be given if the development is also located on land owned by the Diocese.
- The grassed school playing field to the rear of the school is owned by Peterborough City Council. Any development on this part of the site would not be eligible for funding from the Diocese, would be liable to meet objection from Sport England at the loss of playing field land and would require a separate legal agreement with the Council.
- Locating the new nursery on the site of the existing mobile would mean that the facility would have to be closed during the construction phase. This would disrupt the service to children and parents. A temporary building or moving the existing mobile for use during construction would be too expensive.
- Locating the new nursery building on the existing site would be harder to manage from a health and safety perspective during the construction phase.
- The proposed position of the nursery is such that it would be next to the reception class

enabling a better flow for the children between the buildings this would not be so well achieved elsewhere on the site.

- The position of the building does not compromise views from the existing school building onto the playing fields which is important from a security perspective.
- As a stand alone facility the development will be exempt from VAT.
- The budget for the project is modest and heavily reliant on funding from the Diocese.

2 Planning History

Reference	Proposal	Decision	Date
99/01237/R3FUL	Siting of mobile units for use as classrooms during repairs to fire damage	Permitted	16/12/1999
99/01531/FUL	Replacement of fire damaged roof with new first floor level within roof line and dormer windows	Permitted	25/02/2000
11/00907/FUL	Installation of additional mobile unit to existing Out of School Club to facilitate and incorporate Peakirk cum Glinton Pre School	Permitted	09/08/2011
13/00883/WCPP	Variation of C1 of 11/00907/FUL Installation of additional mobile unit to existing Out of School Club to facilitate and incorporate Peakirk cum Glinton Pre School to extend permission time by a further 2 years	Permitted	14/08/2013
15/00521/FUL	Construction of a new stand alone nursery facility	Refused	15/07/2015

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

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

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

National Planning Policy Framework (2012)

Section 4 - Assessment of Transport Implications

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

Section 6 - Presumption in Favour of Sustainable Development

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

Section 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 - School Development

Great weight should be given to the need to create, expand or alter schools.

Section 8 - Open Space

Existing open space, sports and recreational buildings/land (including playing fields) should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements; the open space would be replaced by an equivalent or better provision; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

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)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP17 - Heritage Assets

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

Peterborough Design & Development in Selected Villages SPD 2011**BM1 – Building Materials That Affect The Character and Appearance of Limestone Conservation Areas**

Planning permission for new development in limestone based conservation areas will only be granted if the proposed building materials and the manner in which they are used, is sympathetic to local traditional building materials and will enhance the appearance of the Conservation Area.

Glin 1 – The design of any new building, extension or alteration should be sympathetic to its neighbours and in keeping with the village character, and take into consideration the views into the village, particularly of the spire and church of St. Benedict's from both roads and public footpaths.

Glin 2 - Traditional building materials appropriate to the surrounding buildings must be used on all buildings within the Conservation Area.

Glin 3 – Architectural and historic style must be maintained on extensions to protect the particular character of individual buildings.

4 Consultations/Representations**PCC Transport & Engineering Services**

No objection. As with the previous planning application the Local Highway Authority has no objection in principle to the proposed permanent nursery building given that there will be no increase in pupils or staff as a result of the development. The principle of the construction access is acceptable however, it would appear to be difficult for construction vehicles to access the site via this route. A construction Management Plan should therefore be agreed prior to the commencement of the development.

PCC Conservation Officer (04.11.15)

No objection.

From a heritage consideration, the starting point is to assess the impact of the proposal on the special interest of this part of the Glington conservation area and in what way this would be affected

by the proposed development.

The Glington Conservation area covers the approach to the village from the south, along the eastern side of Lincoln Road. There are pleasant long views of the entrance to the village from the south. This is framed by the heavy landscape corridor of mature hedge and tree planting to field edge and provided by gardens to the east side of the road. In a view line to the west of the site, adjacent to the car park entrance to the former Crown Public House, is a pleasant view of the spire of St Benedict's church (Grade I listed). The church is a landmark feature in views towards and within the village. The school buildings are in the foreground and slightly east of the view to the church spire. The school has varied architecture and a brick finish, typical of mid-20th c school buildings and extensions.

The revised proposal takes is single storey and has a uniformity in appearance viewed from the west. The proposed building, with a traditional pitched roof form, will not be higher than the existing buildings on the school site. The proposed building would be seen in the foreground to the school buildings viewed from the west. The building would have no greater impact on views of the spire of the church than the current school buildings.

Future residential development (approved) to the land south of the former public house and to the west of the application site, will reduce the extent of the glimpsed views of the church spire on the approach into the village from the south and also screen some views towards the application site. The building will also be slightly screened by the western boundary fence and mature trees to the boundary.

The use of hanging tiles is not a common feature to properties in Glington. However, on a building of contemporary style and the small extent of hanging tiles this would not be inappropriate in this location. The choice of slate for the roof will be important and along with other materials can be conditioned. Timber and facing brickwork are appropriate.

From a heritage consideration, the form, height and materials of the building would not harm the character of this part of the Glington Conservation area or the setting of the grade I church.

