



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 11 JUNE 2019

1.30 PM

Council Chamber - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

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

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

4. Minutes of the Meeting Held on 2 April 3 - 14

To approve the draft minutes of the meeting held on Tuesday, 2 April 2019.

5. Development Control and Enforcement Matters

5.1 19/00168/FUL - The Fenman Whittlesey Road Stanground Peterborough. 15 - 34

5.2 18/01307/FUL - Club House Bretton Park Flaxland Bretton. 35 - 50

5.3 18/02001/FUL - 3 Green Lane Millfield Peterborough 51 - 60

5.4 18/01875/FUL - 35A Peterborough Road Castor Peterborough PE5 7AX 61 - 70

5.5 19/00408/HHFUL - 26 Ledbury Road Netherton Peterborough PE3 9RH. 71 - 80



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Committee Members:

Councillors: G Casey (Vice Chairman), C Harper (Chairman), P Hiller, R Brown, Warren, Hussain, Iqbal, Jones, B Rush, Hogg and Bond

Substitutes: Councillors: N Sandford, Murphy, Yurgutene and Simons

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Chris Mohtram

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.

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING
HELD AT 1:30PM, ON
TUESDAY, 2 APRIL 2019
THE EXECUTIVE SUITE - ABAX STADIUM, LONDON ROAD, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Shaz Nawaz, Martin, Hiller, Warren, Stokes and Bond

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Julie Smith, Highways Control Team Manager
Stephen Turnbull, Planning Solicitor
Karen Dunleavy, Democratic Services Officer

Others Present: Nick Greaves, Principal Engineer (Development)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rush and Serluca, Councillor Warren was in attendance as substitute for Councillor Rush.

2. DECLARATIONS OF INTEREST

Councillor Stokes declared that she was the Housing Champion for children and young adults in care, however, this would not affect her taking part in item 5.1 19/00090/FUL - 1 Brickton Road, Hampton Vale, Peterborough, PE7 8HS.

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

There were no representations to make declarations as Ward Councillor.

4. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 19 FEBRUARY 2019

The minutes of the meeting held on 19 February 2019 were agreed as a true and accurate record.

5. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

5.1 19/00090/FUL - 1 BRICKTON ROAD, HAMPTON VALE, PETERBOROUGH, PE7 8HS

The Committee received a report in relation to planning permission to the change of use from a dwelling house (C3 use class) to a supported living housing scheme (C2 Use Class) for up to six young adults (16-19 year olds).

No external alterations or other associated development was proposed alongside the change of use. Internally the ground floor dining room would be converted to a bedroom bringing the total number of bedrooms from five to six under the proposal.

The Head of Planning introduced the item and highlighted key information from the report. Members were also informed that the application was to provide housing for a vulnerable group of young adults and that this should be given appropriate weight during their consideration. In addition, Members were informed that a late representation had been received objecting to the planning proposal.

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

- There was an understanding in regards to the need for the young adults housing provision, however, there had been an increase in number of Houses of Multiple Occupation (HMO), which had caused issues such as overcrowding and a lack of parking provision.
- A recent visit to Brickton Road had highlighted that there were 12 cars parked illegally. These parking arrangements could potentially inhibit emergency vehicle access and was therefore dangerous.
- Hampton was historically not very well served in regards to parking arrangements and this had caused animosity amongst local residents.
- Given the age range of the young adults to be accommodated, there could be potential of attracting more cars, therefore exacerbating the existing parking issues in the area.
- If the Committee were minded to approve the application, then a condition could be introduced to restrict parking near the property.
- A property known to operate as an HMO in the area was actually Bed and Breakfast accommodation. This had caused parking issues for the neighbours next to the property.
- There were a further two HMO's causing difficult parking issues near Brickton Road.
- It was understood that the fallback position could mean that the property could become a small scale HMO if not approved as supported living.

Jodie Ashton, Irene Mkumba and Juile Wooldridge, objectors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A petition signed by 116 residents of Brickton Road and surrounding streets, was given to Legal Officer.
- Peterborough City Council had not taken on board the impact on residents, particularly in relation to loss of privacy and the potential of crime and disorder.
- Crime statistics which were identified around the applicant's similar property in Bedford had shown an increase in crime.
- Since 2018, there had only been one recording of anti-social behaviour (ASB) incidents on Brickton Road. This would be a reason for the application not to be approved under PP03 of the Council's development framework.
- Highways had recommended the planning application for refusal.
- The applicant had not been honest with residents over the type of property they were going to introduce. Residents were left to believe that the property would operate as a weekend home for the applicant's family.
- There were parking issues already being experienced at the entrance and exit of Brickton Road. Cars would park on the left hand side of the road and

refuse bins would be placed on the right hand side. This meant that only one car could proceed through the route down Brickton Road.

- There was a crossroads located on Brickton Road and pedestrians were unable to walk on the pathway. This issue had presented due to the number of HMOs in the area.
- There had also been a number of vehicle incidents on a daily basis on Brickton Road and this had created a concern for children's safety.
- There had been no parking issue experienced with the objectors own young adults adding to the parking issues in the area, as this had been managed by parking cars in a garage.
- The Bedford crime statistics researched had included issues such as anti-social behaviour, graffiti and noise pollution in the area.

Kriss Byrne and Sue Henrikson, the applicants, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicant would support the neighbours in Brickton Road with any issues they felt needed addressing.
- The HMO parking issues had been present in the area for quite some time. The parking issues should be referred onto the Local Authority and the Police, in order to find a solution.
- The young adults in care were a vulnerable group and were no different to a normal family.
- Staff would be present at the premises to supervise on a 24 hour basis.
- Staff for the supported living facility would be employed locally, and therefore be within walking distance.
- A majority of appointments for the young adults in care, would be facilitated away from the premises.
- Only the manager's car would be present at the property, which would be parked in the allocated space located to the rear of no. 1 Brickton Road.
- The proposed home for young adults in care would not attract additional parking.
- The young adults in care would be supported to live semi independently up to the age of 19. This provided an opportunity for these young adults to learn the basic skills required to live independently.
- It was unlikely for the young people in care to own a car.
- The young people in care would be supervised and would be required to adhere to a curfew of 10:00pm to return to the property.
- Contact arrangements for the young people in care and their family would take place away from the property.
- The applicant was confident that she would deal with any issues that may arise for neighbours to the property. The property could currently operate as a small scale HMO, however, the applicant wanted to provide housing for the vulnerable young adults in care.
- There had been no consultation undertaken by the applicant with local residents.

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

- The late objection suggested that the applicant had already signed a contract to provide the supported living facility, however. It was not known if this information was accurate and was not a material point for the Committee to consider.
- The property could be used as a small scale HMO purpose without the need for planning consent.
- A condition in regards to parking could not be placed on the planning permission, as it would be impossible to enforce.
- Members felt that there was nothing stopping more than eight cars parking at the property if it operated as a HMO.
- The property could be used as a family home with more than one car driver. Members needed to also consider the balance of probabilities regarding parking arrangements, as there was a chance that each member of staff would own a car.
- There was no evidence that the proposed would be likely to result in crime and disorder.
- Planning permission could be made on a temporary two year basis.
- The Highways Department were requested to assess the application on the basis of the property becoming a care home, which was classification C2 and had therefore not met the criteria of three parking space provision.
- The highway assessment of care home parking provision would be irrelevant of property size.
- Brickton Road was a shared surface road, which had not appeared capable of accommodating any additional parking.
- There was one car parking space and one garage which had been owned as part of number 1 Brickton Road.
- The fall-back position was that the property known as Brinkley House (1 Brickton Road) could be converted into a small scale HMO for six residents and could attract additional parking.
- Members felt that the property could operate as a small scale HMO at any point without the need for planning consent. In addition, the applicant had reassured the Committee that by operating the proposed home, there would be better control of parking and other issues raised by the neighbouring residents.
- Members felt that the permission should be given for a limited period.
- Members commented that the noise disturbance alluded to in representations had not been recorded as complaints.
- Members commented that the business model had demonstrated that there would be little or no staff parking in the area.
- Members felt that the home for young adults in care appeared to be a better solution than an HMO.
- Members felt that permission should be granted on a temporary basis. Members were advised that a period of two years would provide a good overview of any issues if they were to arise as a result of operating the care accommodation.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application

subject to a two year temporary period. The Committee **RESOLVED** (8 for and 2 against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of the 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 provide much-needed housing for up to six children and 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 was 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 was 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).
- The temporary permission would provide an opportunity to assess whether parking within the area would increase as a result of the type of housing provision.

