



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 2 APRIL 2019

1.30 PM

The Executive Suite - ABAX Stadium, London Road, Peterborough PE2 8AL

### AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

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

3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting Held on 19 February 2019** 5 - 10
5. **Development Control and Enforcement Matters**
  - 5.1 **19/00090/FUL - 1 Brickton Road Hampton Vale Peterborough PE7 8HS** 11 - 22
  - 5.2 **19/00304/WCPP - 333 Thorpe Road Peterborough PE3 6LU** 23 - 32
  - 5.3 **19/00305/WCLBC - 333 Thorpe Road Peterborough PE3 6LU**

The Site Plan and Report are the same as attached at Item 5.2
  - 5.4 **18/02001/FUL - 3 Green Lane Millfield Peterborough** 33 - 40



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### **Committee Members:**

Councillors: Iqbal, G Casey (Vice Chairman), L Serluca, C Harper (Chairman), P Hiller, J Stokes, S Martin, Bond, R Brown, Nawaz and B Rush

Substitutes: Councillors: Hogg, M Jamil and Warren

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – [daniel.kalley@peterborough.gov.uk](mailto:daniel.kalley@peterborough.gov.uk)

**CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Lee Collins, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, Vicky Hurrell, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Joe Davis

Minerals and Waste: Alan Jones

Compliance: Nigel Barnes, Julie Robshaw, Glen More, Andrew Dudley

**NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager 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 MEETING  
HELD AT 1:30PM, ON  
TUESDAY 19 FEBRUARY 2019  
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Shaz Nawaz, Martin, Hiller, Rush, Stokes, Hogg and Serluca

**Officers Present:** Lee Collins, Group Manager  
Karen Dunleavy, Democratic Services Officer  
Stephen Turnbull, Planning Solicitor

**47. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bond. Councillor Hogg was in attendance as substitute.

**48. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

Councillor Shaz Nawaz declared that he had been approached by the applicant for Grimshaw Road, however, this would not affect his involvement in the meeting.

**49. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR**

There were no representations to make declarations as Ward Councillor.

**50. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 29 JANUARY 2019**

The minutes of the meeting held on 29 January 2019 were agreed as a true and accurate record.

**51. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS**

**51.1 18/01907/FUL - 38 Grimshaw Road, Peterborough, PE1 4ET**

The application site comprised of a parcel of land to the rear of number 38 Grimshaw Road. This land was part of a larger ditch that was to the rear of properties along Grimshaw Road and was north of a playing field that served the Thomas Deacon Academy to the south. Shrubs and trees lined this ditch. This ditch had not had a registered land owner.

Retrospective permission was sought for the change of use of this land to be used as a garden, to serve number 38 Grimshaw Road, along with the construction of a boundary wall and an outbuilding, both in red brick.

The land changing use measured approximately 10.8 metres wide by 2 metres in depth. This had been enclosed by a boundary wall that measured approximately 2 metres in height. A single storey outbuilding was positioned across the original garden and the land proposed to be used as a garden. The proposed outbuilding measured approximately 4.7 metres in depth by 2.7 metres in width. The ridge to the retrospective structure measured approximately 3.6 metres above ground level and the eaves measured 2.7 metres above ground level.

The Development Management Manager introduced the item and highlighted key information from the report and the update report. In summary the update report included concerns raised from objectors about the impact on wildlife, drainage and the visual impact. All of the concerns raised had been covered within the Committee report.

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

- The application was in the path of a wildlife corridor.
- The recommendations put forward had not addressed the issues raised about habitat and biodiversity.
- The groundsman at Thomas Deacon Academy had seen badgers on site.
- The Species Society had reported that the number of hedgehogs had decreased by over a third in the last millenium and as Peterborough was aiming to be an Environmental Capital this should be taken into consideration.
- The diminishing impact of the wildlife in the United Kingdom should be taken into consideration.
- The applicant had a substantial garden without impacting on the wildlife.
- Expert knowledge had been sought from other organisations such as the Hedgehog Society on what impact the application would have on wildlife.
- Loss of the ditch would impact on the wildlife corridor as animals, such as hedgehogs, would be unable to travel from one end to the other. This would also be detrimental to their food source.
- The gaps provided in the wall would not accommodate passage for larger wildlife animals.

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

- The information outlined on page 30 of the supplementary report had shown the that the space between the building and the fence was less than 75 millimetres and the minimum space required for hedgehogs was 130 millimetres. There had been no other way around the fence post for the hedgehogs to travel.

- The opening provided in the wall for hedgehogs to travel was quite small, however the applicant would provide another hole. However, the proposed position for the hole was too high for hedgehogs to climb.
- The hole provided within the proposed brick wall for hedgehogs would be met with a wire fence. This would not allow for the movement of wildlife along the corridor.
- There were mounds found on the site which appeared to have eight to nine burrows and appeared to be greater than 222 millimetres wide, which had demonstrated that these being belonged to badgers. The Council's Wildlife Officer had not managed to find the burrows.
- It was an offence to block off a badger feeding area.
- There were 45 wildflower species on the site including Huntingdon Elm and brambles and these needed to be protected.
- Peterborough was aiming to be an Environmental Capital City and this status should be maintained, therefore the application had not been in line with policy.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- If neighbouring properties in the area wanted to acquire the land at the back of Grimshaw Road, they could do so unless the evidence in regards to wildlife impact had changed.
- There had been no evidence of badgers going underneath the wire on the boundary of Thomas Deacon Academy.
- There had been a condition subject to the grant of planning permission to ensure that the holes provided would allow for hedgehog movement.
- The Authority's Wildlife Officer had a number of years of experience and had confirmed the burrows were not badger sets, but rabbit holes. This advice should be given consideration.
- The applicant had built on land that had not been owned by him.
- Members felt that biodiversity should be protected particularly in relation to wildlife corridors and measures should be taken to stop people building on land that was not owned. Members felt that by permitting this type of development on overgrown land and in wildlife corridors at the bottom of gardens would set a precedence.
- Members felt that the application should be revisited by the Wildlife Officer and were minded to defer the item.
- Members commented that land grab that was not owned by anyone should be deterred where it had the potential to impact on the wildlife.
- The workmanship of the existing brick wall had been of a concern to Members.
- How the applicant had procured the land was not a planning consideration.
- Members felt that the holes in the proposed wall were pointless as the wildlife could not pass through the metal fencing.
- Some Members felt that to defer the application would not change the fact that the application was in the wildlife corridor and would affect the wildlife.