It is considered that the building will preserve the character and appearance of the Glington Conservation Area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), not harm the setting or detract from views of the spire of the grade I listed church and be in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations)

Glington Parish Council

The Parish Council is unanimously opposed to the application for the following planning reasons:

- The proposed development is within the Glington Conservation Area but the proposed building materials do not comply with Policy BM1 of the Design and Development in Selected Villages Supplementary Planning Document (2011).
- The proposal would have an adverse impact on the view of the spire and church of St Benedicts when viewed from Lincoln Road. This is contrary to Policy Glin 1 of the Design and Development in Selected Villages Supplementary Planning Document (2011).
- The proposed building materials and architectural design are not in keeping with surrounding buildings, namely the school itself which is contrary to policies Glin2 and Glin 3 of the Design and Development in Selected Villages Supplementary Planning Document (2011).
- The proposal appears to block off a vehicular access to the rear of the school site from School Lane. The only other vehicular access to the rear being via the staff car park which is regularly blocked.
- The building is even closer to the boundary with the nearest resident in School Lane and whilst single storey, is now pitched roof and of sufficient height to be considered overbearing by the neighbouring resident.

Councillor J Holdich

No comments received.

Welland & Deeping Internal Drainage Board

No comments received.

Historic England

No comments received.

PCC Tree Officer (04.11.15)

No objection to the proposal.

The tree report submitted with the application needs to be updated to reflect the change to the proposed access point, which is now off Rectory Lane not Lincoln Road. Notwithstanding this the development will not result in any tree removals or tree works. Tree protection measures can be secured via condition in order to ensure that the trees adjacent to the western site boundary are adequately protected throughout the construction phase. A soft landscaping scheme can be secured via condition in order to obtain some planting around the building.

Sport England

No objection. The proposal will result in a minor encroachment onto the existing school playing field in order to accommodate an outdoor play area for the nursery. However having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the proposal would reduce the sporting capability of the site.

Local Residents/Interested Parties

Initial consultations: 11

Total number of responses: 2

Total number of objections: 2

Total number in support: 19

Representations in support of the application

19 Letters of support have been received from residents of Glinton raising the following points in support of the application and expressing their concerns about if the application is not approved and the facility is closed:

-The facility is essential to working parents providing pre and post school childcare

-The facility has helped to integrate pre-school children into the school community and manage the transition for the children moving up from the pre-school into school.

-We chose to live in Glinton because of the excellent schooling facilities the village would be losing a great asset if it were to close.

-The facility is in easy walking distance for parents living in the village and very accessible.

-I would not be able to take my child out of the village to another pre-school and get my other child to school on time given the heavy traffic at school start/end times.

-There are no child minders or other childcare options available in Glinton.

-The alternative nearest pre-school facilities are in Werrington or Northborough. There may not be space at these facilities and if parents cannot drive they will not be able to get there.

-For many parents it is a tradition that their children start at the pre-school and move on to the main school. The facility prepares children for school.

-Our children have developed, grown in confidence and been prepared for school by attending the

facility. They have met friends that they continue into school with which is so important in the formative years.

- We would be devastated if the facility closed as would our children who love going there.
- We would have to stop working if the facility closed.

- Concerns about how other suitable facilities would be found in the area.

- There is a need for the facility which serves the local community. The government put so much emphasis on early learning and this should not be overlooked by the Parish Council.

- The Parish Council should be working with and supporting the school in securing such a valuable resource for the children of the parish.

- If we lose this facility then I fear that it will never be replaced.

- It is understood that more houses are planned for Ginton in the future, so there will be even more need for the pre-schooling facilities in the future.

Representations objecting to the application

Two letters of objection have been received from nearby residents raising the following issues:

- Consider that the existing location of the nursery would be the best location for the new nursery as it is close to the site access for parents dropping off/collecting children.

- The existing nursery provides sound screening for the nearby residents and they want this location to be retained for that reason.

- Whilst the building height has been reduced the position of the nursery, closer to the western site boundary makes it more prominent resulting in an adverse impact on the Conservation Area and views of the church.

- The applicant is relying on screening from trees on the western site boundary that are in poor health and due to be removed soon. Once removed the screening between the site and Lincoln Road would be none existent.

- The distance to the nearest neighbouring house to the west (number 3 School Lane) has been reduced and would result in a detrimental impact on the occupiers in terms of overbearing, loss of outlook and overshadowing/loss of light to garden.

- The proposal would generate noise that would have a detrimental impact on the occupiers of number 3 School Lane.

- The proposed materials would have a detrimental impact on the Conservation Area and views from Lincoln Road.

- The proposed materials do not fit within the Conservation Area and are not those that are considered appropriate for use within a Conservation Area within the Design and Development in Selected Villages SPD.

- Concerns that the building will be used for evening/weekend parties bringing additional noise and nuisance for neighbours.

The letters have also raised a number of none planning issues that will not be taken into account when assessing this application these are:

- Loss of view from inside of number 3 School Lane. The 'right to a view' is not a planning issue.

-Errors in the planning submission. Unfortunately when a planning application is submitted it sometimes includes errors. This is why the Local Planning Authority assesses each application having consulted with both external and internal technical specialists, neighbours and Parish Councils as well as visiting the site to ensure that an accurate picture of the site is obtained and all material planning considerations fully evaluated in reaching a recommendation.

-Comments on site selection and how the best site has not been selected or accurately evaluated. The proposed area to which a planning application relates is for the selection of the applicant. This decision should be taken in light of the planning constraints and these should inform the layout. If the development can be contained within the application site and meet national and local planning policy this is acceptable and it is not for the LPA, Parish Council's or neighbours to dictate where a development can be located.

-The applicant has not undertaken pre-application advice or consulted with neighbours prior to submitting an application.

An applicant is not required to consult with neighbours or undertake pre-application planning discussions with the LPA although this is recognised as good practice. From the applicant it is understood that some pre-application discussion has taken place with the Parish Council. Pre-application discussion has also taken place with the LPA.