3:32pm at this point the Committee stopped for a five minute break.

5.2 19/00304/WCPP - 333 THORPE ROAD, PETERBOROUGH, PE3 6LU

The Planning and Environmental Protection Committee received a report in relation to planning permission granted in February 2019 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.

Further to the granting of these permissions the Applicant sought 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 Head of Planning introduced the item and highlighted key information.

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

- Members could specify the type of fence that should be installed such as close boarded fencing.
- There were similar fence arrangements within the area.

- Members wished to delegate to officers the style of boundary fencing to be installed.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application and for Officers to agree the type of fencing to be installed. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

The proposal to allow the use of timber instead of stone for the boundary treatment was acceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons as outlined:

19/00304/WCPP - Variation of condition C4 (boundary treatment) of planning permission 18/01901/FUL - that the amendment to an existing Planning Permissions 19/00304/WCPP was **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 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 would 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 was 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 be 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 was 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 had 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 would be 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:

- 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.

5.3 19/00305/WCLBC - 333 THORPE ROAD, PETERBOROUGH, PE3 6LU

The Planning and Environmental Protection Committee received the report and discussed the application alongside item 5.2.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application and delegated the type of fencing to be installed to officers. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

19/00305/WCLBC - Variation of condition C2 (boundary treatment) of planning permission 18/01902/LBC - that the amendment to an existing Listed Building Consent was GRANTED subject to the following conditions:

- 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 be 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 was 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 had 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 was 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 accorded with the reasoning and justification for granting approval.

5.4 18/02001/FUL - 3 GREEN LANE , MILLFIELD, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to planning 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 Ministry of Transport (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 proposed were 8:00am to 8:00pm Monday to Saturday and 10:00am to 4:00pm Sunday and Bank Holiday.

Part of the existing shop that fronted 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.

In addition it was proposed that two parking bays were to be formed in the access between Green Lane and the MOT bays with access to further parking accessed by driving through the building.

The Head of Planning introduced the item and highlighted key information from the report. Environmental Health had raised concerns about the long opening times and the location of vehicles. In addition, the MOT waiting station would be outside of the red outlined map, which had been a minor inaccuracy. There were also parking restrictions in the area and it had not been demonstrated how the applicant would manage vehicle waiting and movements.

Phil Brantson, the Applicant's Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application had been made because the existing shop currently had not generated a reasonable profit.
- The proposed change would integrate a car spares, accessories outlet and garage repair service, which had not required planning permission. Planning permission had only been sought to operate as an MOT station.
- The existing flats would be removed.
- The operating times and bank holiday proposals could be amended as Members felt necessary.
- The business was already set in an industrial surrounding, which should not impact the character of the area.
- The impact of amenities in the area in respect to noise should be very low as each vehicle movement would occur every hour.
- There would be minimum change to the operation of the site other than rear MOT access and egress. The full highway widths had been submitted with the plans and there had been plenty of parking provision on site. There would be no parking permitted on the street due to parking enforcement restrictions.
- The number of vehicles permitted on site would be controlled by an appointment system, which was similar to a business operated on Padholme Road by the Applicant.
- Shop deliveries would be directed to the front of the site, which had been an existing arrangement. There had also been existing parking spaces located at the front of the shop entrance.
- There were similar businesses that operated in Russell Street, Gladstone Street and Eye.
- The servicing would be undertaken at the existing garage, known as Mr Clutch. There had been no complaints raised by neighbours of the applicant's Padholme Road business.
- The applicant had approach neighbours to the business on Green Lane and they had no objection.
- The vehicle would be removed following the MOT unless it was unsafe to drive. There would be no arrangement for customers to store their vehicles at the proposed MOT station. In addition customers would be required to rebook a slot if a subsequent MOT was required.
- The flats were being demolished to make way for a ramp required for the MOT bay and the other would be a waiting room.
- Officers had recommended that the application should be refused due to the loss of amenity to the flats, which had been confusing. Subsequently the agent contacted the ward Councillor who referred the item to Committee. Since the referral, Officers sited further reasons for refusal of the application as outlined within the report.
- Customers would be required to stay with their vehicle until the MOT had been completed. If there was a requirement for repair work to be undertaken, such as light bulb replacement, the service area part of the garage known as Mr Clutch would be used.
- The applicant had been prepared to amend the operating and opening times of the business such as from 9:00am to 6:00pm and no Bank Holidays.

- There had been a loading bay located at the front of the shop, and the applicant would continue to use it for deliveries.

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

- Members were advised that the reason for referral to Committee in regards to potential lack of amenity space should the flats be subsequently reinstated would not be a relevant reason for the proposal to be refused and therefore had not been listed as one of the reasons within the report.
- If Members were minded to approve the application, consideration should be given to attach appropriate conditions to control the use of land along the boundary of the site, including the service arrangements at the applicants other business known as Mr Clutch. The conditions were required, as the proposed MOT area had not matched the planning drawings submitted with the application.
- Members were informed that there had been a discrepancy on the boundary markings submitted by the applicant, which outlined a piece of land adjacent to the access point on Green Lane. The discrepancy would need to be clarified by the applicant.
- The discrepancy on the applicant's proposal had not demonstrated that there would be enough space to provide the parking proposed.
- The reasons for officer refusal had not been in relation to the boundary discrepancies submitted with the application.
- There had been an issue about whether there was adequate width available on the application site access point between the tandem parking bays and side wall of the adjacent property.
- A five metre area would provide adequate access for deliveries for neighbouring businesses as the tandem parking spaces were set back. However, the proposed parking spaces would need to be moved to suit.
- Members were also advised that there had also been queries about vehicle turning points in the proposed MOT area. For this reason, officers had recommended refusal.
- Access was a planning issue and clarification had been required, especially given the parking restrictions on Green Lane.
- The location plan attached to the report was generated by Peterborough City Council, however, it duplicated what had been submitted by the applicant. The discrepancy issues arose as officers compared additional maps which outlined business use, however these had not matched what had been submitted on the application.
- Officers would accept a relocation of the tandem parking spaces.
- Members felt that there were too many discrepancies to reach a decision about the application and were minded to defer the item.
- Members commented that the reasons for referral to Committee had not been substantial and that it would be beneficial for all Councillors to attend future planning training sessions.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **DEFER** the application. The Committee **RESOLVED** (Unanimously) to **DEFER** the planning permission.

