

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 6 SEPTEMBER 2016
1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

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

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

4. Minutes of the Meeting Held on:

4.1	5 July 2016	5 - 12
4.2	26 July 2016 - Extraordinary Committee	13 - 16
4.3	26 July 2016	17 - 20

5. Development Control and Enforcement Matters

5.1	16/01340/FUL - Rear of 160 Broadway, Peterborough, PE1 4DQ	21 - 34
5.2	16/01209/FUL - 78 Storrington Way, Werrington, Peterborough, PE4 6QP	35 - 42
5.3	16/01248/FUL - 195 - 197 Lincoln Road, Peterborough, PE1 2PL	43 - 48



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Committee Members:

Councillors: Harper (Chairman), Serluca (Vice Chairman), Bull, Casey, Hiller, Stokes, Martin, Sylvester, Bond, Clark and Ash

Substitutes: Councillors: Bisby, Iqbal, Sandford and Saltmarsh

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.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 5 JULY 2016**

Members Present: Councillors Harper (Chairman), Serluca (Vice Chairman), Bull, Hiller, Martin, Sylvester, Clark, Bond, Ash, and Bisby

Officers Present: Nick Harding, Head of Planning
Simon Ireland, Principal Engineer (Highways)
Hannah Edwards, Planning and Highways Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Casey and Stokes. Councillor Bisby was in attendance as substitute.

2. Declarations of Interest

No declarations of interest were received.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

4. Minutes of the Meeting Held on 26 April 2016

The minutes of the meeting held on 26 April 2016 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 16/00349/FUL – Land to the East of Manor Farm, Nene Way, Sutton, Peterborough

The Committee was presented with an application for the demolition of farm buildings on land to the east of Manor Farm, Nene Way, Sutton, and the construction of two dwellings together with associated works.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- Ms Scriven had owned Manor Farm for the past 25 years, which had previously included the application site.
- There was no objection in principal to the application, which greatly improved on the previous submission.

- There were two main points of concern. It was questioned whether activities that had been acceptable in the past would cause a nuisance to new residents.
- It was suggested that plot 2 be turned so that the main rear elevation did not face the neighbouring muck pile.
- Two windows on plot 1 were considered to overlook the neighbouring garden, which was currently not overlooked by anything.
- It was advised that Ms Scriven had tried to discuss these matters with the agent, with no success.

Richard Dunnett, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Following the rejection of a past proposal at this site by Committee, the development had been redesigned to address the concerns raised.
- New architects had been commissioned along with a heritage advisor, and discussions had taken place with the Council's Conservation Officer.
- The applicants had engaged with the Parish Council, who were supportive of the scheme, considering it to be a huge improvement from the last.
- The section of the development outside of the village boundary was the access and landscaping.
- The proposal would enhance the eastern approach to the village and, in doing so, would reflect a planning gain.
- It was believed that the objections put forward were overstated and that the neighbouring farm was purely a small holding.
- It was noted that the applicants did attend a Parish Council meeting, at which the residents of Manor Farm were also present.
- It was considered that the distances between the neighbouring property and the proposed development were substantial.

The Committee sought reassurance that due consideration had been given to the potential for loss of amenity with the application. The Head of Planning advised that such consideration had been given and that the scheme had been assessed in light of its rural setting, characterised by detached dwellings and spacious grounds. It was accepted that the proposal represented a change to amenity, however the distances provided for were believed to be acceptable.

The Committee sympathised with the concerns of the neighbouring residents, however, noted impact would be minimal. It was further noted that the proposal would improve the approach to the village.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, 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:

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

- The principle of residential development, the loss of the agricultural buildings and a small encroachment into the open countryside was acceptable in this instance;
- On balance, the impact on the Minerals Safeguarding Area would not justify a reason for refusal of the application; and was less intrusive than the previous 2014 scheme;
- The proposed dwellings were large and laid out to allow for good light penetration and no unacceptable mutual overlooking or overshadowing. Amenity space was adequate. Whilst the noise and smells associated with the farmyard/small holding use at the Manor Farm would be unacceptable to some people, it was considered that people buying the new dwellings could decide for themselves whether to live there;
- The separation distances would make unlikely any unacceptable impact on existing residents (Manor Farm) by way of overshadowing, overbearing impact or noise.
- It is considered that satisfactory access to the site and parking could be provided, and was in accordance with Policies PP12 and PP13;
- The proposed dwelling and removal of the existing agricultural buildings would preserve and enhance the setting of the Conservation Area and would not have a harmful impact on the significance of the adjacent Grade 2 listed building;
- The impact on trees, ecology and archaeology was considered to be acceptable, subject to conditions;
- The fall-back position for conversion of the exiting agricultural buildings to dwellings, as set out in the report, was unlikely to happen and was therefore afforded little weight in the Planning Authority's decision making.

5.2 16/00497/HHFUL – 20 High Street, Glinton, Peterborough, PE6 7LS

The Committee was presented with an application for a front porch and single storey rear extension at 20 High Street, Glinton, Peterborough.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- The Parish Council unanimously supported the objections of the neighbouring residents at number 18 and number 22.
- It was believed that the plan presented to the Committee was incorrect, as it did not include previous extension on number 20.
- It was considered that the proposal represented overdevelopment and would cause detriment to the amenity of neighbouring residents.
- The extension was believed to be around 35% of the existing building, which was believed to be a large increase.
- The Parish Council believed that the proposed extensions would be detrimental to neighbours and that the same weight should be given to adjacent properties as is given to the public from the front of the house.
- Including the summer house that was currently housed in the garden of number 20, there would be only a very small amount of garden left if this proposal was allowed.

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

- Mr Grierson was representing the residents of both number 18 and number 22 High Street.
- No issues were raised in relation to the front porch proposals, it was purely the rear extension that neighbours were concerned about.
- It was believed that the proposal would block light in the neighbouring gardens and would impact on the character of the conservation area.
- The extension was considered to be very large, which was a concern because the property had already been extended twice.
- Even with the reduction in height from the original proposal, the development would have significant visual impact.
- It was believed there were numerous acceptable ways to extend the dwelling without these impacts.
- Mr Grierson expressed disappointment in the lack of communication from the new residents and that the Committee did not visit neighbouring properties during their site visits.

The Committee were advised that the potential detrimental impact of the proposal on the neighbouring properties should be considered, and that the 'fall back' position of permitted development was not a key factor.

The Committee discussed the application and considered that the proposal did not represent a loss of amenity for neighbouring residents. The concerns of the neighbours were noted, however, it was not believed that the development would overlook either neighbours. The extension could not be seen from the main road, as such, the Committee determined that the proposal did not impact on the conservation area.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, 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 proposed extensions would not unacceptably harm the character or appearance of the host building or street scene, and would preserve the setting of the Conservation Area, and would accord with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2012) and Policies PP2 and PP17 of the Peterborough Policies DPD (2012);
- The proposed extensions would not unacceptably harm the amenity of adjoining neighbours, and therefore accords with Policy CS16 of the Peterborough Core Strategy DPD (2012) and PP3 of the Peterborough Policies DPD (2012); and
- The proposal would not result in a highway safety hazard and sufficient car parking can be provided thereby according with Policy PP13 of the Peterborough Policies DPD (2012).

5.3 16/00590/FUL – Fitzwilliam Hospital, Milton Way, Bretton, Peterborough

The Committee was presented and application for extensions to create new administration accommodation with theatre suite in Fitzwilliam Hospital, Milton Way, Bretton. The application also included an associated link corridor, new first floor level modular construction theatre store, and new single storey waiting area. Various internal remodelling works to the restaurant, physiotherapy department, and main reception waiting accommodation, and external works to create additional parking bays were also presented.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

Carl Cottam, General Manager, and Jim Lomas, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Lomas considered the proposed extension to be a modest one, required in order to expand the work of the hospital and assist the community.
- The proposal was three storey, however at the point where the development neighboured residential properties, as a result of the landscape, the building was lower than the highest point of the existing building.
- A rationalisation of the hospital car parking was to take place. It had been calculated that even in a worst case scenario the proposed level of parking should be more than sufficient.
- No windows were proposed for walls that faced residential areas and it was believed that the separation distances provided for were generous.
- Noise levels were to be controlled via condition.
- It was considered that the cedar wood proposals would improve the design of the hospital and provide some natural relief.
- A mobile CT scanner would take up seven spaces in the car park, two days a week. It was considered that even with this, there would be surplus parking available.
- If necessary, additional signage for the car park could be looked into.

The Committee considered that the application addressed any potential concerns that could be raised, and congratulated the applicant on being a good neighbour.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, 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 result in additional healthcare facilities and services which would be of benefit to the community of Peterborough, in accordance with paragraph 70 of the National Planning Policy Framework (2012);
- The proposed extensions and car park reconfiguration 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 would provide adequate on-site parking facilities to meet the demands of the proposal and, in the even that increased on-street parking results in a danger to highway safety, adequate measures can be implemented to address this, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- The proposal would not result in an unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- The proposal would preserve the character and setting of nearby designated heritage assets, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 131 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012); and
- The proposal would not result in the loss of trees which are of key amenity value to the locality and adequate mitigating planting can be secured, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

5.4 16/00671/FUL – 3 – 7 Oxford Road, Millfield, Peterborough, PE1 3BL

The Committee was presented an application for alterations to 3 - 7 Oxford Road, Millfield, Peterborough, including a conversion to create an additional shop at ground floor, and eight one bedroom flats at first and second floors

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- A number of residents had raised concerns with Councillor Shearman in relation to the proposals.
- The resident of number 21 Oxford Road raised objection to the proposals in light of the additional traffic they believed it would cause and the windows that would face directly onto their back garden.
- Councillor Shearman highlight the current traffic and congestion problems experienced on Oxford Road. It was believed that an additional eight flats would exacerbate these problems and would impact upon the whole street.
- The Councillor also raised the matter of the 'Can Do' area, which support the enhancement of residents' quality of life.
- The proposed development appeared to be cramped, of poor quality, and not in keeping with the surrounding area.
- It was suggested that the developer did not seemed to be concerned about the impact of the development, which would be a detriment in terms of design, parking, amenity of residents and traffic flow.