5 Assessment of the planning issues

The main planning issues are:

- The principle of the development
- The impact of the development on the character and appearance of the Glinton Conservation Area
- The impact of the development on neighbour amenity
- Highway Implications
- Landscaping implications
- Other issues

a)The principle of the development

Section 8 (School Development) of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to expand or alter schools. The existing nursery provides a breakfast club before school and after school club facilities to pupils attending the school as well as pre-school sessions to children prior to starting school, in order to prepare them for entry to school.

The school and Peterborough City Council Asset Management consider that the mobile unit, from which the nursery currently operates, and which has been in situ for over 20 years is reaching the end of its useful life. As such it does not adequately meet the facility's current requirements and will not be viable long term. The temporary planning permission for the mobile also lapsed in August 2015. The school therefore need to resolve this situation so that they can continue to provide a much needed, and used facility to local parents and their children.

Impact of proposal on sports field provision

Sport England has not objected to the proposal. The proposal will have minimal impact on the playing field and is therefore considered to meet exemption E3 of Sport England's playing fields policy, which relates to development that only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of pitch.

It is considered that the proposal for a new nursery facility can be supported in principle in accordance with Section 8 (School Development) of the NPPF and will provide a needed as well as improved community facility, which is sustainable, more flexible and able to adapt the school's

ongoing requirements and will not adversely harm the existing sports field provision (specifically paragraph 74), in accordance with Section 6 (Sustainable Development) of the NPPF and Policy P01 of the Peterborough Planning Policies DPD.

b)The impact of the development on the character of the Glington Conservation Area

The design of the building has been revised from the earlier refused planning application (ref: 15/00521/FUL) for a two storey development to a single storey building. The new nursery would have a traditional pitched roof, the ridge of which would be approximately 4.55 m above finished floor level. It is proposed that a mixture of facing brick, vertical tile cladding, timber cladding and glazing are used to the elevations with a slate roof.

The nursery will be sited to the rear, south side of the existing school building and set off the western side boundary. This is the school's favoured site for the nursery because it links well to the existing school building and falls within the school's ownership which is relevant for securing funding for the development. It also means that the existing facility can remain open during the construction phase, thereby reducing costs for the school, as they do not have to find alternative premises and limiting disruption for parents and their children.

In designing a suitable new building the school has balanced the various financial and planning constraints against the need to provide a functional and sustainable new facility as the existing nursery will not be able to continue in its current form. The existing school building has varied architecture and a brick finish and appearance typical of a mid-twentieth century school and its extensions. It is considered that the proposal in terms of its design, height and scale is appropriate within the context of the school site.

When viewed from Lincoln Road it is considered that the proposed building would be seen in the foreground to the existing school building and given its height and traditional pitched roof would have no greater impact on views of the church spire than the existing school buildings, of which the application building is no taller. The proposed materials are not local traditional building materials, however given that the proposal is for a modern building within school grounds, the nature of the development and the site context the indicated materials are considered acceptable. The materials proposed are good quality and will result in a good finish to the building, in keeping with its design and use and appropriate to a modern functional nursery.

It is noted that the Parish Council are of the view that the Proposal is contrary to Policies Glin 1, Glin 2 and Glin 3 of the Design and Development in Selection Villages SPD. Glin 2 requires that traditional building materials appropriate to the surrounding buildings must be used on all buildings within the Conservation Area and Glin 3 requires that architectural and historical style must be maintained on extensions to protect the particular character of individual buildings. Given that the proposal will be located within a school site, and when viewed from Lincoln Road appear in the foreground of the school buildings the proposed materials are considered in keeping with the surrounding buildings. The Conservation Officer considers that whilst the use of hanging tiles is not a common feature in Glington, the small extent of tiles proposed would not be inappropriate given the more contemporary design of the building or in this location within a school site. It is not therefore considered that the proposal conflicts with policies Gin 2 and Glin 3 of the Design and Development in Selected Villages DPD.

There are a number of mature trees along the western site boundary and a mature conifer hedge along the boundary between number 3 School Lane and its boundary to the south west with the car park of Happy Faces (a children's drop in stay and play centre), which will offer some seasonal screening. The trees are within the Conservation Area and as such cannot just be removed or cut back without consent and their presence is therefore material although it is recognised that a trees age span can vary. In addition the land to the south of Happy Faces has previously been granted planning permission for residential development. Whilst the most recent consent has lapsed the site is likely to be subject to a further planning application in the near future for residential development. When this site comes forward this will reduce the extent of the glimpsed views of the church spire on the approach into the village from the south and also screen some views towards

the application site.

The Conservation Officer has confirmed that he does not object to the development and that he does not consider that the form and the height of the building would harm this part of the Glington Conservation Area or the setting of the Grade I church.

It is therefore considered that the proposed design, siting and height of the nursery are, on balance, acceptable in accordance with Section 12 of the National Planning Policy Framework, Policies CS16 and CS17 of the Peterborough Core strategy and Policies PP01, PP02 and PP17 of the Peterborough Planning Policies DPD and Policies Glin 1, Glin 2 and Glin 3 of the Design and Development in Selected Villages DPD.

c) Impact of the development on neighbour amenity

Two letters of objection have been received to the development from nearby neighbours.

The neighbour to the west side of the application site, at number 3 School Lane, is closest to the proposed development and has expressed concerns that the development will be overbearing, overshadow their garden, lead to a loss of outlook and result in increased noise and disturbance adjacent to their boundary. The proposed building will be set back from the rear elevation of number 3 School Lane by approximately 6 metres at the closest point, and approximately 1 metre off the common boundary. The property's outbuilding and mature trees sit adjacent to the common boundary. The property has a large south facing rear garden.