**RESOLVED**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officers recommendation and **REFUSE** the application. The Committee **RESOLVED** (9 For, 2 Abstentions) to **REFUSE** the planning permission.

## **REASONS**

- The design of the brick building was out of place in its context;
- The application would have a detrimental impact on the wildlife corridor; and
- The Planning Policy stated for refusal was PPO2, PP16, PP19 and LP16.

### **51.2 18/02078/HHFUL - 3 Maffit Road, Ailsworth, Peterborough, PE5 7AG**

The application site comprised of a mid to late 20<sup>th</sup> Century two storey detached dwelling located within the Ailsworth Conservation Area. The property was brick and tile construction with white upvc doors/windows. It had a forward projecting garage as well as a large driveway to the front which could accommodate several vehicles. The property had a single storey pitched roof element at the rear. The rear garden was enclosed by boundary fencing and plants. The immediate area comprised of residential dwellings varying in character and size.

The application sought planning permission for the following:

- Demolition of existing single storey rear extension;
- Two storey rear extension measuring 5.6 metres in length by 4.7 metres in width;
- Cladding or render of external walls of rear elevation and cladding of external walls of front porch; and
- Replacement windows and roof tiles.

The Development Management Manager introduced the item and highlighted key information from the report and the update report. The update report had provided a further statement from the applicant. It also raised a number of issues from the objector in relation to loss of sunlight during certain periods of the day and the size of extension being overbearing. The issues raised had not been significant enough to alter the officer recommendations for approval subject to imposition of conditions outlined.

Dr Ian Baugh addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Despite what was in the written committee report the view on the sunny south boundary would not remain the same if the proposed extension was approved. The square meterage of the proposed extension would be three times larger than the current existing ground floor extension.
- An independent study that had been conducted revealed that there would be a loss of sunlight during midday especially over the winter months and would cause loss of amenity to number 5 Maffit Road.

- The proposed extension would overshadow the main living rooms and patio area of the neighbouring property, number 5 Maffit Road.
- The property at number 3 Maffit Road was already large in comparison to other properties in the street.
- The property had been extended including a two story gable end extension on the boundary of the neighbouring property at number 5 Maffit Road.
- There had been a large number of objections raised.
- The proposed Juliette Balcony would affect the privacy of number 5 Maffit Road and was not in keeping with surrounding properties.
- A lower roof line and any alternative plan could minimise the visual impact.
- Alternative solutions would allow no 3 Maffit Road to have their extension and not compromise the amenity of number 5 Maffit Road.
- A meeting had been held with the applicant and the owners of 5 Maffit Road to mitigate any issues. The applicant had made it clear very early on that the proposed roof would not be lowered and that the building works would compromise the patio area and trees at number 5 Maffit Road.
- The sheer scale and size of the proposed extension, combined with the high pitched roof was an issue to the residents of 5 Maffit Road.
- It was disappointing that Ailsworth Parish Council had referred the planning matter to Peterborough City Council, given that Dr Baugh had provided substantial evidence that the application had contravened the Ailsworth Neighbourhood Plan.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Some Members felt that although the term overbearing was very subjective, the impact of the proposed extension to the property at 3 Maffit Road would be too foreboding for the neighbours at 5 Maffit Road. In addition, further detailed evidence provided by the objector within the update report had demonstrated how the proposed extension would impact sunlight and the amenity of the neighbouring property.
- Some Members felt that the proposed extension had no effect on the village street scene. It was a large proposed extension to an already large property, however it was not considered too overbearing and therefore would not be a planning reason to refuse. In addition it was not clear how the lower roof line suggested by the objector would be even less foreboding.

## **RESOLVED**

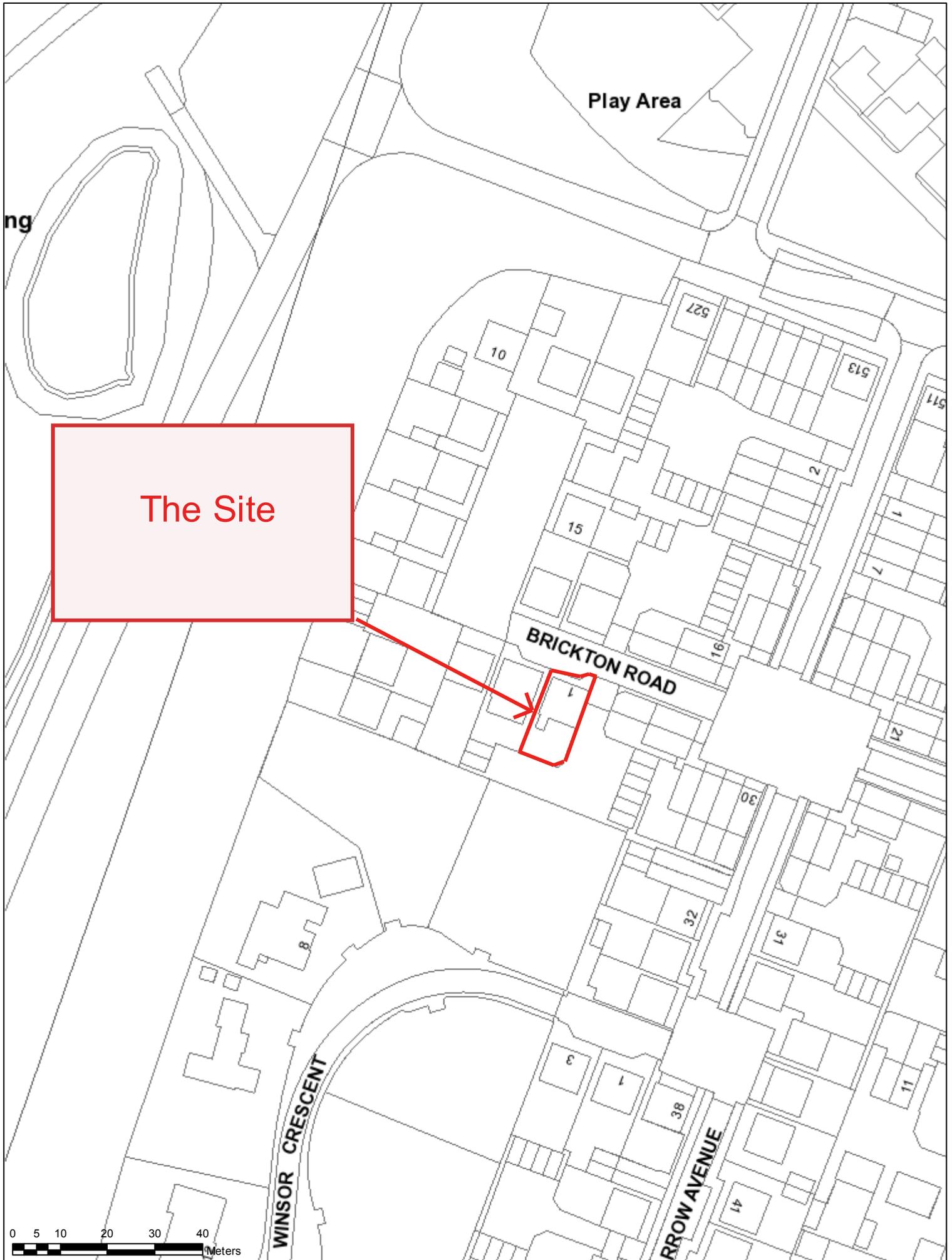
The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officers recommendation and to **REFUSE** the application. The Committee **RESOLVED** (7 For, 4 Against) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