Daniel Coulling, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Coulling noted that the conversion and division of the existing building did not require planning permission.
- The proposal included modest external alterations, working mainly within the existing property footprint.
- It was not considered that the design would have any detrimental impact in relation to its scale or in terms of overlooking.
- The site location in a district centre meant that the proposal was sustainable and appropriate for local residents' use.
- The principal for flats above shops was well established. There would be nine car parking spaces, one for each flat and one for visitors.
- No first floor windows were proposed within the development. Two roof lights were outlined in the plans, however these would be too high to overlook anything.
- A transport statement had been submitted in relation to traffic. There was not going to be any increased use of the site and not there was no requirement to provide commercial parking within the community centre.
- The Committee discussed the permitted development on the site. The Head of Planning advised that the development had potential for 12 flats without planning permission. It was further advised that the only proposed windows that could overlook neighbouring properties were set too high on the roof to do so.

The Planning and Highways Lawyer advised that the unauthorised development referenced by public speakers was subject to separate enforcement action, and should not be considered by Committee.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, 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:

- The retention of a retail use at ground floor level with the creation of residential accommodation above was compatible with the surrounding uses and the identified Millfield District Centre;
- The proposed first floor extension and external alterations 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), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and the Peterborough Shop Front Design Guidance SPD (2014);
- The proposal would not result in an intensification of traffic movements to/from the site and would provide adequate on-site parking to meet the needs of the development thereby not resulting in undue impact to 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 proposal would not result in an unacceptable impact to the amenities of neighbouring residential occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012); and
- The proposal would afford future occupants an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

5.5 16/00861/FUL – 85 Mayors Walk, West Town, Peterborough, PE3 6EY

The Committee was presented and application for an extension to three shop units at 85 Mayors Walk, West Town, Peterborough.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

Mr Shah Lal and Phil Branston, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Branston suggested that the front elevation of the proposal would not be significantly different.
- The area into which the extension would take up was originally left for car parking, which was no longer permitted.
- The development would remain subservient to the existing buildings.
- Mr Lal, as a prospective tenant, advised that the additional space provided for by the extension would ensure the development was more suitable for shop purposes.
- It was suggested that the proposal would still sit back from the lineage of the neighbouring buildings.
- It was considered that the objections raised were subjective based on design.

The Committee discussed the application and considered that the proposals were incongruous with their surroundings, and detracted from the street scene.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation, for the reasons set out in the report and update report. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out in the report and update report.

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 set out in the report and update report.

Chairman
1.30pm – 5:00pm



**MINUTES OF THE EXTRAORDINARY PLANNING AND ENVIRONMENTAL
PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 26 JULY 2016**

Members Present: Councillors Harper (Chairman), Serluca (Vice Chairman), Bull, Casey, Hiller, Stokes, Martin, Sylvester, Clark, Bond, and Ash

Officers Present: Nick Harding, Head of Planning
Reuben Taylor QC
Hannah Edwards, Planning and Highways Lawyer
Janet Maclennan, Senior Development Management Officer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

No apologies for absence were received.

2. Declarations of Interest

Councillor Hiller declared, in relation to agenda item 4.1, that he had attended meetings with the objectors and relevant Council officers. He had not, however, expressed any opinion on the application and was no predetermined.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

4. Development Control and Enforcement Matters

4.1 16/00252/FUL – Queensgate Shopping Centre, Westgate, Peterborough

The Committee was presented and application for the part demolition, alteration and extension of Queensgate Shopping Centre, Westgate, Peterborough, including the change of use and erection of roof top extension to provide for uses within A1, A3-A5, D2, and other associated works.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report. An overview was also provided following the judgement from the judicial review claim (*R (on the application of Hawksworth Securities PLC) v Peterborough City Council and Ors*), in the Council's favour.

Peter Breach, Hawksworth Securities, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- With regard to the judicial review of the previous Planning Committee decision for Queensgate being judged in the Council's favour, Hawksworth would not be appealing the decision.

- It was believed there were a number of points in favour of the North Westgate development, including the priority given to it in the Local Plan, the regeneration of a derelict site, the provision of a significant number of residential development, and a new leisure quarter.
- Mr Breach invited the Committee to compare the two schemes. It was considered that the previously uncertain viability of the North Westgate scheme, in the eyes of CBRE, had been reassessed by a new independent consultant (GVA) and found to be viable.
- North Westgate had recently received a proposal from a large property association, and was expecting a similar approach from an international firm shortly.
- Mr Breach would be happy to co-operate with the Council and others in relation to other viable alternatives for the site, however was not aware of any options himself.
- The Committee was urged to defer the decision until further information was received on the alternative options for North Westgate.
- In relation to potential compulsory purchases, Mr Breach estimated that these would take 14 to 16 months to agree.
- The market determined what would be included on the site. An arts centre was possible within the development, however, it was uncertain as to whether this would draw in the required level of footfall.

Paddy Bingham, Invesco, Guy Thomas, Lend Lease, Ian Gilbey, Pinsent Masons, Andrew Goodwin, CBRE, and James Fennell, NLP, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Bingham reiterated Invesco's commitment to delivering the Queensgate scheme, in order to properly compete with neighbouring areas.
- The proposal in front of the Committee today was the next stage of a suite of improvement schemes for Queensgate.
- The improvements that had already taken place had seen a 10% increase in visitor numbers and spending.
- The funding for the proposals was in place as well as all the relevant pre-lets being agreed.
- John Lewis was still supportive of the proposals, which included alterations to their store.
- Odeon were in line to provide the cinema facilities, as well as a number of national brands for the restaurant offer.
- The proposal would allow for Queensgate to open later into the evening and improve the connectivity of the city centre.
- The shopping centre required updating if it was going to continue maintain its attraction.
- Invesco owned two plots of land within the North Westgate area, which they did want to address. However, the focus was on the Queensgate development for the time being.
- If permission was granted by Committee, it was expected that work on the proposal would begin in January 2017, following the Christmas period.
- Mr Thomas advised that he did not consider the North Westgate development to be viable in its current form, considering its deliverability. If was, however, considered, that there were alternative options for the site that would be viable.
- Mr Bingham advised that Invesco would be willing to work with Hawksworth and the Council in order to progress the development of the North Westgate area.

The Committee discussed the application and whether or not the development would have an impact on the views and setting of surrounding heritage assets. The Head of Planning advised that views of the development would be limited and obscured in the main by the existing multi-storey car parks.

The Committee acknowledged the submissions from the objectors and considered the viability of the North Westgate development. It was believed that Queensgate was a key attraction for Peterborough and required investment in order to maintain its status, increase its footfall, and enhance the city's night-time economy.

It was noted that North Westgate also required development, in order to enhance the approach to the city from the train station. It was considered that the granting of the Queensgate application would not stop further development in North Westgate and it was hoped that the owners of sites could work together.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, 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 against the policies in the development plan and in the light of all material considerations, and specifically:

- The principle of a city centre cinema and restaurant provision with additional retail provision for the city centre was acceptable. This was in accordance with the vision for the City Centre, Policy CC3 of the City Centre DPD and Policy CS4 of the Core Strategy;
- The scale, proportions, design and use of materials would harmonise with the existing centre. This was in accordance with Policy CS16 of the Core Strategy and Policy PP2 of the Planning Policies DPD;
- It was accepted that the resultant bulk and mass of the extension would have a negligible adverse effect on the setting of some listed buildings and the City Centre conservation area. However this was outweighed by the benefits of the scheme to the vitality and viability of the city centre through the likely increase in visitor numbers through cinema and restaurant offer, improved night time economy, employment, and improved pedestrian connectivity. This was in accordance with the NPPF and Policy CS17 of the Core Strategy and Policy PP17 of the Planning Policies DPD; and
- The site was accessible by a choice of means of transport and the proposal was supported by a transport statement and travel plan and would not result in any adverse highway implications. This was in accordance with Policies CS14 of the Core Strategy and Policy PP12 of the Planning Policies DPD.

Whilst it was accepted that some limited harm would be caused to the character and appearance of the conservation area and that great weight was to be given to the preservation of the same, the benefits of the proposed development are considered to outweigh that harm.

Whilst it was not considered that the proposed development was required to be subject to a comparative assessment against the North Westgate scheme, such an assessment has been carried out. It has been concluded that:

- Both schemes are, in solely financial terms, viable;
- That whilst the North Westgate scheme had some advantages over the Queensgate scheme these were not so compelling to outweigh that with the delivery of the former it was less certain that the North Westgate scheme would come forward as it was at a significantly less advanced stage (outline permission, less occupier interest / occupier interest not as advanced), had land use elements where demand was weak or the uses were untested and required a significant amount of land assembly still to be undertaken; and
- The implementation of the Queensgate scheme would not certainly prevent an alternative scheme for North Westgate coming forward

Thus, having reviewed the comparative merits of the schemes, it was not concluded that the refusal of planning permission for the proposed development would deliver any material advantage in the public interest; rather it was considered on balance that a refusal of planning permission for the proposed development would be likely to result in material disadvantage to the public interest since this would put at risk the delivery of a town centre cinema and further investment in the town centre coming forward.