The proposed building will be approximately 4.55 m high at the ridge and approximately 2.7 metres high at the eaves, sitting beyond number 3's outbuilding and set off the boundary by approximately 1 metre. The design of the building is such that the height at the closest point to the common boundary (approximately 1 metre away) will be approximately 2.7 metres, increasing in height as it spans further away from the boundary. Taking account of the design, scale and height of the building and the south facing orientation of number 3 School Lane it is not considered that the proposal would be unduly overbearing or result in an unacceptable level of overshadowing of the neighbour's large rear amenity area.

The neighbour has advised that the proposal would be visible from the rear of their property and have a harmful impact on their outlook. Given the position of the building in relation to number 3, the separation distance and the height of the building it is not considered that the building would result in a loss of outlook. Just because something will be seen from a window does not mean that it will be unacceptable and indeed the loss of a view is not a planning constraint.

The neighbour has indicated that he will be looking to remove the trees (subject to approval from the Council's Tree Officer) along the common boundary due to their poor health which will in his view increase the impact of the development on his garden. However, it is considered from an impact on neighbour amenity perspective that given the height of the building, relationship to the neighbouring property and the site orientation that without the trees the development would not be unacceptable. However, it is recognised that in their current form the trees will provide screening for the neighbour.

Neighbours have also expressed concerns that the development will result in increased noise and disturbance and potentially be used for private hire parties. It is not envisaged that the facility will operate differently from the current set up with 4 members of staff and approximately 37 children with the potential to rise to a maximum of 45 children with potential use from other community groups outside of these times as is currently the case. Any significant use beyond this scope, if deemed to be a material change in use, from any permission granted would require further planning permission and would be assessed accordingly. It is also considered that the nursery use is entirely compatible with the school use of the site and a much needed facility within the local community.

The existing temporary mobile unit will be removed once the new facility has been constructed and

the land re-instated to playground. The two neighbours that have objected to the development both live to the west side of the application site. They have advised that the neighbours to the east of the existing mobile unit want the new building to be put in the same location as the current facility so that it will provide sound screening to them. No letters of representation have been received from any of the neighbours to the east side of the school, raising any comment on the proposals. Given that the nursery will be moved further from their boundary and taking account of the separation distance of approximately 41m it is not considered that the new nursery will have an increased impact on their amenity or indeed that retaining it in that location would offer the neighbours any sound screening.

It is not therefore considered that the proposal will result in an increase of noise and disturbance to nearby neighbours or be unacceptable within the school setting. It is also not considered that the proposal will result in an unacceptable impact on the neighbour to the west of the site, number 3 School Lane, in terms of overbearing, loss of outlook or overshadow. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP03 of the Peterborough Planning Policies DPD.

d) Highways Implications

The Local Highway Authority has not objected to the development. It is proposed that the existing access into the school car park is used for the construction purposes. In order to ensure that construction traffic is properly managed it is recommended that a Construction Management Plan (CMP) is secured by condition.

The proposal is for a replacement nursery facility with no significant change in the number of staff or children. The nursery does not currently have a car park and no changes are proposed to the school's existing car or cycle parking facilities as a result of this application.

The proposal is therefore considered in accordance with Section 4 of the National Planning Policy Framework, Policy CS14 of the Core Strategy and Policy PP12 of the Peterborough

e) Landscaping Implications

The Tree Officer has not objected to the development. The Tree report submitted with the application has not been updated to reflect that the site access will now be through the existing school car park rather than via a temporary access off Lincoln Road. As such the development will not result in any tree removals however, there are trees that overhang from 8 Rectory Lane that may require pruning and if so a 211 notification would be required.

An updated Tree Protection Plan should be required by condition to reflect the access changes and limit the impact of proposal on the trees along the western boundary and to the 'digging area' to the south of the proposed nursery that is possibly within the root protection Area of T6.

A soft landscaping scheme to get some new planting around the building can be secured via condition.

It is noted that the occupier of the adjacent dwelling number 3 School Lane has commented on the health of the trees located within his garden adjacent to the common boundary with the application site. As these trees are within the Conservation Area no works can be carried out to the trees without the prior consent of the Council. Should the neighbour decide to submit an application for tree works/removal the trees will be assessed at that time.

It is therefore considered that the proposed development is in accordance with Policy PP17 of the Peterborough Planning Policies DPD in that it will not result in an adverse impact on the existing landscape character of the site.

6 Conclusions

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

- The principle of the development is in accordance with Sections 6 and 8 of the National Planning Policy Framework which supports sustainable development and encourages Local Planning Authorities to give weight to a schools needs to expand and alter.
- The nursery building given its height and the uniformity in the appearance of the western elevation, set to the rear of the main school building and partially screened by mature trees and shrubs in the foreground will not be significantly harmful to the Glinton Conservation Area or detract from the setting of the grade I listed church at the front of the school site.
- The nursery by reason of its design, siting, scale, height and scale of operation will not result in an unacceptable impact on neighbour amenity in terms of overbearing, overshadowing, loss of outlook or noise and nuisance.
- Suitable access to the site can be achieved and construction traffic managed via the conditioning of a CMP. The existing car parking will not be altered. The development will not therefore result in a detrimental impact on highway safety.
- The proposed development will not result in an unacceptable impact on the landscape character of the site and new planting will be secured via a soft landscaping condition.

The proposed development is therefore in accordance with Sections 6, 8 and 12 of the National Planning Policy Framework, Policies CS13, CS16 and CS17 of the Peterborough Core Strategy and Policies PP01, PP02, PP03, PP12, PP13, PP16 and PP17 of the Peterborough Planning Policies DPD.