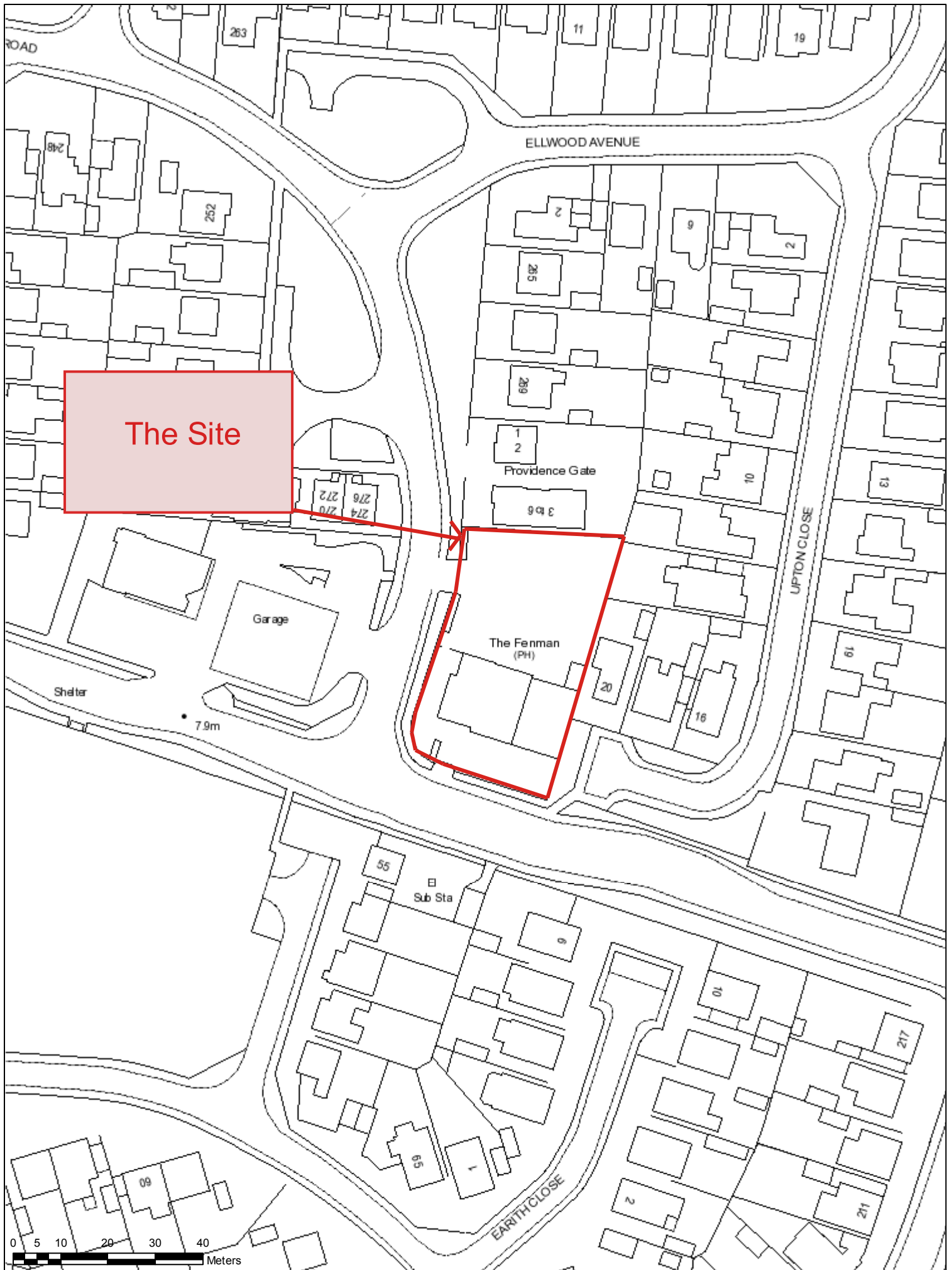
REASON FOR THE DECISION:

The Committee required further clarification from the agent to include:

1. A revised red and blue line on the site map and application as necessary, as the current lines had strayed to include part of the house adjacent to the Green Lane entrance to the site, and had not included the shop to the front of Lincoln Road.
2. A revised description.
3. Which other properties had a right of access in terms of the yard, which would also lead to the MOT bay. This should include any third party land.
4. Revised opening hours and days of shop and MOT operation.
5. Whether there were adequate permissions for use of the premises known as Mr Clutch.
6. Clarification was required as to whether the shop and MOT facility would be a single unit or whether it would be two separate units.
7. A survey of the access width was required.

Chairman
1:30 - 3:31pm

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Planning Committee Location Plan- 19/00168/FUL The Fenman Whittlesey Road Stanground

Scale 1:1,000
Print Date: 28/05/2019

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Item No. 1

Planning and EP Committee 11 June 2019

Application Ref: 19/00168/FUL

Proposal: Demolition of existing public house and erection of new children's nursery (D1 use) with associated car parking and landscaping (resubmission).

Site: The Fenman , Whittlesey Road, Stanground, Peterborough

Applicant: Mr Dan Slipper
Alpha Kindergarten Stanground Ltd.

Agent: Mr Tim Slater
3D Planning Ltd.

Site visit: 04.04.2019

Called in by: Cllrs Rush and Harper

Call in reason: Would result in unacceptable noise, traffic & pollution

Case officer: Mr D Jolley

Telephone No. 01733 453414

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings

The application site is the curtilage of the 'Fenman' public house which has closed. The site currently comprised the public house with a large car park area to the rear. The site lies at the junction of Coneygree and Whittlesey Road, a signalised T junction with a petrol station located opposite. The surrounding area is broadly residential in nature and mixed in terms of built form.

Proposal

Permission is sought for the demolition of existing public house and erection of new children's nursery (D1 use) with associated car parking and landscaping (resubmission).

2 Planning History

Reference	Proposal	Decision	Date
18/00481/FUL	Demolition of the existing public house and the provision of a new children's nursery (D1) with associated access, car parking and landscaping	Withdrawn by Applicant	08/06/2018

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)

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.

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.

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.

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.

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

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.

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.

4 Consultations/Representations

Early Years & Child Intervention Team

No comments received

Cambridgeshire Fire & Rescue Service

No comments received

Waste Management

No comments received

Lead Local Drainage Authority (12.03.19)

As it stands, we are objecting as we require a full sustainable drainage strategy to be submitted.

PCC Peterborough Highways Services (20.03.19)

No objection subject to condition.

PCC Tree Officer (29.03.19)

Object - impact on adjacent TPO trees has not been assessed.

PCC Wildlife Officer (21.02.19)

No objection subject to condition.

PCC Pollution Team (12.03.19)

No objection subject to condition.

Archaeological Officer (05.03.19)

I can confirm that there are no known archaeological implications.

Councillor Ray Bisby - Stanground South

No comments received

Councillor C Harper - Stanground South (04.04.19)

Object - see report.

Councillor B Rush - Stanground South (19.03.19)

Object - see report

Local Residents/Interested Parties

Initial consultations: 37

Total number of responses: 25

Total number of objections: 13

Total number in support: 12

13 Objections and a 48 Signature petition have been received in relation to the proposal stating;

Objection from Cllr Harper stating;

I write as a ward councillor for Stanground South to object to this planning application to demolish the public house formally known as the Fenman and replace it with a nursery. The main reasons for my objection are the serious potential effects on resident amenity due to noise and increased exhaust gas pollution due to additional traffic to an already busy junction and road network.

This application is contrary to planning policy because it will cause unacceptable increase in noise in what is currently primarily a very quiet retirement area. Almost every resident within a reasonable distance of the proposed nursery site is retired and at home during the daytime. They wish only to continue to be able enjoy their homes and gardens in peace. A large increase in noise levels and disturbance along with substantial increases in air pollution caused by exhaust gases will I believe cause serious mental and physical health effects to nearby residents, not to mention to young lungs too.

It is very disingenuous to try to compare the noise levels generated from the previous public house to that of a 78 place nursery. The hours of use were very different, the vehicles movements of a nursery will be much higher, and the majority of the year those using a public house are inside the premises.

The application is clearly at odds with Peterborough's City Council's aspirations of becoming the Environment Capital of the UK because it does not promote a reduction in the need to travel and as has already been said, will lead to an increase in pollution in the local area and would detract from the quality of the environment for local residents indeed, the application documents themselves suggest the majority of parents will arrive to drop off their children by car.

The nursery entrance will be very close to an already extremely busy traffic light controlled junction and one that at peak times is regularly gridlocked due to the sheer volumes of traffic passing through Stanground on route to the City Centre and back out towards Whittlesey. See evidence of such congestion in the pictures below.

In addition, during high rainfall periods, Whittlesey Road experiences a huge increase in traffic due to the closure of North Bank which causes almost gridlock conditions.

The application is contrary to Planning Policy PP3 line 'C' which states that - 'Planning permission should not be granted which would result in unacceptable noise and or disturbance for the occupiers or users of any nearby property or land'.

The application is contrary to Planning Policy PP3 line 'F' which states that - 'Planning permission should not be granted which would result in unacceptable odour and/or pollution'.

The application is contrary to Policy CS14 in that - 'The transport strategy for Peterborough is to : reduce the need to travel, especially by private car'.

In summary.

Whilst I accept there is a need for nursery places, that need is primarily for areas populated by residents with younger children such as the newly created Cardea development but almost every resident living near the proposed nursery site are retired and have no need for such a facility but are being asked to accept the likely negative effects.

I therefore request that planning permission is refused for the reasons given so as the residents in the local vicinity are allowed to continue to enjoy their current quality of life, peace and quiet.

Objection from Cllr Rush

I write to object to this planning application.

The site is located on a busy junction. Vehicles will park on the grass verges, on Upton Close and the cul-de-sac opposite the site. Noise generated from the nursery will affect the properties on Upton Close that are right on the boundary. The junction is controlled by traffic lights so pollution levels will be high. Children inhaling toxic air, at such a young age, will be extremely vulnerable to its effects.