Chairman
1.30pm – 2.30pm



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 26 JULY 2016**

Members Present: Councillors Harper (Chairman), Serluca (Vice Chairman), Bull, Casey, Hiller, Stokes, Martin, Sylvester, Clark, Bond, and Ash

Officers Present: Lee Collins, Development Management Manager
Nigel Barnes, Compliance Team Leader
Hannah Edwards, Planning and Highways Lawyer
Simon Ireland, Principal Engineer (Highways)
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

No apologies for absence were received.

2. Declarations of Interest

No declarations of interest were received.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

4. Minutes of the Meeting Held on 14 June 2016

The minutes of the meeting held on 14 June 2016 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 15/02209/FUL - 8 Lincoln Road, Glinton, Peterborough, PE6 7AW

The Development Management Manager advised that Glinton Parish Council had withdrawn their objection to the application.

RESOLVED: (unanimous) that the determination of the application be delegated to the Corporate Director of Growth and Regeneration.

5.2 16/00829/FUL - Land South of Former Crown Public House, Lincoln Road, Glinton, Peterborough

The Development Management Manager advised that Glinton Parish Council had withdrawn their objection to the application.

RESOLVED: (unanimous) that the determination of the application be delegated to the Corporate Director of Growth and Regeneration.

5.3 16/00439/FUL – 62 Cromwell Road, Millfield, Peterborough, PE1 2EG

The Committee was presented and application for increased height of eaves to single storey rear element and replacement with flat roof, at 62 Cromwell Road, Millfield, Peterborough, as well as the partial removal of frontage to south elevation of rear element, installation of new shop fronts to south, and east elevations and creation of enclosed bin store to the rear

The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update report.

The Committee discussed the application and noted that the development would improve the surrounding area.

The Development Management Manager advised that work to ensure the site remained tidy would be undertaken outside of the application process. Members of the Committee suggested that the Leader of the Council write a letter to the applicant, requesting the upkeep of the site.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, 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 new fronts of the retail unit and restaurant and the enclosed bin store would improve the presence of the building in the street scene to the benefit of the character and appearance of the locality in accordance with policy CS16 of the Peterborough Core Strategy and policies PP02 and PP3 of the Peterborough Planning Policies DPD.

6. Planning Compliance Quarterly Report on Activity and Performance April to June 2016

The Committee received a report which outlined the Planning Service's planning compliance performance and activity which identified if there were any lessons to be learned from the actions taken. The aim was for the Committee to be kept informed of future decisions and potential to reduce costs.

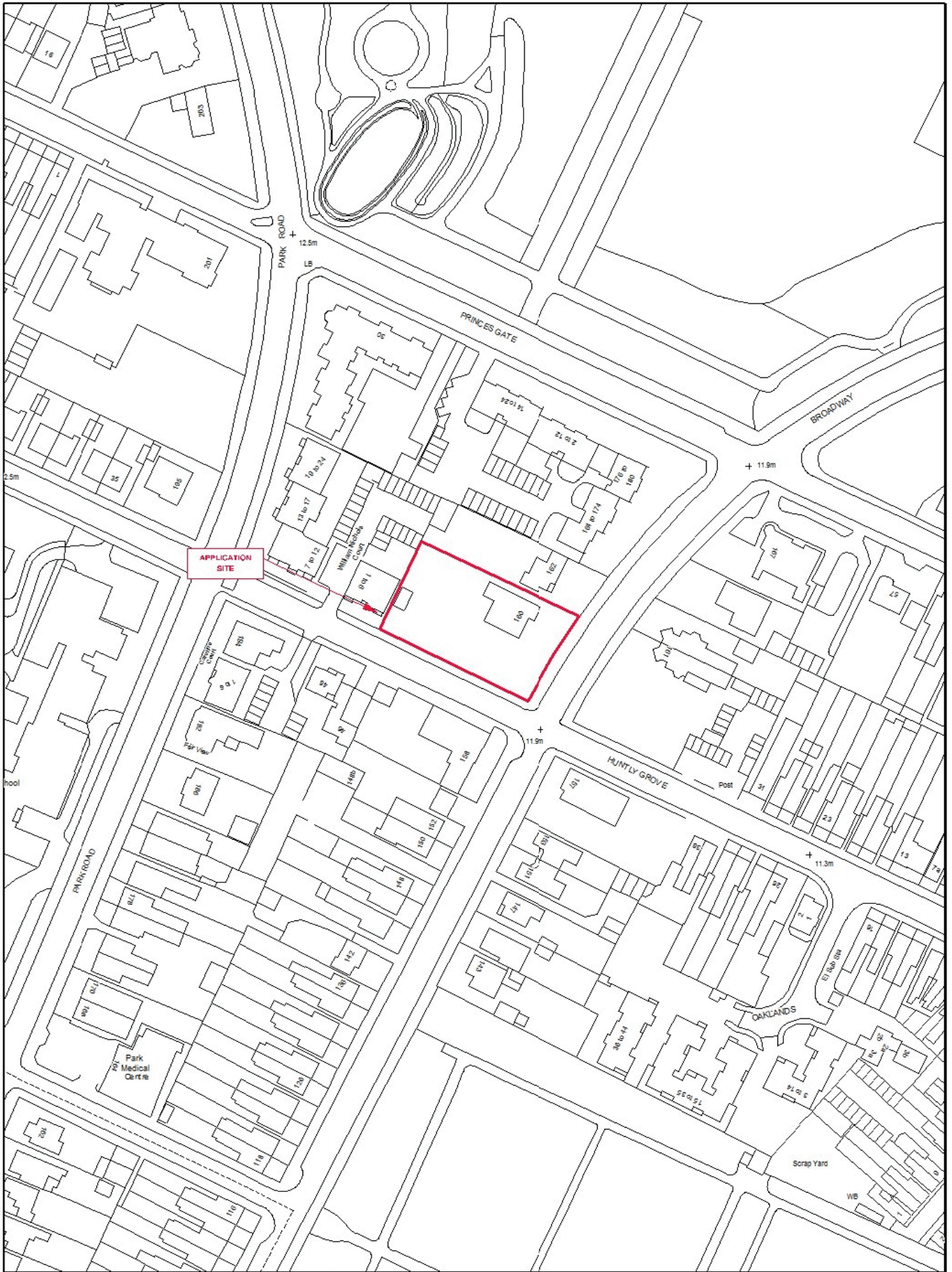
The Development Management Manager provided an overview of the report and highlighted a number of key issues.

The Committee queried to level of court action within the quarter. In response the Compliance Team Leader advised that two matters were intended for court, however one of the individuals left the country and another was postponed for further information to be gathered.

RESOLVED: The Committee noted past performance and outcomes.

Chairman
3.00pm – 3.09pm

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LOCATION PLAN 16/01340/FUL
 Rear of 160 Broadway, Peterborough, PE1 4DQ

Scale NTS Date 18/8/2016 Name AA Department Planning Services



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Application Ref: 16/01340/FUL

Proposal: Construction of one new dwelling and new vehicular crossing

Site: Rear of 160 Broadway, Peterborough, PE1 4DQ,
Applicant: Mr Asif Iqbal

Agent: Mr Mohammed Iqbal
M A Iqbal

Referred by: Councillor Shearman

Reason: No overlooking to neighbours; acceptable design; other examples of backland development in the area; and negligible impact from the access, parking and traffic on the surrounding area.

Site visit: 26.08.16

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

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises a large detached two storey residential dwellinghouse located on the western side of Broadway, one of the principal routes into the City Centre. The site occupies a prominent position in the streetscene, at a crossroads junction of Broadway with Huntly Grove. The existing dwelling is set back from the public highway by a distance of approximately 12 metres with a landscaping screen of mature trees and hawthorn hedgerow intervening with a 1 metre high wooden fence. This screening and fence also forms the southern boundary of the site along Huntly Grove.

The surrounding area is predominantly residential in nature, with large detached period two and three storey dwellings the main character along Broadway. Immediately to the west and further to the north are a group of 1980s three storey residential flats with some commercial properties to the south along Huntly Grove.

The site is located within the boundary of the Park Conservation Area.

Proposal

The application seeks planning permission for the construction of a two storey detached residential dwelling within the rear/side garden area of the host dwelling. The proposal also includes associated hard surfacing, felling of 7no. trees (which are protected by virtue of their siting within the Conservation Area) and the creation of a new vehicular access from Broadway to serve the host dwellinghouse of No.160.

2 Planning History

Reference	Proposal	Decision	Date
P1005/86	Erection of one dwelling (outline)	Permitted	11/02/1987
03/01275/FUL	Erection of 14 2-bed flats in a three storey block	Refused	29/07/2004
04/00751/CON	Demolition of house, garage and shed	Refused	03/08/2004
04/01232/FUL	Erection of 11 x 2 bedroom and 3 x 1 bedroom flats	Refused	30/11/2004
04/01299/CON	Erection of 11 x 2 bedroom and 3 x1 bedroom flats	Refused	30/11/2004

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 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.

CS21 - Biodiversity and Geological Conservation

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP04 - Amenity Provision in New Residential Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

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.

The Park Conservation Area Appraisal Report and Management Plan (2007)

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

PCC Conservation Officer (09.08.16)

Objection – The sub-division of this plot would erode this character of single detached dwellings in large landscaped plots. The development would be out of context in this spacious area which is a transition between the more intensive scale of development to the south and the larger landscaped plots to the north. Change to character of Broadway from the punctuation in the boundary for a new access. Views of a large and dominant building and the loss of mature tree planting would erode the Arcadian character of the area.

The proposal is not supported as this would not preserve the character and appearance of the

Park Conservation Area and is not in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations)

The development, if approved, will set an unwelcome precedent which may be difficult to resist similar developments elsewhere to the detriment of the character and appearance of the area.