7 Recommendation

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

- 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).

- C2 The development hereby approved shall be carried out in accordance with the following approved plans:

Please note some revised plans are awaited so the drawings list below is subject to change. Any amendments will be included in the Committee update report.

- Location Plan
- Existing Plan 14/3855/02
- Existing Site Plan 14/3855/01
- Proposed Elevations -14/3855/03 Rev C received 17.12.15.
- Block Plan-14/3855/P13 Rev B

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting reserved matters approval as set out above.

- C 3 No development above slab level shall take place until details of all materials proposed for use in the external elevations of the new nursery 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 Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP2 and PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because the appearance and finish of the materials is integral to the design of the development as a whole in an historic setting.

C4 Prior to the commencement of any development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include (but not exclusively) the following:

- Haul Routes to the site.
- Temporary parking areas for contractors vehicles.
- Location of storage compounds and site welfare facilities.
- Traffic Management Signals Scheme for the B1443 to allow vehicles to safely enter and leave the site access.
- Wheel wash facilities
- Parking, turning and loading/unloading areas for delivery vehicles.

The construction of the proposed development shall thereafter be carried out in accordance with the approved CMP throughout the construction phase.

Reason: In the interests of highway safety in accordance with Policy CS14 of the Peterborough Core Strategy and Policy PP12 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because this information is integral to ensuring that safe access into and out of the site can be achieved throughout the construction phase.

C5 Notwithstanding the submitted information and prior to the commencement of the development details of how the existing playing field shall be protected during construction and restored following construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the playing field is protected during and after the construction phase, in the interests of recreational provision in accordance with Paragraph 74 of the National Planning Policy Framework.

C6 Within 3 months of the first use of the new nursery facility, the existing mobile unit shall be removed and the land resurfaced to form playground.

Reason: to ensure that the temporary building is removed in the interest of the amenity of the area in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP02 of the Peterborough Planning Policies DPD.

C7 Notwithstanding the submitted information, no development shall take place on the site until an arboricultural protection scheme has been submitted to and agreed in writing by the Local Planning Authority. The arboricultural protection scheme shall include:

1. A site meeting between the site agent/architect/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer which shall inform the;
2. Submission of a finalised Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction – Recommendations methodology. The Tree Protection Plan shall identify (not necessarily exclusively) the following:
3. Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the site;
4. Details of all Root Protection Area infringement during the construction and landscaping

phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);

5. Details of facilitation pruning;
6. Location for access, material storage, site office, mixing of cement, welfare facilities etc.;
7. Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;
8. Details of signage to be erected within the tree protection areas

The approved scheme shall be implemented in full, strictly in accordance with the agreed details/plans for the lifetime of the demolition/construction of the development.

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

- C8 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.

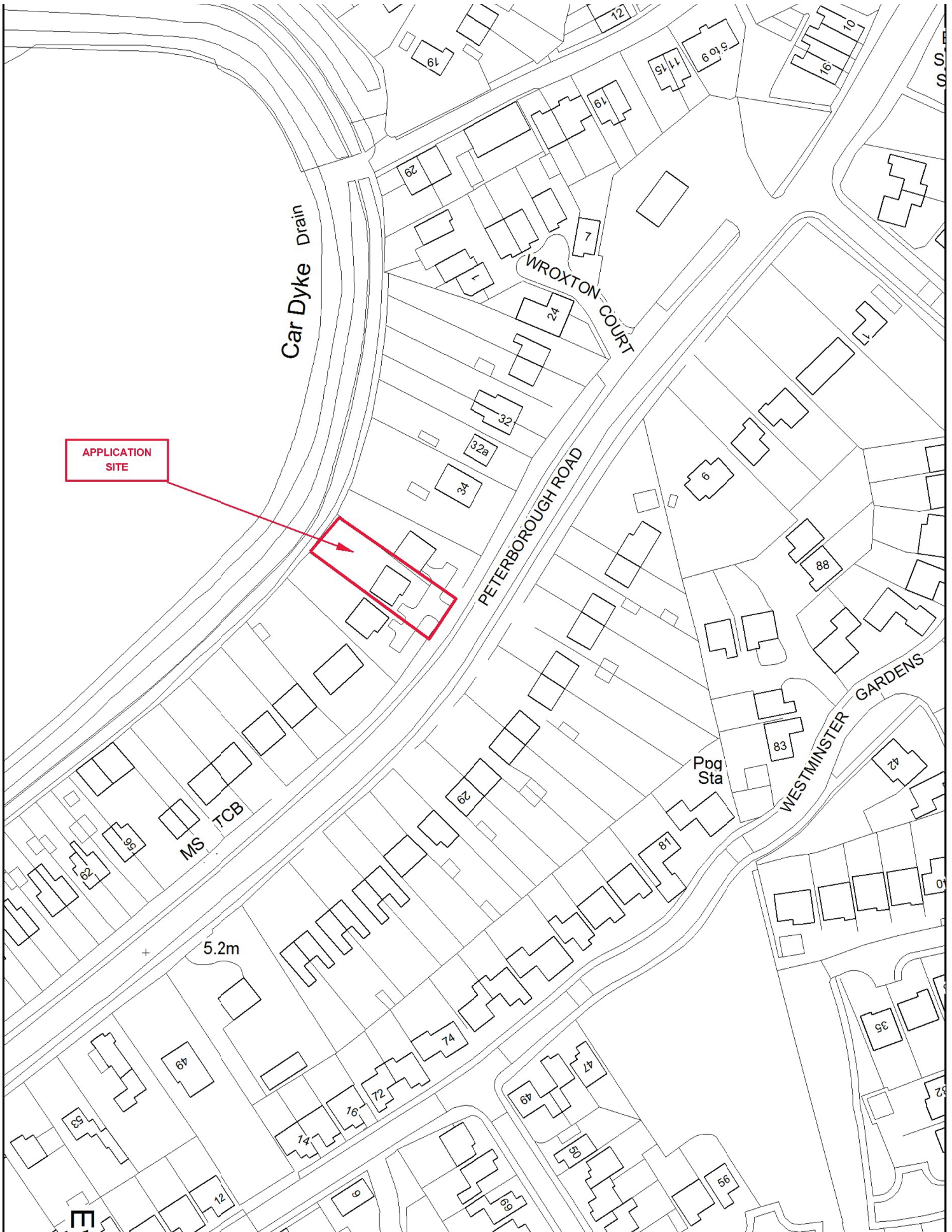
The scheme shall include the following details