If officers are minded to recommend approval I want it calling in and take it to committee.

Neighbour objections stating;

a) Access Safety

The applicant's scheme will certainly result in traffic accidents. 340 vehicle movements per day, through the entrance. We also haven't added in the lunchtime changeover movements.

The access to the site would need to be turned into a one way scheme using Upton Close as the probable 'entrance' with the 'exit' from the Coneygree Road aperture. This would eliminate the number of cross over manoeuvres. Just like Tesco's Express access 1km west along Whittlesey Road. The scheme guarantees accidents and injuries to children and parents will occur.

Drivers frequently take illegal short cuts on/off the garage forecourt when the lights are red and drivers can save minutes queuing at the traffic lights. They do this by overtaking cars at the lights on the wrong side of the road.

b) Noise and Disturbance

There will be life changing noise and disturbance from the development to the detriment of residents.

Dozens of screaming children, music and play and staff calling out all day long.

Constant noise from drop offs and pick-ups, slamming doors, parents calling out to their youngsters within a few feet of open residential windows and gardens etc, from early to late. It's a recipe for COMPLETE DIS-HARMONY with the local residential neighbours. In terms of type of use and proximity, these are acknowledged issues.

The applicants own Ofsted Report for their existing Fletton Avenue site operation actually remarks how 'MUCH NOISE IS generated by the Nursery' and 'the Noise Levels' are 'OFTEN TOO ELEVATED' in the outside Space.

Music and Dance activities are often added with an outdoor atrium event play area.... Sports Events, Outdoor 'games' involving larger numbers of children outside together at some nurseries with open air atriums Club and Private Party Events 'Out of Regular Hours, Including weekends' Catering facilities with 3 meals per day offered - again industrial scaled catering with its service provision implications.

For Residents a smaller scaled scheme, 50% the capacity could be deemed reasonable for the site.

To be acceptable, this would need to be a COMPLETELY ENCLOSED DESIGN, such that it created NO NOISE NUISANCE from the outdoor play areas.

In relation to the proposed development, it would not be possible to reduce the noise generated at source through engineering. No consideration appears to have been given to optimising the distance between the car parking and noise-sensitive properties. If the Council is minded to approve the application, appropriate physical measures should sought by condition.

D&A's conclusion that the site would have less impact than a pub is over simplified. The proposed nursery use which will generate a high number of short-term vehicle movements, creating a serious and sustained noise nuisance.

A nursery with similar arrangement was refused by planning inspectorate. There is also case law which supports these conclusions: most notably an appeal for a much smaller operation which was dismissed on the grounds of the noise and disturbance generated by vehicle movements adjacent to a residential boundary.

The applicants comparison with the AlphaK Fletton is inappropriate as the latter is in an area that has high levels of foot fall arrivals because it's set in an area of high rise flats and Victorian terrace housing. Also the socio economic profile of the people who reside within the area is different.

The design and access statement attempts to pre-judge the entitlement of the applicant to create their revised scheme. It sets out, to tell the planners what is laid down under the local plan and 'tells the planners they MUST give the approval.'

What happened to the process and consultation already undertaken with the residents? Yet alone the fact that once again a new scheme has been under discussion with the planning department for months, but is notified to residents just a few days ahead of a make your objections known deadline. Complete manipulation of the process again.

We recognise that the local authority has some statutory requirement's to provide infant education places within its area. And no doubt there are 'powerful political winds' even within the upper echelons of the local authority that are seeking to shape provision.

However, the scheme is entirely unsuitable for the location. As we said previously, it's in the wrong location, it actually needs to be in Cardea. Councillors and officials allowed Nursery provision to be reduced, whilst simultaneously 'over years' allowed extension of the numbers of residential properties being built on Cardea. Nursery provision needs to be where it's needed. That's in the gateway of the new Cardea extension south! Not in the heart of a retirement community.

Previous comments from the above objector in relation to 18/00481/FUL which the objector has stated are still relevant to this application.

Transport

The applicants transport assessment is not accurate and the numbers do not add up. Fletton Avenue is surrounded by much higher density, lower cost housing. The area features some of the most populous and concentrated residential homes and 'high rises' within the whole of Peterborough. Concentration of local Millennial Parents within 800mtrs. There is a 'very high' concentration of young millennial parents within 800 metres.

Many households - no car or one car. There is a high percentage of parents who do not even own a car in this district because of economic circumstances. Higher service levels of public transport in the vicinity.

The applicant has put forward a data set that submits only the Highest Place to Space Ratio's to

serve their purposes...irrespective of the local circumstances and without explaining the true circumstances surrounding local provision. The staffing numbers proposed are too low, it is likely to be between 19 and 21 staff. Deviation towards more younger children increases the required staff provision. Parking spaces are too small. Not enough room for LWB transit. 6.0m clearway is inadequate. Some of the spaces are unusable. Kids have no road sense.

More importantly, the lack of ability to manoeuvre their vehicles freely on site without impacting other users will doubtless cause significant bottlenecks onto and off the highway causing impact to traffic movement at an already busy and dangerous junction. At peak commuter hours this really is a busy location. Does anyone local question whether another 2200 + movements per week will pose Safety Issues to pedestrians as vehicles are forced to perform all sorts of weird and wonderful manoeuvres trying to gain and depart access from this badly designed scheme parking and access. Parents will doubtless soon learn what a difficulty it is to park and manoeuvre on the site and will then use the surrounding area as 'preferred parking'.

Data bases on false extrapolation. The applicant's submissions surrounding the number of users and the methods of access are evidentially wrong and misleading to Planners and this entire Consultation Process. Twice now. A lot of Local Authorities appear to work to a ratio of 1 drop off space per 5 places where fixed slots operate. The applicant has applied for a 78 place.

Look at what a nightmare Little Stars Nursery has been... Scene of the Queens Drive debacle well documented within PCC and known as one of the most dangerous accident blackspots within Pboro. Shift changeovers have not been taken into account. There is no bus parking. Proposed access is on a bend. If You try and turn out across the traffic priorities, this can be even more challenging when it is busy because folks are trying to squeeze through the short time phase at the traffic lights and do not want to give way.

Dangerous turning provision when there is so much land available, why has the scheme not created proper access and turning provision whilst making use of the substantial structure of the existing Fenman Building ? Parent Control Management PLUS Parent Interaction 'takes time'.... The applicant recognises the issue of essential parent interaction with staff and controlled access guidance. They explain how they hand this process off to an App. Is this really what parents want in a high care human environment? Maybe it is.....The bigger question though surely is, where are the parking provision's when the system fails, updates or people's phone isn't working etc etc. The moment the automation goes wrong, 'Plan B is CHAOS'.

Air Pollution

Will result in huge amounts of pollution.

Support

12 Letters of support and 606 signature petition of support have been received in relation to the proposal stating;

Peterborough City Council have identified an under provision of childcare spaces in this part of the city - meaning that some children will not have the same access to learning opportunities as others. Policy OB6 of the Core Strategy DPD seeks to improve the quality and educational services and level of educational services and ensure that everyone has equal access to opportunities for learning.

This nursery would help to provide some of the spaces that are currently missing in Stanground, ensuring that those children who would otherwise miss out have the option of a local nursery place. This is especially relevant for lower income families who can take advantage of the Government's funded childcare schemes but who might not otherwise be able to travel outside of Stanground due to travel costs.

Paragraph 19 of the National Planning Policy Framework states that planning should support sustainable economic growth. The new nursery will replace an old pub which has been closed for sometime with a new nursery - creating jobs for local people. The provision of a nursery will provide better childcare options for local parents, helping them continue in work. Currently, Peterborough City Council have identified an under-provision of childcare spaces in this area.

The proposed nursery is sited in a convenient location for parents and workers, allowing more people to make use of the childcare and employment opportunities on offer. This will maximise the economic benefits of the site whilst ending the negative impact that an empty and abandoned building in a prominent location has on the local community.

We have no objections to the proposed nursery, our only concerns are the current traffic problems that exist on the Coneygree road Whittlesey road junction at peak times. The addition of up to 32 additional cars can only make the situation worse. If consideration is given to improving the traffic flow to reduce the risks with cars leaving the garage and the proposed nursery it should be an asset to the area.