PCC Tree Officer (16.08.16)

Objection – The tree survey findings and quality/categorisation of the trees inspected are agreed however the overall principle that there is a sound juxtaposition of the proposed dwelling and the retained trees is not. It has not been adequately demonstrated that the altered driveway to serve the proposed dwelling would not harm the retained Yew tree.

Contrary to the conclusions of the tree report, shading and light loss would be a real and ongoing issue for any prospective resident. Leaf litter and apprehension would also be a problem in my opinion. Given that pruning of 2.5m has already been specified to the Cedar tree, and that the tree is likely to grow larger, I believe that the proximity to the dwelling to the tree is too close. Requests for the hard pruning of the Cedar are likely and given its prominence in the streetscene and the loss of amenity are likely to be refused resulting in the serving of a possible Tree Preservation Order.

The existing/proposed dwellings would be served by gardens which are significantly impacted upon by the retained trees in terms of apprehension, leaf litter and shading.

PCC Wildlife Officer (08.08.16)

No objections – Pleased to note that bat roost potential has been assessed and it is noted that no evidence of their presence found. However, in line with the submitted Ecology Report, it is recommended that the precautionary measures contained therein are implemented. In addition, the proposal involves the removal of vegetation which may support nesting birds. As mitigation, request a condition which requires the provision of a range of nesting boxes.

Archaeological Officer (25.07.16)

No objections – The proposed development site and immediately surrounding area do not appear to contain important heritage assets.

Building Control Manager (12.08.16)

Building Regulations approval required. Part M relating to disabled requirements also applicable. Level access should be ensured.

PCC Transport & Engineering Services (09.08.16)

No objections – The proposed new access onto Broadway is of insufficient width and should be no less than 3.5 metres wide to ensure safe simultaneous access/egress by pedestrians and motorists. Request conditions relating to the provision of vehicle-to-pedestrian visibility splays and a construction management plan.

PCC Pollution Team

No comments received.

Waste Management

No comments received.

Cambridgeshire Fire & Rescue Service

No comments received.

Victoria Park Residents Association (20.07.16)

No comments as the site falls outside of our area of concern.

Local Residents/Interested Parties

Initial consultations: 12

Total number of responses: 7

Total number of objections: 2 (one resident and one from Stewart Jackson MP)

Total number in support: 4 (Councillors)

One objection has been received from a local resident on the following grounds:

- The majority of tenants of William Nichols Court (flats to the west) are either retired or parents with very young children. We are used to a quiet environment and fresh air during both night and day. Any kind of construction work would seriously harm our day-to-day routine and wellbeing. There are enough problems with occasional noise pollutants from the nearby businesses and we don't want to experience any more stress which definitely result from having a building site right underneath our windows.

In addition, one further letter of representation (neither objecting nor supporting the proposal) has been submitted which raises the following:

- Expect that builders and other trade persons will gain access to the site via the existing Huntly Grove access. There is potential for overspill onto Huntly Grove itself which would cause parking issues for residents, staff and clients. Seeking reassurance that the parking restrictions will be enforced so that people are not impacted by a larger demand for parking than at present.
- At the end of the school day, Huntly Grove becomes a waiting area for parents with many parking on double yellow lines while waiting for their children. At this time of day, movement of larger vehicles could be problematic.

Stewart Jackson MP

I write to oppose this application and ask that it is reported to the Planning and Environmental Protection Committee.

I believe that it is an over intensive use of the site, the density of the development is inappropriate and the proximity to the busy Huntly Grove/Broadway junction will make access and egress difficult and parking problems will ensue if the application is approved. The new vehicular access will be problematic too on too busy roads and as a result of its proximity to the Broadway Vets Surgery opposite and to the block of flats at William Nichols Court - in what is effectively a cul de sac.

I would ask the Planning Committee to refuse this inappropriate application.

Councillor Peach

I am happy that this small development will not distract from the street scene and fit in nicely with surrounding residential properties, I thus am happy to recommend approval from my point of view.

Councillor Shearman

I am writing in support of the application to build a new dwelling and vehicular access to rear of 160 Broadway.

I recently met the owner and agent on site and noted that the proposed development will not directly overlook any other property - with flats on Princes Gate some distance to the north, and trees providing a visual-barrier to the east and south. I consider the design of the property to be sympathetic to the character and appearance of the surrounding area.

I understand that the Tree Officer, Mr Clary, has been consulted over the effects the development will have on trees on the site.

Although some concern may be expressed over the loss of part of the grassed area to the rear of 160 Broadway, there are other examples of this in the area, notably the development on the former tennis courts in nearby Park Crescent.

Councillor Ferris

As one of the Park Ward councillors, I have spoken to some local residents living nearby. They have expressed concern about the access from Broadway, but are broadly neutral about the application. I am concerned about the visibility of any entrance/exit from/onto Broadway and its proximity to one of the mature street trees. Otherwise, I am satisfied that the proposed development is sympathetically planned, particularly in respect of not overlooking neighbouring properties and am prepared to support it.

Councillor Nadeem

I am writing in support of the above application for one number residential dwelling located at the rear of property no. 160 Broadway facing Huntly Grove with new vehicular access for the existing property at no. 160 Broadway.

I have had number of meetings with Mr Iqbal (owner), his family and Mohammed Iqbal (Agent) at pre-application stage and before formal planning application.

I do not consider that the proposed dwelling will have any impact to the surrounding properties of the application site.

The proposed dwelling has been designed taking all matters into consideration, such as other properties, trees, amenity areas etc. The position of the proposed dwelling will not overlook any other properties, it is set away from the mature trees and would not affect the trees along Huntly Grove. It is therefore considered that the proposal would not affect the amenities of the adjacent properties.

The proposed dwelling is set well away from the trees facing Huntly Grove and tree surveys show no impact to the tree roots within the proposed development. The proposed property will also be screened by the trees facing which will provide a visual barrier facing Huntly Grove. Therefore, Planning Officers should not have any concerns regarding visual impact within the surrounding area.

The design of the proposed property has been well captured of the surrounding area's characters and appearances and has been well designed to match the surrounding properties.

The proposed development will still leave ample of garden area for the existing property no. 160 Broadway and for the proposed dwelling.

There are number of examples within the area of similar developments granted, I therefore, do not consider this application to be resisted.

The proposal will not have any negative impact on the highway. There are number of existing vehicular crossings along Broadway and I understand the site meeting at pre-application stage with applicant, agent, Planning Officer and Tree Officer, it was agreed the position of the vehicular crossing on Broadway.

I therefore, hope Planning Officers are in support and grant this application for approval.

5 Assessment of the planning issues

The main considerations are:

- Design and impact upon the character, appearance and visual amenity of the area
- Impact upon the Park Conservation Area
- Neighbour amenity
- Parking, access and highway implications
- Trees
- Future occupant amenity
- Ecology

a) Design and impact upon the character, appearance and visual amenity of the area

As detailed in Section 1 above, the application site currently has its frontage onto Broadway. With the exception of the 1980s flat development to the west and further north, the streetscene along Broadway is characterised by large detached period properties set within large and spacious grounds. Furthermore, within the immediate locality the streetscene is heavily verdant, with mature trees, shrubs and hedgerows along the back edge of the public footway. This is a key feature of the locality and offers strong visual amenity. The proposal seeks to introduce backland residential development, to the rear of the host dwellinghouse. The proposal would front onto Huntly Grove and introduce a new vehicular entrance onto Broadway.

Whilst backland development itself is not unacceptable in principle, due consideration must be given to the need to respect the character and built form of the locality. It is considered that the proposal would result in unacceptable overdevelopment of the site, wholly at odds with the established built form of the locality. It is acknowledged that the application site is a large plot, however the host dwellinghouse in turn is also large which is a common characteristic within the Conservation Area. The proposal seeks development which is far in excess of the size of land to the rear, and would appear cramped.

In addition to the above, it is considered that the form and appearance of the proposal fails to respect the character and appearance of the locality. Whilst it is acknowledged that some attempt has been made to respect the architectural detailing of the host property and those which surround, the proposal introduces a number of competing architectural styles and periods which results in a contrived and incongruous appearance. Furthermore, the design of the dwelling with its large two storey side projection (which incorporates an integral double garage) results in an unbalanced appearance which will not protect, conserve or enhance the Conservation Area.

In terms of the proposed additional vehicular access to serve the host dwellinghouse, this would involve 'punching through' the existing verdant frontage along Broadway. Whilst there are examples of vehicular access directly onto the highway within the streetscene, the introduction of a further hard feature in this locality would erode the soft character of the immediate locality to the detriment of its visual amenity.

On the basis of the above, it is considered that the proposal would result in an unacceptable degree of harm to the character, appearance and visual amenity of the surrounding area. Accordingly, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

b) Impact upon the Park Conservation Area

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the need to ensure that new development preserves or enhances the special features for which a Conservation Area has been designated. This is further reinforced through both local and national planning policies, whereby significant weight is attached to this need.

The proposal is situated within the Park Conservation Area, designated in 1988 in recognition of the special character, architectural and historic interest of the area. There is an adopted Conservation Area appraisal which specifies the special qualities which are to be retained and, where possible, enhanced. The character of the Conservation Area in the locality of the application site is predominantly shaped by the garden landscape which comprises mature hedges, forest trees and street trees which form a visually cohesive enclosure to the north of Huntly Grove. Furthermore, the built form is characterised (as set out above) by large period dwellings set within large landscaped grounds thereby representing relatively low density development. This character is a key feature of this part of the Conservation Area and forms its special character.

Along Broadway, the application site frontage is currently continuously verdant, formed by a 1 metre high timber fence, tall privet hedge and mature forest trees. This is repeated in properties to

the north. The Conservation Officer has advised that the puncturing of this key frontage would unacceptably detract from the streetscene, thereby representing harm to the special character of the heritage asset.