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

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).

Copy to Cllr Holdich and Cllr Lamb

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LOCATION PLAN 15/01688/WCPP
 38 Peterborough Road, Eye, Peterborough, PE6 7YB

Scale NTS Date 22/12/2015 Name AA Department Planning Services



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Application Ref: 15/01688/WCPP

Proposal: Removal of condition C1 (Permitted Use) of Planning Permission 14/02238/WCPP - (Change of use for dog grooming business)

Site: 38 Peterborough Road, Eye, Peterborough, PE6 7YB

Applicant: Mr D Gilbey
Agent: Mr John Dadge, Barker Storey Matthews

Referred by: Director of Growth and Regeneration
Reason: To allow for open and transparent decision-making in light of conflicting evidence

Site visit: 4.01.2016

Case officer: Mr N Harding
Telephone No. 01733 453410
E-Mail: nicholas.harding@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 a two storey detached residential dwelling located on the western side of Peterborough Road. The site is accessed from the public highway by a shared driveway which serves three dwellings, the application site being the central dwelling. There is an area of private hardstanding to the front of the site which provides parking for 4 vehicles along with a further parking space within an attached single storey single garage. To the rear of the site is an existing detached 'summer house' which was originally built for purposes incidental to the enjoyment of the dwellinghouse (thereby not requiring planning permission).

Proposal

The application seeks planning permission to remove condition C1 of planning permission reference 14/02238/WCPP. This parent planning permission was granted in December 2014 and itself varied a condition relating to the hours of use of an earlier planning permission, reference 14/01830/FUL. The original permission granted consent for the use of the detached 'summer house' as a dog grooming business retrospectively.

Condition C1 of planning permission reference 14/02238/WCPP states:

The use hereby permitted shall be discontinued and the building reverted back to use only for purposes incidental to the enjoyment of the dwellinghouse known as No.38 Peterborough Road, Eye on or before 24 December 2017.

Reason: In order for the Local Planning Authority to ensure that the use does not, over time, give rise to unacceptable disturbance to 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 removal of this condition, as proposed by the current application, would grant planning permission on a permanent basis.

2 Planning History

Reference	Proposal	Decision	Date
14/01830/FUL	Change of use for dog grooming business - Retrospective	Permitted	17/12/2014
14/02238/WCPP	Variation of condition C4 (Hours of operation) of Planning Permission 14/01830/FUL (Change of use for dog grooming business - Retrospective)	Permitted	13/02/2015

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 11 - Noise

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

Peterborough Core Strategy DPD (2011)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

Peterborough Planning Policies DPD (2012)

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.

4 Consultations/Representations

PCC Transport & Engineering Services (29.10.15)

No objections.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection has been received from an immediately adjoining neighbour on the following grounds:

- We object to the application first and foremost due to the complete invasion of our privacy and utter lack of respect for our personal lives that the dog grooming business has caused. We moved into our detached house in 2003 with a garden to enjoy in quiet residential area. It never occurred to us that this would be disrupted in years to come by our neighbours setting up a dog grooming parlour.
- Retrospective planning permission was granted on a temporary basis until December 2016 along with various conditions the business had to adhere to. We firmly believe they haven't been doing so as follows:
 - Condition C6 - Large vehicles such as 4 x 4s often overhang onto the tarmac (no parking zone) from the allocated parking spaces and vehicles have been parked up on the grass verge. My daughter recently had difficulty reversing back off our drive due to poor parking of one of the customers onto the tarmac area. This has occurred on many occasions.
 - Condition C3 - There have been occasions where more than 2 dogs have been present at the premises and have noted a customer leaving together with 3 white Scottie dogs.
 - Condition C4 - There have been occasions when one customer has left the premises whilst another was waiting outside. There is meant to be a 15 minute wait between each customer and grooming appointment.
 - Condition C5 - All doors/windows are to be shut at all times to the grooming parlour whilst machinery is being operated. This is not the case and a small window to the side of the door is normally open most of the time. In the height of summer the doors to the premises have been open, possibly due to working in a confined wooden structure where ventilation is limited. However machinery then being operated can be heard.
- I firmly believe that temporary planning permission should remain until December 2016 until the above can be proven to be adhered to. Or alternatively, cease trading from this address and seek more suitable premises to work from.

For reference, a copy of the decision notice (and conditions attached thereto) is provided at Appendix A of this report.