Another nursery in Stanground would help so much especially as we have 4 schools so close together (Park Farm, Cardea, South Fields and Oakdale).

The proposed new nursery is in a residential area and would provide local parents with a new childcare option within walking distance of their homes - reducing the amount of traffic travelling away from the area to drop off their children. At the same time, I note that the nursery includes cycle storage spaces and is located close to public transport routes, meaning that sustainable transport options would be viable for parents.

5 Assessment of the planning issues

The main considerations are;

- The principle of development
- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The impact of the proposal on the amenity of the occupiers of highway safety

The principle of development

The application site is in the urban area on previously developed land and will bring an underused site back into use. The proposal will result in the provision of an additional pre-school education/care setting, reducing the need for local parents to travel out of the area to find childcare. In light of the above it is considered that the public benefit arising from the proposal outweighs any harm that may result.

The impact of the proposal on the character of the area

The application site is prominent within the street scene and currently contains the original Fenman Public house, an attractive C1930's building of brick and plain tile construction. The pub has been closed for some time and has been boarded up to prevent vandalism. The site is currently in a dilapidated state and overall no longer contributes positively to the character of the area. Although it is attractive, the building is not of sufficient quality to require its retention.

The proposed nursery is a significant departure from the existing public house. Of a more modern, angular design the nursery will become a statement building in wider views. The use of vertically planked rainbow cladding and flat and monopitch roof elements is a significant departure from the character of the surrounding area but is of a pleasant composition that is fitting for a children's education building and one which will add significant visual interest to wider views.

The associated landscaping, renewal of parking areas and general improvements associated with the construction of the nursery will significantly improve the appearance of the site and wider area.

It is also noted that there is a filling station directly adjacent, which is currently a focal point in wider views and it is hoped that the Nursery will draw attention away from the filling station. Providing the materials are of sufficient quality, it is considered that although striking, the nursery will not unacceptably harm the character of the area.

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

Whilst it is likely that the site will generate noise significant levels of noise, the existing site is an unrestricted A4 public House. An objector has stated that the pub was a good neighbour in respect to noise, but the noise potential for this type of use is considered to be very high, with outdoor seating areas, music and sports events potentially continuing late into the night 7 days a week. Noise from the nursery will be limited to normal working hours, where noise must be expected and is generally less noticeable than that heard outside of working hours where there is an expectation of quiet. The applicant has proposed hours of Monday to Friday; 07:00 to 18:00. This is within what would be considered normal working hours and is during times when the adjacent highways are at their busiest.

The site is also directly adjacent to a busy road with its associated noise throughout the day and is at a signalised crossroads, meaning there is frequent revving of engines to pull away at the lights and from those leaving the petrol forecourt exiting onto Coneygree Road. Given the likely patterns of use of the site, noise from parents picking up and dropping off children will be focussed on those times of day when the adjacent roads are busiest, during the working day and at rush hour, meaning it will be less noticeable. This is opposite to that expected under the extant A4 use, where arrivals are more likely outside of the normal working day, during quieter times and therefore being more noticeable to neighbours.

The nursery has been designed to shield noise from outdoor areas as far as it possible. The proposed outdoor play area faces Coneygree Road and is sited behind railings. The Nursery building itself will sit between the play area and the adjacent houses in Upton Close and the adjacent flat to the north of the site. This arrangement will help limit noise disturbance from playing children

Therefore whilst the patterns of use of the existing pub and nursery are likely to be very different, the level of potential noise disturbance is considered to be comparable, in that they are both potentially noisy uses with possibility for disturbance. Given the above and despite the high level of activity expected for the site it is considered that the proposal is acceptable in regards to amenity impact.

Objectors have stated that the area is a retirement area where residents have an expectation of quiet surroundings. This is not a material consideration in the determination of the application as the LPA do not consider that any one group of people has any additional right to peace and quiet and a proposal is either acceptable or not in terms of impact on amenity.

Objectors have requested that if the application is permitted a scheme of noise mitigation measures is secured by condition. This is reasonable and a condition will be appended to the permission for the submission of acoustic measures. It is anticipated that this will take the form of an acoustic fence running along the eastern boundary of the site as the existing fence in this location is of mixed, generally poor quality and low height. It is considered that a slightly taller acoustic style fence would significantly reduce any disturbance caused to neighbours.

An objector has stated that a nursery with similar arrangement was refused by planning inspectorate and that there is also case law in which an appeal was dismissed on the grounds of the noise and disturbance generated by vehicle movements adjacent to a residential boundary. The case law is not considered to be relevant as the existing use of the site is not comparable to this application. In the Doncaster case mentioned the existing site use was a residential bungalow, not an unrestricted A4 use. Clearly a 28 place nursery would result in far greater noise disturbance than a moderately sized bungalow. However in this case the existing and proposed uses are

considered comparable.

The impact of the proposal on the amenity of the occupiers of highway safety

The applicant has added 9 parking spaces to the proposal since the last application for a nursery (18/00481/FUL). The Local Highways Authority states that these spaces provide a good compromise between the competing needs of encouraging parents to use sustainable means of travel and reducing the congestion generated by the large number of pupil places available at the nursery.

Policy PP13 states that 1 space per full time member of staff, plus pick up and drop off facilities should be provided. The application form states that there will be 12 (FTE) members of staff. The applicant proposes 32 parking spaces, in effect giving 20 spaces for pick up and drop off. Although a formal drop-off area has not been provided the LHA considers that there is enough parking available to allow parents to park in a space and walk their children in and out of the building without undue congestion within the car park. There is a large turning area to east of the nursery and the 6.0 metres width to the rear of parking spaces is sufficient for manoeuvring.

The parking appraisal submitted by the applicant is the same as it was in 2018 but an additional "Phased parking scheme" document dated January 2019 has been included in the submission to further support the application. This seeks to address some of the assumptions made previously. The LHA felt that a more realistic percentage of parents who may arrive by car was 90% as opposed to 75%. The applicant believes that due to the social mix of parents, arrivals will be at different times rather than be concentrated within a narrow arrival window. Coupled with the short dwell time on site (typically 5 minutes) provides reassurance that the site can cope with the expected number of car drivers and the spread of arrival and departure times. The LHA have accepted this argument and are comfortable with the scenarios outlined in the parking scheme document.

The LHA has recommended that the nursery produce a travel plan in order to try to reduce the number of staff visiting the site by car. This will be added as an informative to the permission.

Objectors have raised concerns regarding the level of traffic that will need to cross Coneygree Road to turn right, and the number of vehicles that will need to queue in order to leave the site and the knock on impact this will have on car park circulation. The LHA have raised no concern in this regard and it is noted that the replacement access is 30 metres back from the Coneygree Road junction and 12 metres from the petrol station exit. These are considered to be acceptable distances with acceptable visibility of oncoming vehicles that are unlikely to result in undue conflict or danger of accidents. Notwithstanding this, the application site has an existing access in similar location serving a commercial use which would appear to have operated without undue danger to motorists for many years and this a material consideration in the determination of this application.

Objectors have also raised concerns regarding the use of nearby roads for parking and dropping off. This cannot be ruled out and is not controllable through planning condition. The car park provided is considered to be as good as can be provided for the building proposed and there is no reason to believe that nearby parking areas, further from the nursery itself will be used in preference of the onsite car park.

Other matters

The tree officer has objected to the proposal on the basis that the impact upon protected trees on adjacent land has not been assessed. However the Officer goes on to say as there is an area of hard standing on site already within the RPAs of the 2 Willow trees, the impact will be minimal. In light of this comment it is considered reasonable to condition the submission of an arboricultural assessment by way of condition rather than insisting upon provision of this information prior to determination.

The drainage team are objecting to the proposal on the basis that no drainage information has

been submitted and a full drainage strategy is required. However the submitted Flood Risk Assessment states that the proposed development will reduce the level of impermeable surfaces on the site from circa 95% to approximately 85%, reducing the surface water discharges from the site. In light of this it is considered reasonable to allow submission of a drainage strategy by way of planning condition. Given the existing level of hardstanding within the site it would be unreasonable to refuse the application on the basis of the lack of drainage strategy.