Turning next to the proposed dwelling, the Conservation Officer has further advised that over time, the character of the Conservation Area has been eroded over time by the loss of original detailing, boundary enclosures, loss of street trees, loss of garden forest trees, and the subdivision of large plots through more intensive modern infill development. The proposal would further exacerbate the harm that has already resulted. The design of the proposed dwelling fails to respect the scale and spacious feeling of the historic built form, and would appear an unduly dominant feature owing to its excessive size and scale.

Furthermore, the loss of a number of trees within the site (discussed in more detail below) would unacceptably erode the existing frontage landscaping at the key junction of Broadway. This soft landscaping makes a significantly positive contribution to the character and appearance of the Conservation Area, specifically identified within its Appraisal. It is the view of the Conservation Officer that the loss of these trees, along with the more intensive scale of development, would unacceptably harm the streetscene by eroding the transition within the Conservation Area when viewed from the south-east and south-west approached.

On this basis, the proposal would result in unacceptable harm to the character and appearance of the Park Conservation Area, thereby failing to preserve the special features for which it has been designated. Accordingly, the proposal is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 131 of the National Planning Policy Framework (2012).

c) Trees

As detailed in Section 1 above, the application site contains dense and mature trees and hedgerow along both the Broadway and Huntly Grove frontages. By virtue of the location of the site, within the Park Conservation Area, these trees are subject to protections and cannot be felled without the prior approval of the Local Planning Authority. The City Council's Tree Officer has advised that owing to this protection, the trees are not subject to further protection by virtue of a Tree Preservation Order (TPO) albeit some are worthy of this status.

The application has been accompanied by a detailed Arboricultural Impact Assessment, which has surveyed all trees within the site and the impact that the proposal would have. The City Council's Tree Officer has confirmed that the tree survey findings and the quality and categorisation of the trees inspected are accepted however the conclusions contained therein are not.

In total, 7no. trees are proposed for removal which are a mixture of C1 category (trees of low quality and value) and B1/B2 (trees of moderate value). As a whole, the Tree Officer does not object to the removal of these trees as they are of low quality. The proposed retained Beech has significant future growth potential which would be suppressed by the adjacent Cedar and may become unstable. However, the impact upon the trees to be retained is not considered acceptable by the Tree Officer. With regards to the driveway to serve the proposed dwelling, it is likely that the retained Yew tree will be adversely affected even in the event of the proposed 'no dig' as level changes will still result. The ground conditions and construction of the new driveway are not described in sufficient detail for a true understanding of the impact to be considered and as such, this could not be conditioned.

Furthermore, the proposed dwelling would be sited in very close proximity to other retained trees, notably the large Cedar. The Tree Officer has advised that, contrary to the conclusions of the Arboricultural Assessment, the retained trees would result in such a level of overshadowing and loss of light, along with leaf litter and apprehension, that there would be pressure for significant pruning and future felling may be required. Given the prominence of the trees within the streetscene, the loss of amenity to the locality would be significant if the other trees were to be lost

or heavily pruned.

Accordingly, the proposal would result in an unacceptable level of harm to trees of key amenity value and is therefore contrary to Policy PP16 of the Peterborough Planning Policies DPD (2012).

d) Neighbour amenity

The proposed dwelling would be sited immediately adjacent to the western boundary of the application site which is shared with Nos.1-6 William Nichols Court (residential flats). By virtue of its siting and size, the proposal would project approximately 2.4 metres beyond the rear elevation of this flat block. Within the rear elevation of the neighbouring building, are primary habitable windows to all floors with an outdoor amenity area beyond. The proposal would be set only 1.2 metres from the shared boundary and it is considered that this lack of separation, in combination with the level of projection and two storey nature of the proposal, would result in an unduly dominant and overbearing feature to neighbouring occupants. Furthermore, direct overshadowing would result for a large part of the day to the outdoor amenity area. It is therefore considered that an unacceptable level of harm would result to the amenity of occupants.

In addition to this, the proposal would be sited only 9.85 metres from the shared boundary with No.162 Broadway, to the north. The facing rear elevation of the proposal would include primary habitable bedroom windows at first floor which would permit direct views into a large area of this neighbouring garden. This would therefore represent an unacceptable loss of privacy to neighbouring occupants given the context of the traditional built form of the area. Furthermore, whilst there is some separation distance to the shared boundary, the proposal would be clearly visible from this neighbouring gardening. This, in combination with the level of existing development, would result in a feeling of enclosure to the entire depth of the garden serving No.162 which would result in an unacceptably overbearing impact.

Finally, whilst it is noted that the host dwellinghouse (No.160 Broadway) is located within the confines of the application site boundary, due regard must be paid to the need to ensure that an acceptable level of amenity is afforded to occupants. The proposal would introduce two storey development in very close proximity to the primary habitable rear windows of the host dwelling. At its closest, the proposal would be sited only 6.8 metres from the rear double storey bay window with the facing side elevation largely blank and lacking relief. It is considered that this would result in an unacceptable level of overbearing impact and would fundamentally reduce the outlook from those windows.

Accordingly, it is considered that the proposal would result in an unacceptable level of harm to the amenities of neighbouring occupants and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

e) Future occupant amenity

As set out in part (c) above, the trees within the site which are to be retained, result in a considerable level of shading across almost the entire plot of the proposed dwelling. Furthermore, the proposal is sited in such close proximity to those retained trees that some primary habitable windows (to the front room and a bedroom) would be underneath the canopy of the large Cedar tree. This significant overshadowing would result in an unacceptable level of light to both the internal rooms and the outside amenity space which would not afford future occupants an acceptable level of amenity. Whilst the same is true to a certain extent in relation to the host dwellinghouse, there are presently parts of the garden which are not shaded and the dwellinghouse is set a sufficient distance from the tree canopies so as to receive adequate natural daylight.

In addition to the above, the submitted drawings do not clearly identify whether any subdivision of the outside amenity space will take place. Notwithstanding this, the outdoor amenity area immediately to the rear of the proposed dwelling would be subject to overlooking from both the proposal and host dwelling. As such, it would not afford any privacy to either occupants and is therefore not considered an acceptable quality living space for future occupants.

On this basis, the proposal would fail to provide an adequate level of amenity for future occupants and is therefore contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).

f) Parking, access and highway implications

The proposed dwelling seeks to reuse an existing vehicular crossing onto Huntly Grove albeit in a slightly altered position and with widening to a width of 3.4 metres. Furthermore, a new vehicular access to serve the host dwellinghouse is proposed from Broadway of 3.2 metres in width. The Local Highway Authority (LHA) has not raised any objections to this however they have advised that both accesses should be widened to 3.5 metres in width. This widening, in their opinion, is required as the access is to serve both pedestrians and vehicles safely. Whilst this is noted, the proposal is only 0.1 metres and 0.3 metres of insufficient width respectively. It is considered that these widths are suitable to serve single dwellings as the potential for both vehicular and pedestrian access/egress at the same time is limited and will likely occur infrequently. Furthermore, both accesses would be sufficient for emergency vehicles. It is considered that this acceptability, and the further harm that would result to the character of the streetscene through unnecessarily wide vehicular accesses, does not result in the need for wider accesses to be secured.

In addition to the widened accesses, the LHA has requested that a condition be imposed regarding the provision of 1.5 metre x 1.5 metre pedestrian visibility splays (measured from and along the back edge of the public highway) on either side of the proposed accesses. These are considered necessary to ensure the safety of pedestrians using the footway in the event of vehicles exiting the site. Such splays could be conditioned however this would involve the further loss of vegetation along the site frontages and result in lengths of 6.4 metres and 6.2 metres being lost to Huntly Grove and Broadway respectively. This would further exacerbate the harm which has been identified in parts (a), (b) and (c) above.

With regards to the level of parking and turning provision, these are considered adequate to meet minimum adopted parking standards. Both the proposed dwelling and host dwellinghouse would be afforded at least 2 parking spaces, with sufficient turning areas to enable vehicles to enter and exit the highway in a forward gear.

Notwithstanding this, the introduction of accesses wide enough to accommodate the necessary vehicle-to-pedestrian visibility splays would result in further unacceptable harm to the character and appearance of the streetscene and Park Conservation Area (as set out above). For this reason, it is not considered that a condition could be imposed requiring the visibility splays provided. As such, without the splays, the accesses would be substandard and would pose an unacceptable safety risk to pedestrians and users of the public highway. Accordingly, the proposal is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

g) Ecology

The application has been accompanied by an Ecology Report which the City Council's Wildlife Officer has accepted. The existing garage to be demolished, and trees proposed for felling have been inspected and no evidence of bats found. Notwithstanding this, the submitted report recommends that a precautionary approach be taken to include removal of the garage roof by hand and under the supervision of a suitably qualified ecologist; 'soft-felling' techniques be employed for the felling of the trees; and provision of a range of bat boxes or tiles. All of these could be secured by condition.

In addition, the Wildlife Officer has advised that the trees to be felled would result in the loss of vegetation which may support nesting birds. To mitigate this, it is considered that the provision of bird nesting boxes be secured, again by condition.

Subject to securing the necessary mitigation, it is not considered that the proposal would result in undue harm to protected species or the biodiversity of the site and accordingly, the proposal is in

accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011).