5 Assessment of the planning issues

The main considerations are:

- Impact upon neighbour amenity
- Parking and highway implications

a) Impact upon neighbour amenity

The use is undertaken within a detached wooden garden building located to the rear of the host property, in close proximity to the shared boundaries with neighbouring dwellings. This building has been internally insulated and the windows/door installed are double glazed. To access the building, customers enter through the gate located to the side of the dwelling which is adjacent to No.40 Peterborough Road. The parent planning permission is also subject to restrictions in terms of the hours of use, and therefore the dog grooming business can only be operated between the hours of 09.00 to 17.30 Monday to Friday, 09.00 to 15.30 on Saturdays and not at any time on Sundays or Public Holidays. There is also a restriction which restricts the grooming to no more than 2 dogs at any one time, with a gap of 15 minutes between customers to ensure that there is no crossover.

With regards to the grooming, the applicant operates electric clippers and a dryer. The Officer

has previously visited the site and experienced the noise levels from this equipment first-hand (the assessment undertaken adjacent to the shared boundary of the site with No.36 Peterborough Road and with the windows/doors of the grooming shed both open and closed). It is considered that this equipment does not significantly exceed background noise levels and, particularly with the windows/doors shut, the noise is imperceptible. Accordingly, it was felt that the use of this machinery did not represent an unacceptable impact to the amenities of neighbouring occupants subject to a condition being imposed requiring the windows/doors to be shut whilst the equipment is in use, be retained.

It is acknowledged that the running of any business from the rear garden of a property brings about an intensification of the use of the site (above and beyond normal residential use). Furthermore, customers accessing through the side gate and into the rear garden does create some level of noise and general disturbance, particularly given that the use intended is for dog grooming and this can give rise to dogs barking.

To fully assess the use in terms of the impact to neighbour amenity, and to ensure that the Applicant adhered to the restrictive conditions imposed, Officers originally granted the planning permission on a temporary basis to December 2017. The time period was set to also allow the business to become commercially established and a short time period may have prevented this. This would have meant that the use (taking into account the 18 months of unauthorised use) was in operation for 4 and a half years, 3 of which were subject to the restrictions imposed upon the planning permission. Whilst the Council has not received any complaints regarding the use (except in relation to the disposal of waste from the premises which has been resolved through the employment of a commercial waste collector) during the period since planning permission was granted, it is noted that one of the immediately adjoining occupants has objected to this application, stating that the other restrictive conditions imposed upon the use have not been adhered to.

Whilst the request to make the permission permanent has been submitted early within the permitted temporary period, in the absence of any reports of non-compliance with the conditions prior to the submission of this current application, it is considered that the granting of a permanent planning permission subject to all other restrictive conditions would not result in an unacceptable level of harm to the amenities of neighbouring occupants and as such, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

b) Parking and highway implications

Within the application site, there are 4 no. parking spaces located within the curtilage of the site, accessed via a shared driveway off Peterborough Road. In accordance with adopted parking standards, there is adequate parking provision to meet the needs of both the residential dwellinghouse and the proposed use, providing that no more than one customer visits the site at any one time. This has been secured by a condition which requires a 15 minute gap between customers to ensure that there is no crossover.

It is noted that the objection received has raised concerns with regards to the blocking of accesses and inappropriate parking on the shared driveway. These are noted however given that there is adequate space on the site for the parking and turning of vehicles, the Local Planning Authority could not sustain a reason for refusal on this basis.

In light of the above, adequate parking provision is provided for the use and a permanent planning permission would not result in an unacceptable risk to 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).

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 granting of a permanent planning permission subject to all other restrictive conditions would not result in an unacceptable level of harm to the amenities of neighbouring occupants and as such, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012); and
- adequate parking provision is provided for the use and a permanent planning permission would not result in an unacceptable risk to 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).

7 Recommendation

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

- C 1 The dog grooming use hereby permitted shall only be carried out within the detached 'Summer House' as shown on the submitted 'Site Layout' drawing and shall only be operated by persons residing within the dwellinghouse known as No.38 Peterborough Road, Eye.

Reason: The use as a dog grooming business is not acceptable as a separate planning unit, 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 2 With regard to the dog grooming business use, no more than two dogs shall be present on the site at any one time.

Reason: To prevent unacceptable noise and disturbance to neighbouring occupants and in the interests of highway safety, 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 3 The dog grooming use hereby permitted shall not be operated outside the hours of 09.00 to 17.30 Monday to Friday, 09.00 to 15.30 on Saturdays and shall not be operated at any time on Sundays or Public Holidays. In addition, a 15 minute break between customers shall be observed.

Reason: To protect the amenities of neighbouring occupants and to ensure that there is no parking conflict, 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 4 All windows and doors to the exterior of the building shall be closed at all times whilst the dog grooming machinery is being operated.

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

C 5 The parking spaces shown on the submitted 'Site Layout' drawing shall be retained for no other purpose than the parking of vehicles in connection with the use of the dwelling and dog grooming business until 24 December 2017.

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 Sanders and Brown

**Planning Services**

Town Hall
 Bridge Street
 Peterborough
 PE1 1HF

DX 12310 Peterborough 1
 01733 747474

13 February 2015

Telephone: 01733 453410
Email: planningcontrol@peterborough.gov.uk
Case Officer: Miss Louise Lovegrove
Our Ref: 14/02238/WCPP
Your Ref:

Mr D Gilbey
 38 Peterborough Road
 Eye
 Peterborough
 PE6 7YB

Dear Sir/Madam

Application for Amendment to an existing Planning Permission

Proposal: Variation of condition C4 (Hours of operation) of Planning Permission
 14/01830/FUL (Change of use for dog grooming business - Retrospective)

Site address: 38 Peterborough Road Eye Peterborough PE6 7YB

We are pleased to enclose your formal notice of planning permission for the above development. Please ensure that work is carried out in line with the approved plans referred to on the decision notice. This will avoid the need for any enforcement action.