## **REASON**

The proposed size and scale of extension was overbearing and would have an impact on the loss of sunlight during the winter months of the year and therefore a loss of amenity to the neighbouring property.

Planning policy stated for refusal was CS16, PP03 of the emerging local plan and LP17 section A.

Chairman  
1:30pm - 2:45pm



Planning Committee Site Location Plan -19/00090/FUL 1 Brickton Road

Scale 1:1,000  
Print Date: 20/03/2019

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## Item No. 5.1

### Planning and EP Committee

<b>Application Ref:</b>	19/00090/FUL
<b>Proposal:</b>	Change of Use from dwelling house (C3 use class) to a supported living housing scheme (C2 Use Class) for up to 6 young adults (16-19 year olds)
<b>Site:</b>	1 Brickton Road, Hampton Vale, Peterborough, PE7 8HS
<b>Applicant:</b>	Mr Anthony Byrne Byrne House Ltd
<b>Agent:</b>	None
<b>Refereed by</b>	Councillors Marco Cereste and David Seaton
<b>Reason:</b>	There is significant public interest in this application and the potential impacts of the development for the nearby residents are such that committee determination of the application is appropriate.
<b>Site visit:</b>	31.01.2019
<b>Case officer:</b>	Mr Chris Mohtram
<b>Telephone No.</b>	01733 4501733 453410
<b>E-Mail:</b>	chris.mohtram@peterborough.gov.uk
<b>Recommendation:</b>	<b>Grant</b> subject to conditions

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

### **The site and its surrounding area**

The application site lies within Hampton Vale which is to the south west of Peterborough, the main arterial route of Fletton Parkway sits adjacent to its north running from east to west. The area is predominantly new build residential development, receiving permission under 91/P0556/OUT.

The application site sits on the southern side of Brockton Road, 40m from the junction with Farrow Avenue to the east. Brickton Road terminates as it veers to the north just past the application site.

The application site includes a 3 storey detached 5 bed dwelling with access to a shared gated parking area along its eastern flank. The dwelling is a mixture of brick, cream weatherboarding and render on its elevations with two distinct dormer windows facing the highway.

### **The Proposal**

The proposal seeks a change of use from a dwelling house (C3 use class) to a supported living housing scheme (C2 Use Class) for up to 6 young adults (16-19 year olds).

No external alterations or other associated development is proposed alongside the change of use. Internally the ground floor dining room will be converted to a bedroom bringing the total number of bedrooms from 5 to 6 under this proposal.

## **2 Planning History**

91/P0556 - Development of a township to include approximately 5,200 houses together with community, educational, social, industrial and commercial areas and associated open spaces, roads and service infrastructure (outline) duplicate – Permitted

14/02255/NONMAT - Non material amendment to Outline Permission 91/P0556 (Development of a township to include approximately 5,200 houses together with community, educational, social, industrial and commercial areas and associated open spaces, roads and service infrastructure) – Determined 15.01.2015

There were other applications within the sites history however the above more relevant to the proposal and therefore included.

## **3 Planning Policy**

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

### **National Planning Policy Framework (February 2019)**

**Paragraph 92:** To provide the social, recreational and cultural facilities which services the community needs, planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

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

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

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

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

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

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

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

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

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

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

#### **PP13 - Parking Standards**

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

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

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. The plan has now been examined by the Inspector who has published a list of proposed modifications. These are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

#### **LP08 - Meeting Housing Needs**

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

#### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

#### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- 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.

#### **EQHR - Equality Duty and Human Rights**

In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

## **4 Consultations/Representations**

#### **PCC Wildlife Officer (30.01.19)**

No objections to the scheme

#### **Hampton Parish Council (08.02.19)**

Objection to application, main points are:

Lack of Parking: The parking on the application has listed 4 allocated spaces, which are all within an enclosed gated area. Land registry confirms that only the garage and one space directly in front of the garage is allocated. All other spaces are allocated to other households. There is no allocated parking to the front of the property which is also block paved (with no set pavement/road area) and so additional cars parking here will also cause a health and safety hazard.

The potential for Crime & Disorder .The applicant has a similar property in Bedford and the

postcode for this address has consistently high levels of recorded Anti-social behaviour incidents, although not all incidents can be attributed to the applicants property , they are higher than any surrounding postcode area. The Parish feels that the potential for Crime and Disorder is high and will invariably negatively impact existing residents.

### **PCC Peterborough Highways Services (22.02.19)**

The scheme is recommended for refusal. The proposed development does not provide adequate space within the curtilage of the site to provide the required parking facilities. This would result in vehicles parking within the access and in unsafe locations on the adjoining public highway and would therefore cause detriment to highway safety. This is contrary to Policy PP13 of the adopted Planning Policies DPD: 2012

The parking requirements for the proposed residential care home are to be assessed in accordance with C2 use class i.e.1 parking space per full time equivalent staff plus 1 visitor space per 3 bedrooms.