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

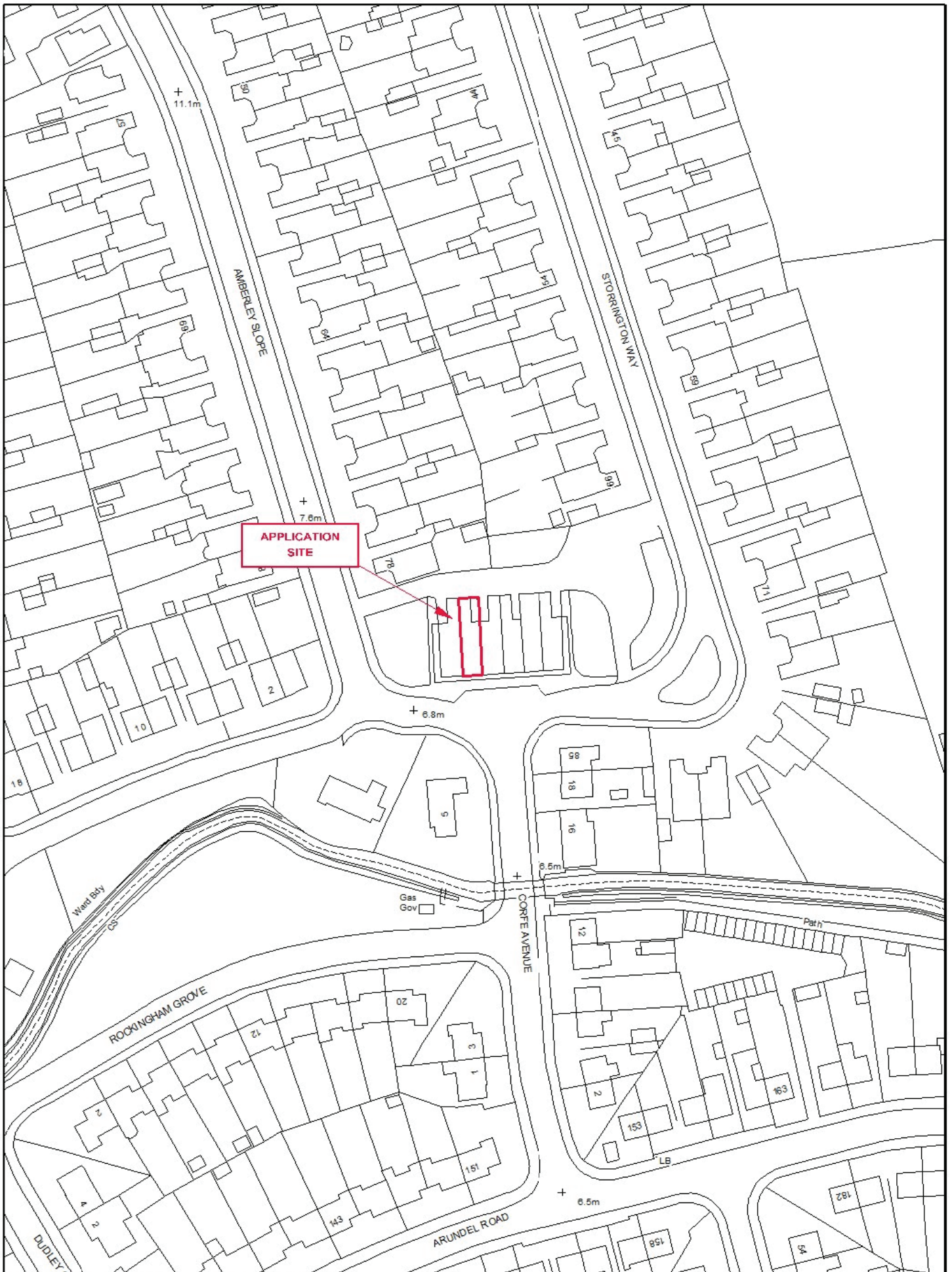
The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The proposed dwelling, by virtue of its size, scale and siting, would be wholly at odds with the established built form of the locality. The proposal would represent a cramped form of development which unacceptably detracts from the character of the area. Furthermore, by virtue of the design and appearance of the proposal, it would appear an incongruous element within the streetscene, failing to respect the appearance and architectural style of the surrounding properties. Accordingly, the proposal would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- R 2 The proposed dwelling and vehicular accesses, by virtue of their size, scale, loss of trees and siting would unacceptably erode the character and appearance of the Park Conservation Area. The proposal would appear an incongruous element within the streetscene, cramped into the plot which is wholly at odds with the established built form along Broadway. The loss of trees within the site would erode the significant and mature verdant frontage which is a key feature of this part of the heritage asset. On this basis, the proposal would fail to preserve the special features for which the Conservation Area has been designated and moreover, would give rise to an unacceptable degree of harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012), paragraph 131 of the National Planning Policy Framework (2012) and The Park Conservation Area Appraisal Report and Management Plan (2007).
- R 3 The proposed dwelling, by virtue of its siting, would result in unacceptable harm to mature trees within the site which are of key amenity value within the streetscene. The proposal has failed to adequately demonstrate that no harm would result to the root protection areas of the trees and, owing to the likely change in levels which would result from the proposal, it is not considered that protection of the root protection areas is feasible. Furthermore, the proposed dwelling would be sited in such close proximity to key mature trees within the site that future pressure to prune or fell would result. Accordingly, the proposal is contrary to Policy PP16 of the Peterborough Planning Policies DPD (2012).
- R 4 The siting, height and scale of the proposed dwelling would result in an unacceptable relationship to the neighbouring residential properties. To the west, the proposal would result in an unacceptably overbearing and overshadowing impact to the primary habitable windows and private outdoor amenity area of Nos.1-6 William Nichols Court owing to the depth of projection and proximity to the shared boundary. To the north, the proposal would be sited so as to represent an unduly dominant feature, unacceptably enclosing the entire southern boundary of the garden to No.162 Broadway. Furthermore, there would be insufficient separation which would result in direct overlooking and loss of privacy to the garden area. In addition, the proposed side flank elevation of the proposed dwelling would be sited only 6.8 metres from the primary habitable rear windows of the host dwellinghouse (No.160 Broadway) which would result in unacceptable overbearing and loss of outlook.

Accordingly, the proposal would result in an unacceptable level of harm to the amenities of neighbouring occupants which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- R 5 The proposed dwelling would fail to afford future occupants an acceptable level of amenity owing to the lack of private outdoor amenity area and unacceptable levels of natural daylight to primary habitable windows. The submitted drawings fail to identify an allocated area of outdoor space. Notwithstanding this, the retained outdoor space to the rear of the proposed dwelling would be directly overlooked by both the proposal and host dwellinghouse (No.160 Broadway). As such, it would not provide a private amenity space for either set of occupants. In addition, the proposed dwelling would be sited such that significant shading and lack of natural daylight would result from the trees within the site so that an inadequate level of natural daylight would occur to primary habitable rooms. Accordingly, the proposal is contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).
- R 6 The proposed vehicular accesses are incapable of acceptably providing the necessary vehicle-to-pedestrian visibility splays owing to the additional harm that would result to the character and appearance of the Park Conservation Area. Without provision of such splays, vehicles exiting the site would not have clear sight of oncoming pedestrians within the public highway. This would therefore pose an unacceptable danger to users of the public highway network and is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

Copies to: Cllr Richard Ferris, Cllr John Peach and Cllr John Shearman



LOCATION PLAN 16/01209/FUL

78 Storrington Way, Werrington, Peterborough, PE4 6QP

Scale NTS Date 24/8/2016 Name AA Department Planning Services



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Application Ref: 16/01209/FUL

Proposal: Change of use from A3 to A4 (Drinking Establishment) specifically a Micro Pub. Refurbishment of vacant shop unit, installation of internal accessible toilet and creation of a cool room with associated condenser unit to rear of property.

Site: 78 Storrington Way, Werrington, Peterborough, PE4 6QP

Applicant: Mr Steven Williams

Agent: N/A

Referred by: Councillor Fower

Reason: Noise and disturbance to residential amenity

Site visit: 6 July 2016

Case officer: Mr M Roberts

Telephone No. 01733 454410

E-Mail: mike.roberts@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

The site and surrounding area

The application site is located within a small row of shops units with two storey flats above. There are 6 shop units in the row. These are, from east to west, a barbers, a newsagent, a laundrette, a hot food takeaway, vacant unit, i.e. no.78 and a hot food takeaway. There is a wide pavement area to the front of these shops with parking spaces for 3 vehicles to the front. The main car park of the shopping parade is to be to the north-east/east of the building. This parking area does not have any marked out spaces. It is accessed off Storrington Way. The shops have a narrow service road to the rear which connects to Storrington Way and Amberley Slope. The occupiers of the flats gain access from staircases to the rear where the service road is. The existing shop front is clear glazed.

The nearest residential properties to the site are no.5 Corfe Avenue, 26m away and no.85 Storrington Way that is 29m away. These are located to the south and south east of the site respectively. All of the other close by dwellings to the front of the unit are at least 35m away from the site.

The ground floor area of the application unit is 100sq.m, including in this figure is a small rear yard area. It is separated from the rear yard area of the hot food takeaway to the east by a small amount of tall picket style fencing.

The Proposal

The proposal is to convert the ground floor of no.78 Storrington Way to a 'micro' pub. The previous use was a restaurant that falls within class A3 of the Town and Planning (Uses Classes) Order 2015. The proposed use is within Class A4. The applicant has described a 'micro pub' as a scaled down version of a typical public house. It will not contain televisions, nor live or amplified music, no juke boxes and there would be no entertainment provided (albeit that these are in the main under licencing control rather than planning). The hours of use are proposed to be 15:00 to 22:00 Monday to Friday, 12:00 to 22:00 Saturdays and 12:00 to 20:00 Sundays. An indicative seating arrangement was submitted that shows that 40 people could be accommodated within the drinking area, with a small space for standing. The customer floorspace will be 43.5sq.m.