Objections relating to the pollution in the area and its impact upon the health of the children attending the nursery are noted. However no evidence has been submitted which categorically demonstrates that this area suffers from unacceptable levels of pollution. Notwithstanding this the LPA do not consider that the policy framework exists to refuse an application based on levels of air pollution. The Environmental Health Officer has raised no objection to the proposal.

An objector has stated that an operation of 50% of the size or one with a completely enclosed design may be acceptable. The application must be determined on its merits based on the information submitted.

The Environmental Health department have requested a conditions relating to contamination which are considered acceptable. They have also requested conditions relating to a teaching area noise limit and insulation condition and conditions relating to ventilation. The sound insulation condition is considered to be acceptable as this is not specifically covered under building regulations approval and as such it is reasonable to append the condition to ensure that the building emits as little sound as possible, in order to mitigate potential noise nuisance for neighbours. The teaching area noise conditions is required in order to provide an acceptable outdoor teaching area for pupils and will be appended to the permission. The ventilation conditions are necessary in order to prevent noise and odour nuisance to neighbours.

Objectors have stated that a noise survey has not been carried out. A noise survey is considered to be unnecessary because the pub has been closed for some time and as such and background noise level readings taken would not be representative of when the pub was in operation. Notwithstanding this the LPA do not disagree with objectors, that the proposed use is likely to be noisy, rather that the proposed use is comparable to that of the sites existing use.

An objector has stated that there are issues with the applicants other nurseries in terms of noise. The Environmental Health department have no record of any complaints made to them in this regard.

The Wildlife Officer has requested landscaping and bird box conditions. Given the prominence of the site and the loss of a building that has been empty for some time this is reasonable and these conditions will be appended to the permission.

6 Conclusions

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

- The proposal will not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policies PP1, PP2, PP3, PP12, PP13 and PP16 of the Peterborough Planning Policies (DPD) 2012, policies CS14 and CS16 of the Peterborough Core Strategy (DPD) 2011 and policies LP1, LP13, LP16 and LP17.

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 development shall be carried out in accordance with drawings; 2505(08)001, 2505(08)003 rev B, 2505(08)E03, 2505(08)E02, 2505(08)E01 rev E.

Reason: For the avoidance of doubt.

- C 3 No development above slab level shall take place until details of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. Samples shall be submitted for consideration. The development shall not be carried out except in accordance with the approved details.

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

- C 4 Prior to the development hereby permitted being brought into first use full details of the proposed car parking layout and surfacing materials shall be submitted to and approved in writing by the local planning authority. The approved details shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety in accordance with policies PP12 and PP13 of the Peterborough City Council Planning Policies DPD, adopted December 2012.]

- C 5 Prior to the development hereby permitted being brought into first use full details of the proposed vehicular access, including revised access details, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety in accordance with policy PP12 of the Peterborough City Council Planning Policies DPD, adopted December 2012.

- C 6 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy PP12 of the Peterborough City Council Planning Policies DPD, adopted December 2012.

- C 7 Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and

approved in writing by the Local Planning Authority. This shall include amongst other matters:

a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become inoperative and a scheme for the cleaning of affected public highways;

a scheme of working hours for construction and other site works;

a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;

a scheme for parking of contractors' vehicles;

a scheme for access and deliveries including hours.

The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy PP12 of the Peterborough City Council Planning Policies DPD, adopted December 2012.

- C 8 No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site in relation to the proposed extension has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy and the NPPF (2012).

- C 9 All remediation or protection measures identified in the Remediation Statement referred to in Condition 2 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy and the NPPF (2012).

- C10 No development shall take place until a detailed scheme of noise insulation measures for the D1 use of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of adjoining occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build, in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3 of the Peterborough Planning Policies (DPD) 2012. This is a pre commencement condition as these measures need to be incorporated into the build.

- C11 Prior to the commencement of the development a scheme for the mitigation of noise emitted from the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved mitigation scheme.

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

- C12 Prior to the first occupation of the building hereby permitted, full details of the proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

- C13 No development shall take place until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved drainage scheme.

Reason: In order to prevent flood risk; in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011). This is a pre-commencement condition because drainage is an integral part of the design of the dwelling(s) and therefore must be agreed before development begins.

- C14 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works,

soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

- Implementation, supervision and monitoring of the approved Tree Protection Scheme
- Implementation, supervision and monitoring of the approved Treework Specification

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

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

This is a pre-commencement condition because the approved construction specification must be in place and adequate prior to development commencing to ensure the trees are protected.

C15 No development shall take place above slab level until a scheme for the hard or soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments only)
- Details of any boundary treatment

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

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

C16 Prior to the first occupation of the development a scheme for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- C17 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

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

- C18 Details of post completion testing of the internal teaching areas shall be submitted to and approved by the Local Planning Authority. The testing needs to demonstrate that depending on the use of the space, noise levels will not exceed 40dB or 35dB, with noise levels not regularly exceeding 55dB LA1, 30min in accordance with Building Bulletin 93 - School Acoustics standards for indoor ambient noise.

Reason: To ensure that the development provides a suitable teaching and learning environment.

- C19 Details of a scheme will be submitted that ensures that the noise level in the external play area will not exceed LAeq 55dB (30mins).

Reason: To ensure that the development provides a suitable teaching and learning environment.

- C20 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.

The document prepared for the Department for Environment, Food and Rural Affairs (DEFRA) recommended best practice for 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2005). The objective of the guide is that for new premises, or premises covered by planning conditions restricting the impact of odour, the system shall be designed to prevent harm to the amenity. The document advises that to achieve these objectives the odour control system shall include an adequate level of odour control and stack dispersion. The overall performance of the odour abatement system represents a balance of these two factors.

The guidance recommends that the discharge stack shall:

Discharge the extracted air not less than 1 m above the roof ridge of any building within 20 m of the building housing the commercial kitchen.

If the above cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1 m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional odour control measures may be required.

If neither of those dispersion requirements can be complied with for planning reasons, then an exceptionally high level of odour control will be required. The efflux velocity, position of

extraction and location of sensitive receptors should be stated to enable a risk assessment of odour.

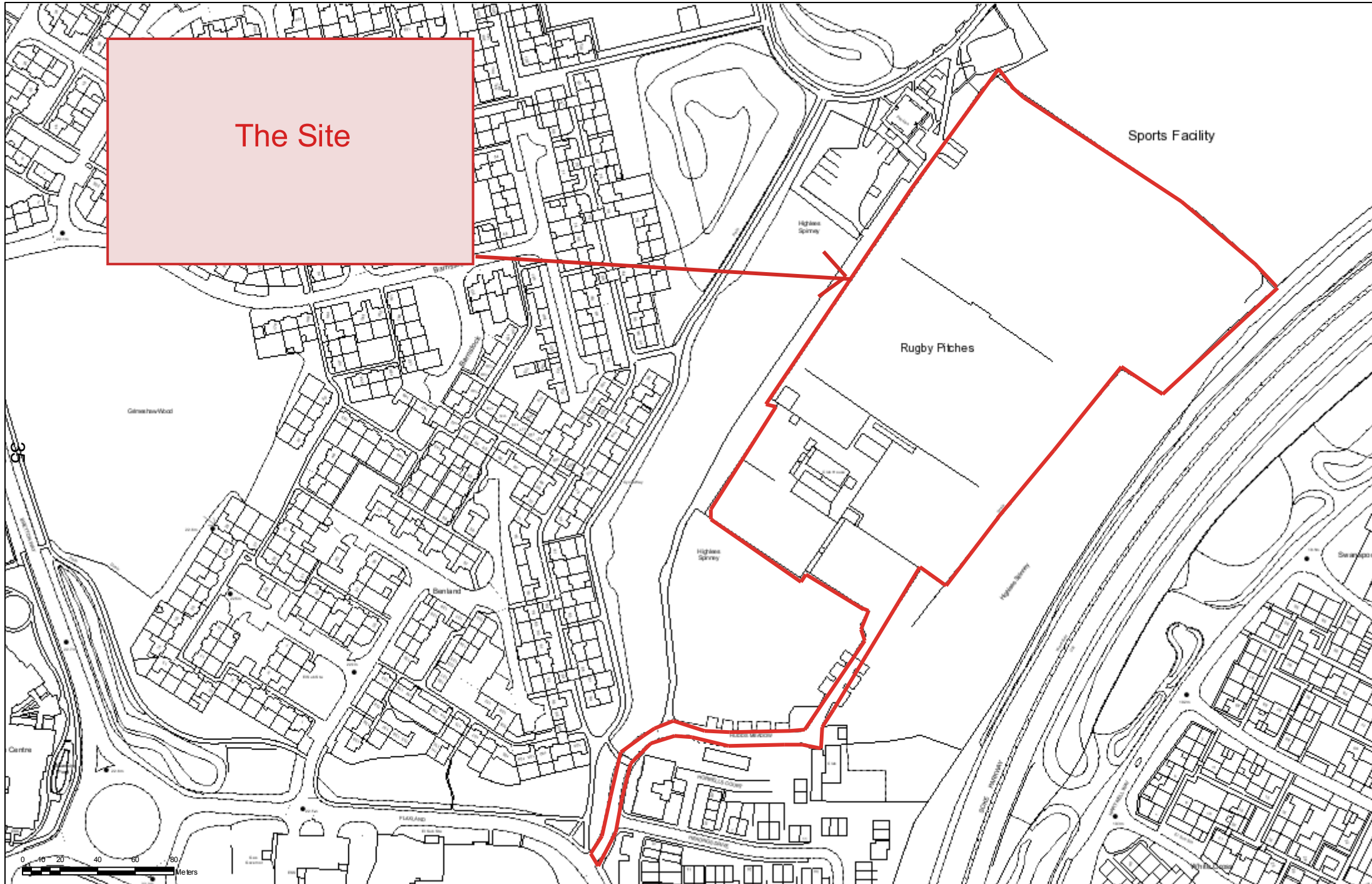
Condition: Prior to installation details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.