It states in the information provided (cover letter) that during the day (Mon to Fri) there shall be 3 staff members in attendance. Even though parking standards for C2 use class are maximum it is the view of the LHA that , given the area is primarily residential, staff should be allocated the relevant on-site parking provision as it may not always be the case that members of staff shall reside in the locality. This situation may change in the future.

Visitor parking in accordance with the number of bedrooms is also required which equates to 2 visitor parking spaces (there shall be six bedrooms) these should also be within the applicants control.

The application form also states that there are 4 parking spaces within the red/blue line boundary however as shown on the revised red line boundary plan this does not appear to be the case as it shows only 2 parking spaces (including the garage) that are within the applicants control. Whilst visiting site (on a weekend lunchtime) it was noted that one of the parking bays on the adjacent carriageway was occupied. These parking bays are unallocated and independent of the property and can be used by all so it cannot be guaranteed that these bays will ever be available to be used by staff or visitors.

To conclude there is insufficient space within the site to provide the staff and visitor parking requirements in association with the proposed residential care home. Hence the LHA's recommendation.

### **Ward Councillors**

Have objected to the proposal as follows:

### **Councillor Marco Cereste (30.01.19) and Councillor David Seaton (04.02.19)**

There is significant public interest in this application and the potential impacts of the development for the nearby residents are such that committee determination of the application is appropriate.

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

24 Objections received from 31 properties consulted. Main points mentioned:

- Additional traffic movements
- Pressure on existing parking
- Unsafe location for proposal, too close to junction
- Increased noise and anti-social behaviour as well as crime and disorder
- Over surplus of HMO's (House in multiple occupation) within the street
- Social care not able to be delivered as dwelling is too small
- Property is not fire safe

## 5 Assessment of the planning issues

### The main considerations are:

- Background and the 'fall-back' position
- Principle of the change of use
- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking, access and highway implications
- Other Matters

#### a) Background and the 'fall-back' position

It is noted that a large number of the objections received from local residents objecting to this application. This application seeks a change of use for a care home for up to 6no. children/young adults (16-19) and it is on this basis that the proposal is to be assessed. Notwithstanding the above, due consideration must also be given to development which could have taken place without the benefit of planning permission – this is known as the 'fall-back' position. Class C3 (residential dwelling houses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) is the lawful use of the site. This class not only includes traditional family homes (i.e. where one family unit resides together) but was also expanded in 2010 to include up to six residents living together as a single household where care is provided. The Order gives an interpretation for 'care' and does not explicitly reference children or young adults however nor does it exclude them. Given this potential ambiguity, Officers requested that the current application be submitted on a precautionary basis. However, it should be noted that were the site being used for the care of adults (the definition of which includes people in need by reason of old age, disablement, past/present dependence on alcohol or drugs or past/present mental disorder) planning permission would not have been required and indeed this use could begin at any point without any control by the Local Planning Authority. Similarly, the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the change of use from Class C3 to Class C4 (small-scale house in multiple occupation) without the need for a planning application. Class C4 would therefore allow for up to 6 unrelated persons to live together with shared communal facilities (which may only include a bathroom or kitchen). The proposal must therefore be considered against the impacts arising from the above permitted development.

#### b) Principle of the change of use

Policy CS8 of the Peterborough Core Strategy DPD (2011) highlights the importance and emphasises the need to provide housing to meet the needs of all sectors of society, particularly those who are vulnerable and/or have special requirements. This includes those young people who are within the care system and require a safe home in which to live.

The proposal seeks to provide a 'care' home for children/young adults aged 16 to 19 years whereby staff support is provided on a 24 hour basis. From the information accompanying the application, it is proposed for the care to be offered in a semi-independent fashion to prepare residents for life beyond the care system at 19 years. The residents will share communal living facilities including kitchen, dining and lounge areas and the staffing ratio will be as follows:

Mon-Fri (daytime) – 3 staff

Mon – Sun (evening) – 2 staff onsite + 24/7 on-call capacity

Weekends (daytime) – 2 staff on site + 24/7 on-call capacity

Whilst no formal data has been provided in respect of the demand for such care places within Peterborough, correspondence with Children's Services within the Local Authority has indicated a

need for supported housing for young people within the Peterborough area.

Taking the above into account, it is considered that the proposed use would provide much needed housing for older children within care which is fully in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011), and the benefit arising from this should be afforded a significant amount of weight. Furthermore Local Policy is also supported by the Equalities Act (2010) which seeks to protect people from discrimination within wider society.

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

The proposal as such, it is not considered that the proposal would result in an unacceptable impact to the character, appearance or visual amenity of the surrounding area as no external alterations proposed, it is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

**d) Neighbour amenity**

It is noted that the majority of objections received by local residents have raised concerns with regards to the incompatibility of the proposed use within an existing residential area, particularly due to harm arising to neighbour amenity. The main concerns appear to relate to an intensification of the use of the site from a traditional family dwelling which residents fear will give rise to undue noise disturbance and increased anti-social behaviour.

As detailed above, it is proposed for the 6no. children/young adults to live akin to a single family unit with shared communal facilities including living room, kitchen and dining room. The occupants will live semi-independent lives but will all likely be in full time education as that is a national requirement now to the age of 18 years. It is not considered that children living together and receiving care in the manner proposed would significantly intensify the use of the site above and beyond a traditional family home.

The facility will have staff on site at all times with strict guidelines for behaviour in place (confirmed by e-mail 07.03.19) and will be subject to inspection by the Council that has commissioned the supply of places at the facility. Therefore there is ample opportunity for interventions should they be found to be necessary. Furthermore, when considering the impacts arising from the 'fall-back' position, it is considered that the proposed use is likely to generate less significant issues in relation to noise and general disturbances. A care home for adults, which would not require the benefit of planning permission, could and would likely result in emergency vehicles/servicing/staff movements throughout the day and night in a fashion which is considerably more intensive than the current dwelling. The proposed occupants relating to the use subject to this application will not require intensive care and, during the night-time, will use the property much like any other family home.

On this basis, it is not considered that the proposal would result in an unacceptable level of harm to the amenities of neighbouring occupants and would likely result in less harm than development which does not require the benefit of planning permission. Accordingly, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**e) Parking and highway implications**

It is acknowledged that during the period of staff/shift changeover, additional parking demand would be generated which may result in some parking on-street whilst cars are moved. Whilst this would, for a temporary and relatively short period each day, result in increased on-street parking demand, such an arrangement would be likely to occur if the site were occupied by a single family (with a large number of children of driving age) and similarly, if the fall-back position were implemented.