There are to be two toilets one of which will be accessibility standard in terms of design. The servery area is shown to be to the rear of the drinking area. Further back is to be a cool room and a store. The cool room requires an external refrigeration unit that is proposed to be located on the east facing wall that is to face into the rear yard. A door in the rear elevation of the unit will be used to service the pub, such as for the delivery of the drinks. There is a rear courtyard area along side. This has a floor area of 13sq.m.

2 Planning History

No relevant planning history

3 Planning Policy

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

The following Development Plan Policies are relevant in the determination of the application:-

The Peterborough Core Strategy:

CS15 – Retail

The thrust of this policy is to stimulate and regenerate retail growth where necessary within the District in Local Centres.

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

The Peterborough Planning Policies DPD:

PP03 – Impacts of New Development

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

PP12 – The Transport implications of development

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

PP13 – The parking standards

Permission will only be granted if appropriate parking provision for all modes of transport is provided.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document ran from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

PCC Pollution Team

No comments received

PCC Transport & Engineering Services – No objection

The LHA are of the view that the change of use will not result in an intensification of use in terms of additional parking requirements or an increase in vehicles travelling to and from the site on a daily basis.

Werrington Neighbourhood Council – Support subject to conditions

They are supportive of an additional community facility, and it would appear that there may be little adverse impact upon the flats above however they anticipate that the residents of the flats will be concerned about significant additional external night time noise. A normal pub would not be acceptable in this location. It is appreciated that the use will require a licence and the management of the customers would be a consideration under that process. If this can be done we would strongly request that the consent is made personal to the applicant as the acceptability of the proposal is very dependent on the specific nature of their proposal and intent. Any other party could use the consent in a different way which might not be appropriate to that location.

Clr Fower

There is a concern that the proposed use would have an adverse impact upon the amenities of the residents of the close by residential properties.

Local Residents/Interested Parties

Initial consultation: 21

The following responses were not all from those consulted of the application.

Total number of responses: 20

Total number of objections: 3

Total number in support: 17

17 representations have been submitted in support of the application on the grounds that:-

- The clientele would be mainly mature people
- The lack of televisions, amplified music and live singers/bands
- The principle drink would be cask ales
- The pub could only accommodate a small number of people
- The pub would be on a local bus route
- Parking is available
- The use would be a good alternative to the more traditional public houses
- The pub would be something different for the row of shop
- The pub would make use of a vacant shop unit
- The use would improve the security of the immediate area
- These pubs would not attract people bent on getting drunk. Such pubs attract those people who enjoy drinking.
- The use would act as a deterrent to the young people who frequent the front areas of the shopping parade during the evening
- The use would have a positive impact upon the viability and vitality of the existing businesses in the shopping parade
- There has been a decline in the number of pubs in the area

3 representations have been submitted objecting to the proposal on the grounds that:-

- Parking problems
- Litter
- Noise
- Anti-social behaviour
- The use of the rear yard for drinking would adversely impact upon the occupiers of the flats above

- The proposal indicates that tables and chairs would be located outside the front of the unit. These would obstruct a footpath that runs along the whole of the shopping parade.
- There will be noise from the drinkers leaving the premises to the detriment of the occupiers of the flats and the local residents.
- Youngsters regularly congregate to the front of the units creating noise and disturbance. The use of the application property as a pub would worsen the situation.

A petition has been submitted signed by 130 people opposing the proposal on the grounds that –

- This is a residential area with children playing and many elderly residents.
- There are 3 pubs about a mile away within the village and all suffering a loss.
- With every business selling alcohol there is litter, noise and bad behaviour. These are unreasonable within an area where people live and sleep.

5 Assessment of the planning issues

Principle of the development

Public Houses are common within Local Centres. Examples of this include the Cock Inn, Lincoln Road Werrington, the Dragon off Hodgson Avenue in Werrington, The Crab and Winkle, Lincoln Road Werrington and The Harrier in Gunthorpe.

Policy CS15 of the Peterborough Core Strategy aims to encourage new businesses within Local Centres to maintain and enhance viability and viability of these Centres and to cater for the needs of a community. Whilst not a retail use the proposed use does represent a community facility and will add to the range of uses at the centre.

It is concluded that the principle of the use is acceptable subject to conditions.

Impact upon the amenities of the occupiers of the close by residential properties

The previous use of the unit was a restaurant with no conditions on the hours of use. The use proposed with the hours of opening conditions is not considered likely to have any greater impact than the existing authorised use in terms of noise and disturbance to adjacent or nearby residents.

Officers do consider that the rear yard area should not to be used for drinking as this could cause amenity issues and so a condition is therefore proposed restricting the yard for deliveries.

Concern has been raised with respect to the potential noise generated by the clientele use when leaving the premises. The shopping parade also comprises two hot food takeaways and it would not be expected that the clientele of the 'micro' pub to generate any greater noise compared to the customers of the two takeaways or the original restaurant use.

Highways issues

As the application unit is located in a Local Centre there is no requirement for the use to provide more car parking to serve the use. There are existing parking spaces to the front and to the east of the shopping parade to serve the businesses. The local area is on a bus route. Whilst Highways have requested cycle parking, the proposed use does not generate any greater need than the existing use. In any event there is no location in the control of the applicant where cycle parking could be located (the yard is not suitable as this needs to be a secure / operational area).

The Werrington Neighbourhood Council have asked that if the application is approved the use should be personal to that of the applicant. Their comments have been considered. However, in this case the use is to be very tightly conditioned that a personal consent would not be necessary. The use has been considered that it will not have an adverse impact upon residential amenity. To secure this the proposed conditions will tightly control the use such as within conditions 2,4, and 5

of the recommendation of the application for approval. These will restrict noise from within the unit, no drinking outside of the unit, details of the refrigeration unit and no drinking in the rear yard area.

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 proposed use would not adversely impact upon the amenities of the residents of flats above the row of shop units of which the applicant unit is a part or the amenities of the occupiers of the residential properties close by in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD
- The use of the premises as a 'micro' pub is acceptable within the shopping parade, as defined as a local centre in the Peterborough Development Plan. This would be to the benefit of the viability of the other businesses in the shopping parade in accordance with policy CS15 of the Peterborough Core Strategy
- There is adequate space to accommodate the vehicles that would be generated by the customers of the micro pub in accordance with policy PP13 of the Peterborough Planning Policies DPD.

7 Recommendation

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

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

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

- C 2 The 'micro' pub use hereby approved shall be open for business solely during the following times:

- 15:00 hours to 22:00 hours Monday to Friday
- 15:00 hours to 22:00 hours Saturdays
- 15:00 hours to 20:00 Sundays and Bank Holidays

Reason: In the interests of the amenities of the occupiers of the flats above the shopping parade and the occupiers of the close by dwellings in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD.

- C 3 The development hereby approved shall be implemented wholly in accordance with the following details:

- drawing no.528-06 - floor plans and elevations
- drawing no.528-07 - floor plans and location plans

Reason: For the avoidance of doubt

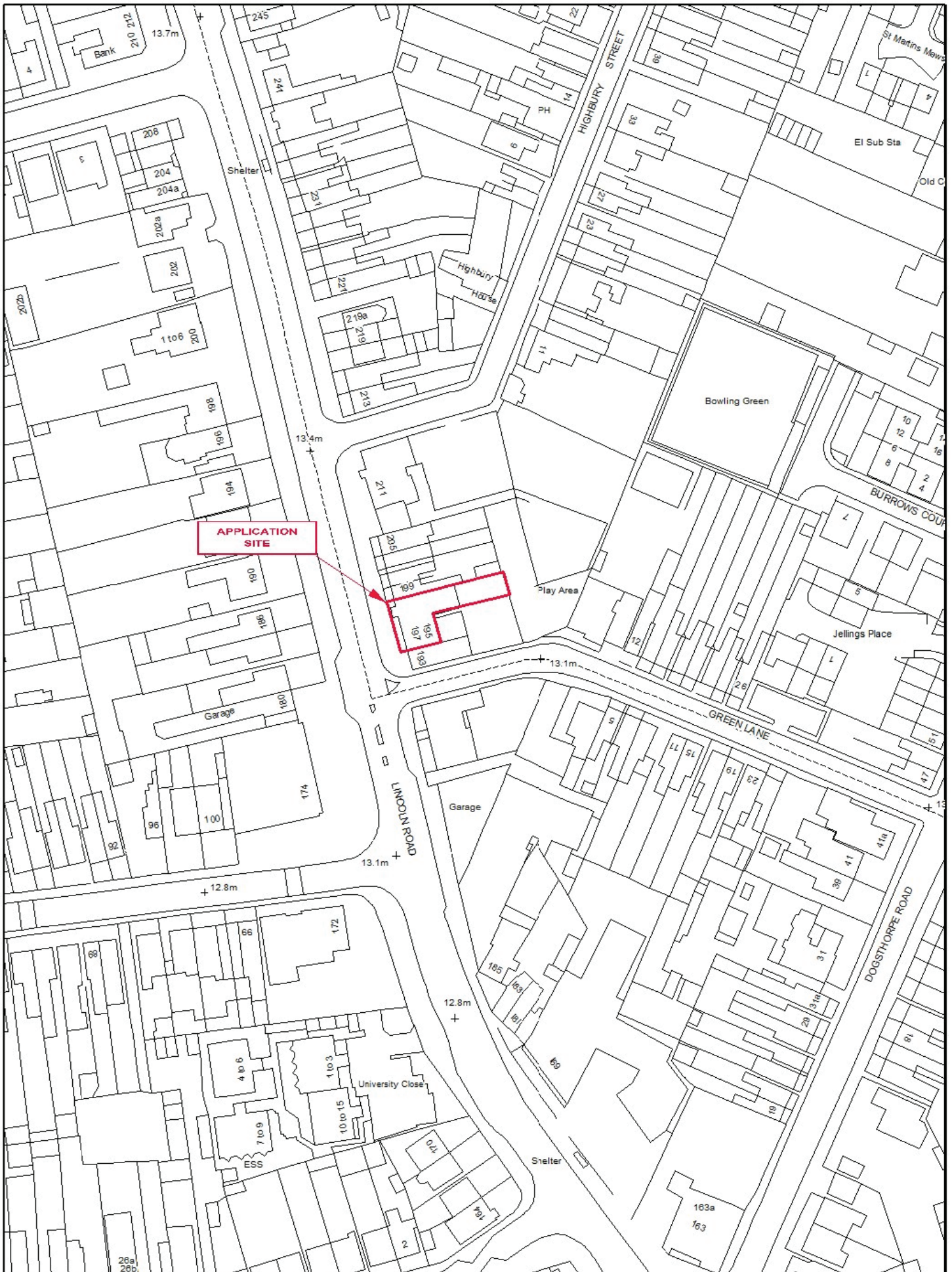
- C 4 Prior to the first use of the premises as a 'micro' pub details of the sound levels generated by the external refrigeration unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

Reason: In the interest of the amenities of the occupiers of the flats above the shopping parade and in the general amenities of the area in accordance with policy CS16 of the Peterborough Core Strategy.