Reason: to ensure protection to residents from noise and odour from the use of the kitchen in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C21 The rating level of noise emitted from the extraction system shall not exceed 40dB LAeq, (5 minutes) at any time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Reason: to ensure protection to residents from noise from kitchen extract equipment in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

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Planning Committee Location Plan- 18/01307/FUL Club House, Bretton Park Flaxland

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Item No. 2

Planning and EP Committee

Application Ref: 18/01307/FUL

Proposal: Erection of club stand and associated canopy, including the creation of refreshment area and W/Cs, alterations to existing car park and change of use of tennis courts to overflow car parking.

Site: Club House, Bretton Park, Flaxland, Bretton

Reason for call in: The Parish Council object to the loss of tennis courts to car parking, and are seeking that at least one court is retained or re-provided.

Applicant: Moore Steel Developments on behalf of Peterborough Lions

Agent: DT Architects

Site visit: 26.2.19

Case officer: Mr M A Thomson

Telephone No. 01733 453478

E-Mail: matt.thomson@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site forms part of Bretton Lions Rugby Club which comprises car parking, temporary club house, marquee, storage and toilets, spectator stand and changing rooms, and playing fields to the east, bounded by secure fencing. There is an area of tennis courts to the north of the application site, however these appear to have long since been abandoned.

Access is gained from Flaxland's to the south through a mature tree belt, which is identified as ancient woodland. Beyond the woodland to the south and west is residential.

It would appear that the highway improvement works are nearing completion at the Flaxland junction.

Proposal

The Applicant seeks planning permission for the 'Erection of club stand and associated canopy, including the creation of refreshment area and W/Cs, alterations to existing car park and change of use of tennis courts to overflow car parking'.

The proposed club stand would have a floor area of 50m x 8.8m, standing at 8.9m to the highest point, utilising a mono pitch roof. The stand would be attached to an existing changing room block, and would create a toilet facility and refreshment area beneath the southern end of the stand.

The scheme also proposes an additional area of car parking, including parking for coaches, which would result in the loss of the tennis courts.

2 Planning History

08/01239/FUL - Erection of temporary sports club house including catering, bar and changing facilities (Permitted)

10/00835/WCPP - Removal of condition C1 of planning permission 08/01239/FUL (Permitted)

11/01572/FUL - Construction of permanent rugby clubhouse with car parking and tennis courts to replace temporary facilities (Permitted)

14/00162/FUL - Temporary sports club pavilion - retrospective (Pending Consideration)

15/00904/DISCHG - Discharge of planning conditions C2 (Materials), C3 (Road junction details), C5 (CMP), C11 (Noise abatement), C15 (Foul drainage scheme) and C17 (Soft landscape scheme) of planning permission 11/01572/FUL - Construction of permanent rugby clubhouse with car parking and tennis courts to replace temporary facilities (Pending Consideration)

16/00325/DISCHG - Discharge of condition C15 (Sewer pipe) of planning permission 11/01572/FUL (Pending Consideration)

16/00158/NONMAT - Non-material amendment to planning permission 11/01572/FUL Construction of permanent rugby clubhouse with car parking and tennis courts to replace temporary facilities. Amendment: Temporary covered spectator area 12m x 3m in area earmarked for permanent spectator stand (Determined)

16/02374/DISCHG - Discharge of condition C21 (floodlighting) (Pending Consideration)

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)

Section 8 – Promoting Healthy and Safe Communities

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.

CS19 - Open Space and Green Infrastructure

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

CS22 - Flood Risk

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

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP14 - Open Space Standards

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP17 - Heritage Assets

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

PP20 - Development on Land affected by Contamination

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

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.

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.

LP23 - Local Green Space, Protected Green Space and Existing Open Space

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

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

4 Consultations/Representations

Sport England (12.03.19)

No objection - The proposal is for the erection of club stand and associated canopy, including the creation of refreshment area, W/Cs, alterations to the existing car park and change of use of tennis courts to overflow car parking. Although the application appears to result in the loss of tennis and netball courts. Google imagery shows that this area has been marked out as overflow parking since 2016 and therefore in its current condition would provide limited benefit to sport.

The RFU were consulted on this application and have provided the following comments:

1. The RFU can confirm it does not wish to issue any form of objection to the proposed developments as the application proposals do not pose a risk or negative effect to the extent of provision or the playing of rugby union on site. The RFU has not been consulted in lead up to the submission for planning permission nor has the club approached the RFU for funding support towards the development. However, the RFU has been always been made aware of the long term ambition to develop the site's accommodation and offer of facility provision for all users. In recent times the club has developed a set of changing rooms to serve the playing teams at the club.
2. The proposed delivery of ancillary facilities to supporter visitors, especially the toilet provision and small refreshment counter will certainly benefit the site and is very much required. The club should consider if the level of privacy offered from outside the toilets is sufficient for the comfort of users.
3. The RFU is aware of the club's longer term ambitions that have previously been given permission for development (Ref; 11/01572/FUL).

Sport England is satisfied that the proposed development meets the exceptions policy, and raises no objection.

Bretton Parish Council (12.03.19)

Comments - Bretton Parish Council supports the Application in principle but would like to request that this is brought to Planning Committee to be discussed. Our main area of concern is the permanent removal of the tennis courts.

We seek amendments to the scheme to include the retention and enhancement of one of the courts for public use. This will be a benefit to the community and retain an asset that will otherwise be permanently lost. However, we understand that there might not be a demand for all of the courts to be made good, which is why we are seeking to retain only one court.

Historically the area has been reserved for tennis courts and we are looking for one of the courts to be retained, taking into account Condition C14 on Application Ref 11/01572/FUL, which required the tennis courts to be made good and open to the public four months after the removal of temporary structures on the site. To our knowledge, this has not been the case, and the courts have not been made good and open to the public since the original approval in 2011.

We understand that the car park and updated seating will immensely benefit the Rugby Club and therefore support the application, but will only support the application with the retention of one of the courts for the benefit of the public

PCC Peterborough Highways Services (15.03.19)

No objection - The Local Highway Authority were consulted on a similar application (11/01572/FUL) whereby a recommendation for refusal was made as at the time it was considered that the junction of the access road with Flaxland was not of sufficient width to allow a coach to turn into the access and safely pass a vehicle waiting to exit.

Notwithstanding the above, due to the new housing development to the south of the site, there

have since been acceptable improvements made to the Flaxland junction therefore the LHA no longer have concerns regarding the above issue.

Conditions are sought with respect to temporary construction facilities and the provision of parking and turning.