It is also noted that a number of objectors have also raised concerns with regards to the level of traffic generation that would be generated by 6no.children/young adults residing at the premises. These concerns are noted however the children/young adults would be living together within the property akin to a single household. They would be cared for as if they were within a traditional family home and accordingly, service vehicles are unlikely to result. Furthermore, traffic demand would only be generated by staff as the children/young people would not have access to their own vehicles. With regards to visitor traffic, when taking into account the fall-back position, it is not considered that the level of visitor parking demand arising from the proposed supported living accommodation would be above and beyond the levels which could already arise through use of the property as a small scale HMO or a C3 care facility.

It should be for consideration also that under Parking Policy PP13 (DPD 2012) the parking requirement for a dwelling of 4 bedrooms or more is 2 off street parking spaces and also a requirement for 1 visitor space to be provided for every 4 dwellings. Highways in their comments are stating that the requirement is for 5 spaces.

The number of looked after children permitted within the site can readily be restricted by way of a condition to ensure that this is not exceeded as can the specific use within Class C2. Such a restriction would ensure that any alternative uses which create additional parking demand can be subject to further assessment through a new planning application. Whilst the applicant has indicated that only one full time member of staff will use vehicular transport as other workers are resident to the local area and will arrange alternative means of travel. This however cannot be relied upon to be the case for the life time of the use so little regard can be given to this.

Accordingly, and subject to condition proposed above, it is not considered that the current proposal would generate parking demand or traffic above and beyond levels arising from development that would not require planning permission. On this basis, the proposal is in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

#### **f) Other Matters**

In response to those objections raised by local residents which are not discussed above

- **Saturation of the surrounding area**– It is noted that local residents feel that the surrounding area has become ‘saturated’ with care homes however this has, to some extent, resulted from changes made by the Government to the Use Classes Order. The creation of small-scale care homes of up to 6 persons has been considered appropriate within local communities and to not result in a significant additional impact above and beyond ‘traditional’ family homes. The proposal would provide differing care to those properties within the surrounding area and would operate much in the same way as a single family unit. Furthermore, the Council has no adopted planning policies which place a limit on such uses and it is not considered that the cumulative impact results in unacceptable harm to the amenities of surrounding occupants or the general area.
- **Fire regulations**– This is not a material planning consideration and is covered by the Building Regulations or HMO licensing.
- **Crime and disorder** - There is no evidence to suggest that the proposal will result in any significant increase in crime and disorder to the locality.
- **Equality Act** – under the proposal children/young adults with a disadvantage background will reside at the property with the objective to prepare them for living independently outside of the care system. Given their disadvantaged background weight should be given to this factor in the determination of the application.

## 6 Conclusions

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

- the proposal would provide much-needed housing for up to 6no. children/young adults in a semi-independent manner to act as a transition between full-time care and independent adult living, in accordance with Paragraph 92 of the National Planning Policy Framework (2019) and Policy CS8 of the Peterborough Core Strategy DPD (2011) and would in equality terms benefit a significantly disadvantaged group;
- adequate on-site parking is provided to meet the demands of the development and no unacceptable impact would arise in terms of the safety of the surrounding highway network, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable degree of harm to the amenities of neighbouring occupants nor is there any significant rise of crime and disorder arising, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

## 7 Recommendation

The case officer recommends that Planning Permission is

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

- Site Location Plan – 20.02.19
- Floor Plan as existing – 17.01.19
- Proposed Floor Plan – 28.01.19

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

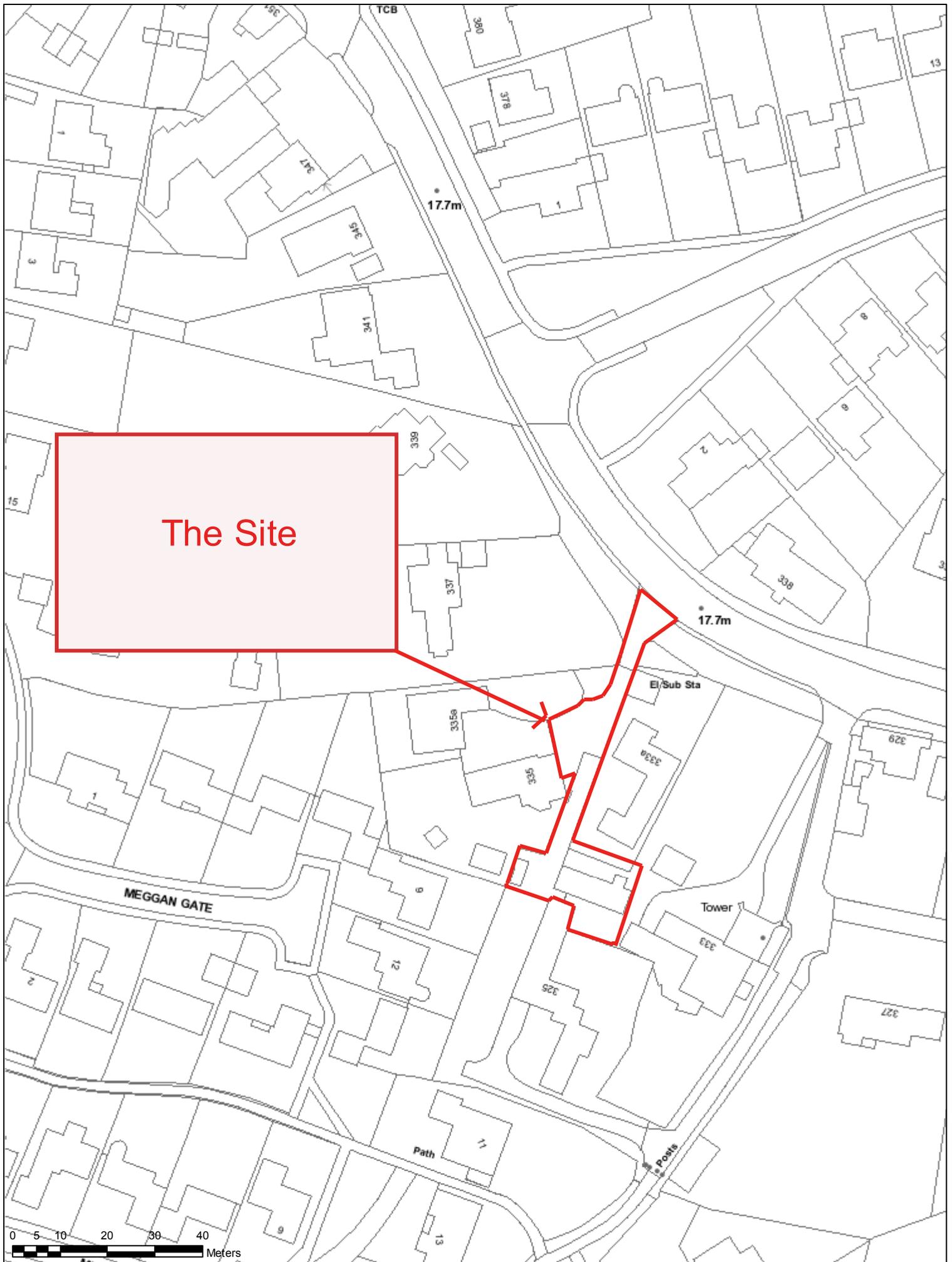
- C 3 The use hereby permitted shall be a care home for children/young adults aged up to 19 years only and for no other use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) and no more than 6 children/young adults shall reside at the home at any one time.