C5 Notwithstanding the submitted information the rear yard area of the building shall not be used by customers.

Reason: In the interests of the amenities of the occupiers of the flats above the shopping parade and those dwellings close by in accordance with policy PP3 of the Peterborough Planning Policies DPD

Copies to: Cllr Andrew Bond, Cllr Julia Davidson and Cllr Darren Fower



LOCATION PLAN 16/01248/FUL
 195-197 Lincoln Road, Peterborough, PE1 2PL

Scale NTS Date 18/8/2016 Name AA Department Planning Services



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Application Ref: 16/01248/FUL

Proposal: Proposed Shisha Bar to rear

Site: 195 - 197 Lincoln Road, Peterborough, PE1 2PL,
Applicant: Mr Hassan Alawy

Agent: Mr Paul Ingle
 Portess & Richardson

Referred by: Councillor Ferris

Reason: The Proposal would not have any unacceptable impact on amenity

Site visit: 19.08.2016

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and surroundings

The application site is the rear yard area of a restaurant located towards the southern end of Lincoln Road and located within the Taverners Road/Lincoln Road Local Centre. The site has a block of flats to the rear and has shops/offices adjacent.

Proposal

Permission is sought for the construction of a covered smoking area to the rear of the restaurant, within the rear yard. The shelter measures approximately 3.8 metres wide by 9.6 metres deep, with monopitch roof 2.4 metres above ground level at its highest point. The shelter is to be partly enclosed by close board timber walls, with sound insulation incorporated within the wall structure.

2 Planning History

Reference	Proposal	Decision	Date
15/02188/FUL	Proposed shisha bar to rear	Refused	26/02/2016
16/00691/FUL	Proposed shisha bar to rear	Refused	27/05/2016

3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

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.

4 Consultations/Representations

PCC Transport & Engineering Services (15.07.16)

If permitted cycle parking should be provided.

The access does not appear to be in the applicant's control.

Police Architectural Liaison Officer (PALO) (13.07.16)

Whilst there are ongoing issues regarding criminal damage this has no bearing on the application. This office has no objection, comments or recommendations.

Millfield & New England Residents Planning Sub Group

No comments received

Victoria Park Residents Association

No comments received

PCC Pollution Team (17.08.16)

Due to the proximity of the Shisha bar to local residents, and potential for issues of smoke/odour nuisance and noise issues, along with the difficulty in conditioning appropriate measures to mitigate loss of amenity, this department would suggest, if the planning department is minded to accept the application, that a temporary permission to establish the effect of the bar, might be most appropriate. In this circumstance, conditions to limit hours of use would be recommended.

Local Residents/Interested Parties

Initial consultations: 11

Total number of responses: 1

Total number of objections: 0

Total number in support: 1

A single representation from Cllr Ferris has been received supporting the application, stating;

I consider that the applicant has made significant efforts to mitigate any possible causes of disturbance or negative impact on the visual amenity of this site. The amended plans, to include sound-proofing and visual screening, will ensure that the proposed shisha smoking area will not be visible to passers-by using Green Lane. In fact, by relocating the shisha area to the rear of the property, I would argue that the street scene is enhanced. The site is not overlooked from the new flats in Green Lane, and the proposed roofing will improve the appearance of the site from neighbouring properties on Lincoln Road.

5 Assessment of the planning issues

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

N.B. This is a resubmission of refused application numbers 15/02188/FUL and 16/00691/FUL.

Application 15/02188/FUL proposed the smoking shelter, partly enclosed up to the 50% enclosure limit for smoking shelters.

Application 16/00691/FUL proposed the smoking shelter, partly enclosed up to the 50% enclosure limit for smoking shelters, with sound proofing incorporated within the walls partly enclosing the shelter.

This new application proposes the acoustic fencing to the enclosed sections of the smoking area as shown on application 16/00691/FUL and includes information regarding incidents of anti-social behaviour occurring to the front of the premises, which in the view of the applicant necessitate the relocation of the smoking area from the front to the rear of the building.

The previous applications were refused for the same reason; that the shelter would result in unacceptable harm to the amenity of the occupiers of the adjacent flats through noise and odour disturbance. It was considered that the sound proofing would be generally ineffective given that 50% of the structure must not be enclosed in order to comply with regulations in relation to covered smoking shelters.

The impact of the proposal on the character of the area

The top metre of the smoking shelter would be visible above the 1.5 metre boundary fence facing Green Lane, to the south of the site. At present the application site is not particularly attractive, with a large refrigerated container and unfinished concrete block wall visible from public realm. The shelter, providing it was constructed from good quality materials, would not harm the character of the area. The shelter would be located behind existing fencing and it is unlikely that those patrons using it would be immediately apparent to passers-by due to the south elevation being fully enclosed.

Note there is a discrepancy with the submitted plans; Drawing (01) 04 shows the south elevation as fully enclosed. Whilst the elevation drawing (01) 05 shows the north elevation as fully enclosed. It is assumed that the site layout plan is correct and it is the southern elevation that is fully enclosed.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The recently constructed block of flats lies directly adjacent to the location of the smoking shelter. The flats are the last dwellings of Green Lane, which is broadly residential in nature. The shelter itself is actually accessed via the path running along the side of the flats, which gives access to a side door and to the rear amenity space of the flats. The applicants have served notice upon the owners of the adjacent flats and stated that there is an agreement with the owners of the flats for access to the smoking area, however no evidence of this agreement has been submitted with the application.

The Local Planning Authority are of the view that the relationship of the flats to the shelter is unacceptably close and it is unlikely that the shelter could operate without unacceptable disturbance to the occupiers of the flats who would suffer noise and possibly smoke entering their windows for the majority of the day. Outdoor smoking areas such as this are designed to allow patrons to spend significant times outside. If heated this could be year round.

The applicants have proposed acoustic panelling to the enclosed area of the shelter by way of the use of Acoustic fence perimeter barrier membrane attached to the enclosing walls and the incorporation of Rockwool insulation into the enclosing walls structure. The Local Planning Authority consider this is unlikely to reduce the levels of ambient noise to acceptable levels for the simple reason that a smoking shelter must be at least 50% open sided in order to comply with smoking shelter legislation. Sound would escape via the open sections of the shelter and is likely to result in disturbance to the occupiers of the flats, as the windows are less than 10 metres from the smoking shelter.

The Local Highway Authority have raised no objection to the proposal but highlight that 3rd party land must be crossed to reach the smoking area. It is understood that the applicant has an agreement with the owner of the neighbouring flats that would allow patrons to access the smoking area. These patrons, passing close to the front of the adjacent flats, are likely to cause additional disturbance, over and above that emanating from the smoking shelter and therefore worsening the harm to the amenity of the occupiers of the flats.

The applicant has requested that consideration be given to granting a temporary planning permission so that the impact of the development can be assessed. Environmental Health has advised that they have concerns about the impact of the proposal on neighbouring occupiers and that these impacts could not be adequately mitigated through enforceable planning conditions. The Local Planning Authority are of the opinion that the risk of harm to the amenity of the occupiers of the adjacent flat is such that it would be unreasonable to subject the occupiers of the flats to disturbance in order to ascertain the impact of the proposal, even for a temporary period.

The LPA has reviewed the circumstances of other outdoor smoking areas approved in the Lincoln Road area over the previous five years and are of the opinion that residential dwellings are located at much greater distances than is the case here. For this reason the Local Planning Authority consider that this refusal is consistent with previous decisions.

In light of the above it is considered that the proposal is contrary to policy CS16 of the adopted Core Strategy and policy PP3 of the Peterborough Planning Policies (DPD) 2012.

The Local Planning Authority sympathise with the difficulties experienced by the owner in relation to antisocial behaviour impacting on the smoking area to the front of the property. However these issues are not justification for harming the amenity of neighbours and as such do not alter the Local Planning Authority's decision making in relation to this proposal.

Other matters

A letter of support has been received from Cllr Ferris in relation to the proposal. He states that the application would improve the visual amenity of the area. The Local Planning Authority do not disagree with this assessment and have no concern regarding the smoking shelters appearance. However the benefit to the character of the area does not outweigh the likely impact upon neighbours, as set out above.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

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

R 1 The proximity of the covered smoking area to the adjacent block of flats located on Green Lane is likely to result in unacceptable noise and odour disturbance to the occupiers of these flats, to the detriment of their amenity.

This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3 of the Peterborough Planning Policy (DPD) 2012.

Copies to Cllrs Cllr Richard Ferris, Cllr John Peach and Cllr John Shearman