Complying with the approved plans

We would like to draw your attention to 'precedent conditions':- these are conditions which require you to either do certain works or submit something for approval prior to starting any work. These conditions must be complied with. Please check your Decision Notice carefully and familiarise yourself with its requirements, allowing plenty of time for the conditions to be complied with before work commences. If these conditions are overlooked you may invalidate your consent, risk enforcement action being taken and may need to submit a further application.

In addition you should be aware that failing to build in accordance with the approved plans or properly discharging conditions often causes problems and delays if selling the property.

Complying with conditions

Please read the conditions attached to this permission carefully. Some conditions may require you to submit more information to us before you can start work.

If further information is required you will need to submit a separate application together with the required supporting documentation. The relevant application form (PF27) for discharge of conditions can be downloaded from our application One Stop Shop at www.peterborough.gov.uk/planningoss

Please ensure that the required details are submitted in duplicate and if you are applying to discharge more than one condition that the supporting information is clearly separated and referenced to each individual condition.

There is a fee required with an application to discharge planning conditions, however this is chargeable per application rather than per condition, please ensure that this is enclosed as part of your application. For further information please visit our application One Stop Shop or contact

Planning Services on 01733 453410.

Appeals against conditions

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see www.planningportal.gov.uk/planning/appeals/ for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

Your feedback on our service is welcomed

We are interested in finding out what you thought of our service and how we might make it better. To give us feedback please go to <http://consult.peterborough.gov.uk/portal/pscss>.

Yours faithfully



Simon Machen
Director of Growth and Regeneration



Planning Services
 Town Hall
 Bridge Street
 Peterborough
 PE1 1HF

DX 12310 Peterborough 1
 01733 747474

**NOTICE OF PERMISSION TO DEVELOP
 LAND WITHOUT COMPLIANCE WITH
 CONDITIONS PREVIOUSLY ATTACHED
 TO A GRANT OF PLANNING
 PERMISSION**

Town and Country Planning Act 1990

Section 73

GRANTED

Reference 14/02238/WCPP

Proposal Variation of condition C4 (Hours of operation) of Planning Permission
 14/01830/FUL (Change of use for dog grooming business - Retrospective)

At 38 Peterborough Road Eye Peterborough PE6 7YB

Applicant Mr D Gilbey

Date valid 30 December 2014

Schedule of plans and documents

Reference	Document/Drawing Title	Date Received
	Site Layout	13.10.2014
	Location Plan	13.10.2014

Permission is granted subject to the following conditions and reasons:

- C 1 The use hereby permitted shall be discontinued and the building reverted back to use only for purposes incidental to the enjoyment of the dwellinghouse known as No.38 Peterborough Road, Eye on or before 24 December 2017.

Reason: In order for the Local Planning Authority to ensure that the use does not, over time, give rise to unacceptable disturbance to neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 2 The dog grooming use hereby permitted shall only be carried out within the detached 'Summer House' as shown on the submitted 'Site Layout' drawing and shall only be operated by persons residing within the dwellinghouse known as No.38 Peterborough Road, Eye.

Reason: The use as a dog grooming business is not acceptable as a separate planning unit, 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 3 With regard to the dog grooming business use, no more than two dogs shall be present on the site at any one time.

Reason: To prevent unacceptable noise and disturbance to neighbouring occupants and in the interests of highway safety, 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 4 The dog grooming use hereby permitted shall not be operated outside the hours of 09.00 to 17.30 Monday to Friday, 09.00 to 15.30 on Saturdays and shall not be operated at any time on Sundays or Public Holidays. In addition, a 15 minute break between customers shall be observed.

Reason: To protect the amenities of neighbouring occupants and to ensure that there is no parking conflict, 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 5 All windows and doors to the exterior of the building shall be closed at all times whilst the dog grooming machinery is being operated.

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

- C 6 The parking spaces shown on the submitted 'Site Layout' drawing shall be retained for no other purpose than the parking of vehicles in connection with the use of the dwelling and dog grooming business until 24 December 2017.

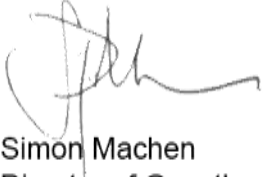
Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Statement of compliance

The proposal as submitted is in accordance with local and national planning policy and has been approved without amendment, in accordance with Paragraphs 186 and 187 of the National Planning Policy Framework (2012).

Authorisation

Authorised by:



Simon Machen
Director of Growth and Regeneration

Date the decision was made: 13 February 2015

Informatives

General Notes

- 1.1 Planning permission does not constitute approval under the Building Regulations or Bye-law approval relating to new streets and buildings.
- 1.2 It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.
- 1.3 The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Appeals to the Secretary of State

- 2.1 The applicant has a right to appeal to the Secretary of State against any conditions of this planning permission, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:

The Planning Inspectorate,
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN
Telephone 0303 444 5000 or visit www.planningportal.gov.uk/pcs.
- 2.2 If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** of the date of this notice, whichever period expires earlier.
- 2.3 The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 2.4 The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Starting Work too soon

If you start work on this development before complying with conditions that require to be met before work starts, your action has made this planning permission invalid. A fresh planning application will then be required, with the associated cost and delay.

Street Naming and Numbering

If your proposal requires an address, this includes the sub-division of premises which will provide multiple occupancy for both residential and commercial buildings, please note this is not a function covered by your planning application and must be dealt with as a separate matter.

Please contact the Street Naming and Numbering Custodian, Asset Management Team on 01733 453489 for details of the procedure.

Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>

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