Reason: Only the impacts arising from the specific use above have been considered and alternative uses within Class C2 may result in additional parking demand which cannot be accommodated within the site and may lead to unacceptable harm to highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C4 Prior to occupation of development the parking spaces shown on the submitted Site location Plan (20.02.19) shall be laid out for vehicles to park clear of the public highway and those areas shall not thereafter be used for any purpose other than the parking of Staff vehicles in association with the C2 Care facility at 1 Brickton Road, hereby approved.

Reason: To ensure that there is an acceptable level of parking to serve the specific use, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the Peterborough Local Plan (Submission Stage) (2018).

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Planning Committee Site Location Plan -19/000304/WCPP 333 Thorpe Road

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## Item No. 5.3

### Planning and EP Committee

**Application Ref:** 19/00304/WCPP & 19/00305/WCLBC

**Proposal:** Variation of condition C4 (boundary treatment) of planning permission 18/01901/FUL  
Variation of condition C2 (boundary treatment) of planning permission 18/01902/LBC

**Site:** 333 Thorpe Road, Peterborough, PE3 6LU,  
**Applicant:** Mr Marco Cereste

**Reason for Call In:** **The Applicant is a Ward Councillor.**

**Site visit:** 12.12.2018

**Case officer:** Mr N Harding  
**Telephone No.** 01733 453410  
**E-Mail:** matt.thomson@peterborough.gov.uk

**Recommendation:** **Approve**

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

### **Site Description**

The application site comprises a large detached outbuilding with walls constructed out of coursed rubble and a pantile roof, situated within the grounds of Longville Tower and Tower House, both of which are Grade 1 listed buildings. The ground floor of the outbuilding is mainly used as a billiards room with w/c and downstairs study / bedroom, and the first floor is used as a bedroom with a bathroom. The outbuilding is for all intents and purposes a self-contained annex serving Tower House.

The annex has two north facing dormer windows and a single south facing dormer window serving a first floor bedroom. The northern dormers are non-openable; there is no glazing and the external shutters are for decoration only. The southern dormer is fitted with obscure glazing. There is a south facing roof light and a window serving the first floor bathroom, which looks towards Tower House.

To the immediate south of the annex is an open air swimming pool also serving Tower House, with a large detached thatched cottage beyond (325 Thorpe Road). To the west and north is a detached two storey dwelling (335 Thorpe Road) and single storey dwelling (333 Thorpe Road). There is a linear garden that runs between these two properties. This linear piece of garden land has vehicle access onto Thorpe Road via a shared access and turning area with No's 335 and 337 Thorpe Road.

The application site is within the Longthorpe Conservation Area.

### **Pre-Amble**

In February 2019 planning permission and listed building consent (LBC) were granted to subdivide the curtilage of the listed building and convert the detached annex to form a separate dwelling under App Ref: 18/01901/FUL and 18/01902/LBC.

As part of these permissions conditions were attached which required the erection of a stone

boundary wall between the outbuilding and the Grade 1 Tower House.

### **Proposal**

Further to the granting of these permissions the Applicant seeks to vary the relevant conditions (Condition 4 and Condition 2 respectively) to use a timber fence rather than cropped limestone wall between the to-be-created dwelling and Grade 1 listed Tower House. The wording of the condition on both applications is as follows:

#### *Condition:*

*Prior to the occupation of the dwelling hereby approved details of the boundary treatment separating the dwelling from Tower House shall be submitted to and approved in writing by the Local Planning Authority.*

*For the avoidance of doubt the boundary wall shall be constructed out of cropped limestone.*

*Thereafter the boundary wall shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.*

*Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).*

At the time of writing this report both applications were out for public consultation, which ends on the 28<sup>th</sup> March 2019. Therefore should any comments be received these will be included within the Update Report.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/01902/LBC	Conversion of annex to separate dwelling.	Permitted	01/02/2019
09/00384/LBC	Formation of dormer windows in billiard block (renewal)	Permitted	14/09/2009
99/00149/LBC	Formation of dormer windows in billiard block	Permitted	12/07/1999
09/00762/FUL	Formation of dormer windows in billiard block	Permitted	14/09/2009
18/01901/FUL	Conversion of annex to separate dwelling	Permitted	01/02/2019

## **3 Planning Policy**

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

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

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

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

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

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

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

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

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

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

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

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

### **PP01 - Presumption in Favour of Sustainable Development**

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

### **PP02 - Design Quality**

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

### **PP17 - Heritage Assets**

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

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

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. The plan has now been examined by the Inspector who has published a list of proposed modifications. These are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

## 4 Consultations/Representations

### **PCC Conservation Officer (11.03.19)**

Object - From a heritage consideration the proposed works are not supported; the proposed development would have an adverse impact on the setting and significance of the Grade 1 Listed Building.

### **Historic England (06.03.19)**

No objection

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

Initial consultations: 9

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

At the time of writing this report both applications were out for public consultation, which ends on the 28<sup>th</sup> March 2019. Therefore should any comments be received these will be included within the Update Report.

## 5 Assessment of the planning issues

### **The Principle of Development**

The application site is situated within the urban area of the City therefore the principle of creating a self-contained dwelling can be considered in principle, however the scheme is not supported for the following reasons:

### **Historic Significance – Design, Materials and Listed Building Consent**

Historic England and the Council's Conservation Officer raised no objection to the proposed subdivision of the curtilage serving the Grade 1 listed Tower House, however the Council's Conservation Officer has raised an objection to the use of a timber fence as a boundary treatment.

The brief heritage statement submitted with this application states: *'given the context of this together with that of the gazebo and the swimming pool (albeit the latter is to be filled in under the proposal), it is considered that the requirement to construct a boundary wall from stone is excessive and that a wooden fence would not be harmful to the heritage asset'*.

It is deemed pertinent to state that the swimming pool and canopies / gazebo affixed to the Grade 1 Tower House currently in situ date from the 1980's and 90's, which are not considered sympathetic to the character appearance or setting of the listed building and would not be supported today. As such, they should not be considered as justification for other additions, divergent in both material and character to a heritage asset of the highest order.

The boundary to be secured as part of the parent permissions would run across the middle of the site and would be attached to a curtilage listed stone barn (the annex). In order to reduce any unacceptable adverse impact on the setting of the Grade 1 listed building as a result of subdividing its curtilage, it is considered appropriate and necessary to stipulate that the material for the hard boundary is consistent with the predominant material on site and of a sufficient visual quality, especially where it is attached to an existing listed stone building.

The use of a timber fence in lieu of a stone wall in a prominent location within the curtilage of the listed building would be less sympathetic to the listed building, however the boundaries are currently made up of a variety of materials in this part of the property, including brick and timber.

As such it is not considered the use of a timber fence in this location would harm the setting or significance of this Grade 1 listed building, and accords with Policies CS16 and CS17 of the

Peterborough Core Strategy DPD (2011), PP2 and PP17 of the Peterborough Policies DPD (2011), Paragraphs 195 and 196 of the NPPF (2019) and Section 66 of the 190 Planning (Listed Buildings and Conservation Areas) Act (1990)

## **6 Conclusions**

The proposal to allow the use of timber instead of stone for the boundary treatment is 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.

## **7 Recommendation**

The case officer recommends that Amendment to an existing Planning Permissions 19/00304/WCPP & 19/00305/WCLBC is **GRANTED** subject to the following conditions:

### **19/00304/WCPP - Variation of condition C4 (boundary treatment) of planning permission 18/01901/FUL:**

- 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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), planning permission will be required for extensions, outbuildings, openings and dormer windows, porches, chimneys, flues or soil and vent pipes.

Reason: In order to protect the amenity of the area, neighbouring amenity and the setting of the adjacent Grade 1 listed building, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3 and PP17 of the Peterborough Policies DPD (2012).

- C 3 Prior to the occupation of development hereby approved space shall be laid out for 1 vehicle to park in accordance with drawing 1753 E005 (Proposed Site Plan). The parking area shall utilise a solid bound material and shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of the dwelling hereby approved.

Reason: To ensure the development is provided with satisfactory parking, in accordance with Policy PP13 of the Peterborough Policies DPD (2012).

- C 4 Prior to the first occupation of the dwelling hereby approved a timber fence shall be positioned between the application site and Tower House, and shall thereafter retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

- C 5 Prior to the occupation of the dwelling hereby approved the swimming pool shall be infilled in accordance with Drawing 1753 E005 (Proposed Site Plan), and shall thereafter be retained for the purposes of garden / patio serving the dwelling.

Reason: In the interest of providing a satisfactory garden to serve the dwelling in accordance with Policy PP4 of the Peterborough Policies DPD (2012).

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

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 7 The development hereby approved shall be carried out in accordance with the following approved plans:

- o 1753 E001A - Location Plan
- o 1753 E002 - Existing Site Plan
- o 1753 E003 - Existing and Proposed Elevations
- o 1753 E004 - Existing and Proposed Plans
- o 1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

**19/00305/WCLBC - Variation of condition C2 (boundary treatment) of planning permission 18/01902/LBC:**

- C 1 Works to which this consent relates shall be begun no later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C 2 Prior to the first occupation of the dwelling hereby approved a timber fence shall be positioned between the application site and Tower House, and shall thereafter retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

- C 3 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C 4 The development hereby approved shall be carried out in accordance with the following approved plans:

- 1753 E001A - Location Plan
- 1753 E002 - Existing Site Plan
- 1753 E003 - Existing and Proposed Elevations
- 1753 E004 - Existing and Proposed Plans
- 1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

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Planning Committee Site Location Plan -18/02001/FUL 3 Green Lane

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**Item No. 5.4**

**Planning and EP Committee 2 April 2019**

**Application Ref:** 18/02001/FUL

**Proposal:** Change of use of ground floor retail storage area and flat, and upper floor flat to MOT/Service Centre with upper floor storage; associated car parking and installation of new roller shutter doors at 3 Green Lane, and rear of 185 and 187 Lincoln Road.

**Site:** 3 Green Lane , Millfield, Peterborough,  
**Applicant:** Mrs S Kausar

**Agent:** Mr N P Branston  
Branston Assoc.

**Referred by:** Aasiyah Joseph

**Reason:** I have been advised that the application is to be refused on the grounds that the plans have not provided Amenity space for the possibility of future conversion of first floor offices to residential (flats), which would be permitted development.

**Site visit:** 02.01.2019

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

**Recommendation:** **REFUSE**

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

**Site and surroundings**

The application site is located to the rear of 187 Lincoln Road and is part of a retail unit within the Taverner's Road local centre which fronts Lincoln Road and has a rear storage facility in the building accessed via Green Lane. There are two flats within the application site, one at ground floor and one at 1st floor.

Directly to the east of the building is Bonham Upholsterers and both properties are accessed from a shared drive off Green Lane and there is parking provision within the site serving both properties. In addition, space is provided within the site for one parking space serving a recently approved taxi office at 185 Lincoln Road. The surrounding character within Green Lane is predominantly residential.

**Proposal**

The application seeks permission to split the existing planning unit through the change of use of ground floor retail storage area and flat, and upper floor flat to MOT/Service Centre with upper floor storage; associated car parking and installation of new roller shutter doors at 3 Green Lane, and rear of 185 and 187 Lincoln Road. The opening times would be 0800 to 2000 Monday to Saturday and 10:00 to 16:00 Sunday and Bank Holiday.

That part of the existing shop that fronts Lincoln Road would be retained and it would be served from Lincoln Road as the rear access and storage area would be lost to the proposed new use.

2 parking bays are to be formed in the access between Green Lane and the MOT bays with access to further parking accessed by driving through the building.

N.B. A similar proposal was refused under application number 11/00981/FUL.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/00543/FUL	First floor extension including removal of existing stairway and structure and replacement with new stairway access to first floor - retrospective	Permitted	29/06/2018
11/00981/FUL	Change of use from existing workshop and shop to MOT bay and alterations to existing building, including removal of first floor, increase in roof height and installation of roller shutters	Refused	19/08/2011

## **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)**

#### **CS14 - Transport**

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

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

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

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

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

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

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

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

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

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

#### **PP13 - Parking Standards**

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

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

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. The plan has now been examined by the Inspector who has published a list of proposed modifications. These

are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

## **4 Consultations/Representations**

### **PCC Peterborough Highways Services (15.02.19)**

It has not been demonstrated that the on-site arrangements for all existing and proposed uses will not result in vehicles parking within the service yard and turning area. This in turn would lead to manoeuvring vehicles causing an obstruction to the access to the site, or having to manoeuvre within the public highway.

To the detriment of highway safety, contrary to Policies CS14 and PP12.

### **PCC Pollution Team (07.01.19)**

Whilst we have no objection to the submitted application; the application will however need to be subject to, conditions on specific working hours as against the limited working hour proposed in the applicant design and access statement and no use of power tools outside of the unit if granted in other to protect the residential properties amenity nearby from noise and general disturbance.

### **Police Architectural Liaison Officer (PALO) (20.12.18)**

I have reviewed the documents supplied, and whilst I would not ordinarily support roller shutters in a residential area, the motor trade does attract a criminal element due to the high value power tools and other items of machinery found within. Whilst this area of Peterborough is medium to low in terms of reported burglary offences, I support their use of roller shutters and this Application.

## **Local Residents/Interested Parties**

Initial consultations: 26  
Total number of responses: 0  
Total number of objections: 0  
Total number in support: 0

No representations have been received in relation to the proposal.

## **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 nearby dwellings
- The impact of the proposal on highway safety

N.B. The case officer is not aware of discussions relating to the refusal of the application on the basis of a lack of amenity space. However as the application was passed to the current officer from another officer who has now left the authority, it is considered reasonable to bring the application before planning committee for the sake of transparency.

### **Previous application 11/00981/FUL**

The previous application proposed a far smaller area of altered floor space and differed by proposing a smaller area of MOT related floor space access from Green Lane and the retention of part of the A1 use of the unit as accessed from Green Lane, with the A1 units fronting Lincoln Road being unchanged.

This application was refused on harm to neighbour amenity through noise connected with the MOT use, harm to the character of the area through the installation of an additional shutter, inadequate provision of parking for the proposed MOT use and harm to the highway safety network.

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

There are two roller shutters erected upon the building, both of which have been in situ for more than 4 years and as such are immune from enforcement action. Whilst neither shutter has planning consent, in light of the length of time that they have been in place, it would not be reasonable to refuse the application on this basis.

In light of the above it is considered that the proposal will not unacceptably harm the character of the area.

### **The impact of the proposal on the amenity of the occupiers of nearby dwellings**

The site is situated to the rear of Green Lane which is predominantly residential in character. It is considered that the proximity of the use to these properties would result in significant disturbance, not least through the likely noise which would be generated but also by the level of activity in and out of the site. This would be particularly detrimental to the occupiers of no.1 Green Lane which lies to the east of the access way.

In light of the above it is considered that the proposal will unacceptably harm the amenity of the occupiers of neighbouring dwellings.

### **The impact of the proposal on highway safety**

The proposed access serves the existing shop at 187 Lincoln Road for deliveries, Bonham Upholsterers and one staff parking space serving the taxi office at 185 Lincoln Road. It is considered that there would be inadequate parking provision for the MOT use which would result in

vehicles parking on the public highway or on site frontages to the detriment of the safety of pedestrian. The applicant disputes this and states that vehicles in connection with the MOT test centre will not be left on site all day and will be taken on completion of a test and as such sufficient space exists. However the LHA maintains that there is not useable space on site for all existing and proposed uses and that the proposal will result in vehicles parking within the service yard and turning area. This in turn would lead to manoeuvring vehicles causing an obstruction to the access to the site, or having to manoeuvre within the public highway. It should be noted that a condition requiring it to be a 'while you wait' only operation would not overcome this issue.

In addition, the use would result in the loss of existing facilities within the site for parking, turning, loading and unloading of vehicles delivering to the shop (proposed supermarket). Therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

In light of the above it is considered that the applicant has not sufficiently demonstrated that the proposal will not unacceptably harm the safety of the surrounding highway network.

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

- C 1 The site is situated to the rear of and in close proximity to residential properties fronting Green Lane. The proposed use as MOT testing station has the potential to generate significant levels of noise and disturbance which would be detrimental of the amenity of the occupiers of nearby properties.

This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011, policy PP3 of the Peterborough Planning Policies (DPD) 2012 and policies LP16 and LP17 of the Peterborough Local Plan (Submission) 2018.

- C 2 The proposed development would not provide adequate facilities within the curtilage of the site for the parking of vehicles visiting the MOT bay. As a result, vehicles will park on site frontages, crossing and often partially obstructing the footways, to the detriment of the safety of pedestrians.

This is contrary to policy CS1a of the Peterborough Core Strategy (DPD) 2011, policy PP12 and PP13 of the Peterborough Planning Policies (DPD) 2012 and policy LP13 of the Peterborough Local Plan (Submission) 2018.

- C 3 The proposed development would result in the loss of existing facilities within the curtilage of the site for parking, turning, loading and unloading of vehicles delivering to the existing shop. As a result, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

This is contrary to policy CS1a of the Peterborough Core Strategy (DPD) 2011, policy PP12 and PP13 of the Peterborough Planning Policies (DPD) 2012 and policy LP13 of the Peterborough Local Plan (Submission) 2018.