Lead Local Drainage Authority (12.03.19)

Object – The Council's Drainage team have raised an objection on the basis that the sustainable drainage strategy needs to reflect the whole site and all areas of additional hardstanding, including but not limited to the proposed stand and additional car parking.

PCC Pollution Team (14.03.19)

No objection - Subject to conditions being appended with respect to uncovering Contaminated Land and informatives with respect to noise, hours of working and control of dust.

Archaeological Officer (05.03.19)

No objection

Peterborough Cycling Forum

No comments received

Police Architectural Liaison Officer (PALO) (12.03.19)

No objection - This section is happy to support the proposal however would ask for consideration of a condition regarding lighting for the car park area, as not clear on the plans what lighting (if any) is proposed for the overflow car park area. The Condition, if supported would be in regards to community safety and reducing vulnerability to crime.

PCC Tree Officer (29.03.19)

No objection - It would appear that I have been consulted on the basis of the adjoining City Council woodlands. From the site plans there does not seem to be any direct impact on these woods.

I would however request clarification on the 2m weld mesh fence- if this is new, then we will require confirmation of any potential impact on the woodlands along with an installation method statement. Also, depending on plant machinery to be used on site, any facilitation pruning details for access to site for machinery.

PCC Wildlife Officer (06.03.19)

First Round

No objection - The applicant states in their Design & Access Statement that this current application is "purely for a change in the design of seating accommodation". On this basis, I would have no objection to the proposal. However it is important to note that a number of ecological related conditions have not yet been discharged under planning ref. 11/01572/FUL including:

- C15 Foul water to be designed to ensure the woodland County Wildlife Site is not affected;
- C16 Provision of bird and bat boxes;
- C21 (Lighting) which requires the flood lighting to be designed to avoid impacts on bat species and for restrictions on timings of operation;

It is therefore important that these conditions are included as part of any new permission.

In addition, it is recommended that an additional requirement for the provision of "hedgehog gaps" at regular intervals along the proposed 2m high weld mesh boundary fencing is included as part of any new permission.

Second Round

On the basis that they would be installing the foul drainage connection below ground level under

the existing footpath, and assuming no above ground vegetation clearance is required, then the details provided should be sufficient.

Natural England - Consultation Service (06.03.19)

No objection

The Wildlife Trusts (Cambridgeshire)

No comments received

The Woodland Trust

No comments received

Forestry Commission

No comments received

Local Residents/Interested Parties

Initial consultations: 150

Total number of responses: 3

Total number of objections: 2

Total number in support: 0

Two letters of representation have been received raising the following concerns;

- increase in traffic;
- noise and light pollution;
- it will encourage more jobs and anti-social behaviour;
- the application site is adjacent to an ancient woodland and County Wildlife Site (CWS);
- the proposed foul drainage would be positioned through the CWS; and
- loss of tennis court sporting facilities.

Ward Cllr Warren has also commented on the application:

In my opinion this is down to the long standing issues between the Rugby Club and Parish Council which have been evident for some time now. The main reason the tennis courts were removed in the first place was because they were very rarely being used. Peterborough Lions are a growing club, already having achieved tier 4 National League Rugby, and have ambitions to become a tier 2 club in the future. They also support many other junior teams under the same team banner, all engaged in local and national league competitions. They have already invested heavily in the current facilities, building a permanent changing and shower block. They are bringing more and more people to both play and support the sport every week.

To oppose these plans, I fear would be a travesty, setting both the club and Sporting facilities in Bretton back.

5 Assessment of the planning issues

The Principle of Development

The Rugby Club is the established use of the land and the proposed club stand and car parking facilities would support and enhance the existing facilities.

Sport England, with support from the RFU, have raised no objection to the proposal, noting that the improved public facilities and refreshment area would benefit the club. The Case Officer queried the re-provision of the tennis courts with Sport England given Parish Council comments, however Sport England have advised that given the number of years since the courts were last used it would be difficult to make a case for their restoration on what is now a rugby venue.

A letter of objection has raised concerns with the loss of the existing tennis courts, however Sport England have not objected to the loss of the tennis courts or sought the replacement of any tennis courts, therefore the principle of development is accepted and would result in enhanced facilities for an established sporting facility, in accordance with Policies CS19 of the Peterborough Core Strategy DPD (2011), PP14 of the Peterborough Policies DPD (2012), LP23 of the emerging Peterborough Plan (2019) and Paragraph 97 of the NPPF (2019);

Design and Layout

The proposed stand would be of steel construction. The refreshment area and public toilets would be situated at ground floor and would be accessed from the rear, there would be terraced seating to the front of the structure with private boxes above, essentially creating a two storey structure. Whilst functional in style and appearance, it is considered to be commensurate in size and scale with the club and would provide much needed facilities for the Clubs long term goals.

The proposed car park extension would be largely situated over the existing tennis court, which itself is laid to hardstanding. Given that the tennis court use has ceased it is considered the formal laying out of the car park would enhance the appearance of the area, more so through the introduction of incidental landscaping.

As such the proposed stand and associated parking area would not harm the character or appearance of the area and would accord with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

A letter of representation has advised the development if approved would result in more anti-social behaviour. There have been no objections received from the Police Architectural Liaison Officer subject to a condition being attached with respect to lighting serving the proposed car park area. It is not considered the proposed development would result in anti-social behaviour, and the site would be in control of the rugby club.

Biodiversity

Natural England have raised no objection to the proposal, and further to consulting the Woodland Trust and Forestry Commission there have been no comments received.

Wildlife - The Council's Wildlife Officer has raised no objection to the proposal subject to securing conditions with respect to foul water drainage having no adverse impact on the adjacent County Wildlife Site, the provision of bird and bat boxes and details of any flood lighting. It has also been requested that "hedgehog gaps" are provided within any new fencing.

Further to a second round of consultation with the Wildlife Officer it has been confirmed that the foul drainage would be installed below ground level and would not require any vegetation clearance. On this basis C15 of the 2011 condition would be satisfied, and only a compliance condition would need to be attached, should planning permission be granted.

Trees - The Council's Tree Officer has raised no objection to the proposal, however details would need to be provided for the proposed 2m weld mesh fencing shown on the plans along the southern boundary. It should be highlighted that 2m high fencing in this location would not require planning permission, and it would appear that the hard standing is existing, therefore a condition shall be appended stipulating that in the event that any new hard standing is required to be laid, or existing hard standing replaced, details shall be first submitted to and approved in writing by the Local Planning Authority.

Subject to conditions being appended with respect to the foul water drainage, the provision of bird and bat boxes, details of any flood lighting and a coverall condition with respect to the laying or replacement of hardstanding along the southern boundary the development would not harm the biodiversity value of the site or off-site trees, and would accord with Policy PP16 of the Peterborough Policies DPD (2012).

A letter of representation has raised concerns with respect to impact on the adjacent ancient woodland and County Wildlife Site, including the proposed method of foul drainage, however as set out above there have been no objections raised by the Council's Wildlife Officer or Tree Officer.

Access and Parking

The Local Highway Authority have raised no objection advising that due to a new housing development to the south of the site there have since been acceptable improvements made to the Flaxland junction, therefore subject to conditions being appended with respect to temporary construction facilities and the provision of parking and turning the proposal would provide satisfactory parking to serve the development and would not result in an adverse highway safety hazard, in accordance with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

A letter of representation has raised concern that the proposed development would result in additional traffic. The proposed development would be to support an existing sporting facility, the levels of activity already take place on site and have previously been found acceptable in 2011. As such it is not considered the amount of development proposed would give rise a demonstrable increase in traffic, which would impact on the local highway network or amenity of neighbouring dwellings.

Contamination, Drainage and Flood Risk

The Council's Pollution Control Officer has raised no objection to the proposal subject to a condition being attached with respect to uncovering unsuspected contaminated land, as well as standard informatives with respect to noise, dust and hours of construction.

The Council's Drainage team have responded advising that a sustainable drainage scheme (SUDS) is required to be submitted to cover the whole site. Officers have been working with the Applicant and Agent and are awaiting clarification that a ditch which runs along the east of the site has capacity to accommodate surface water. Officers anticipate the ditch will have capacity, and further information will follow within the Update Report.

Subject to securing a satisfactory sustainable drainage scheme for the site and attaching conditions and informatives with respect to contaminated land, noise, dust and hours of construction the scheme would accord with Policies CS22 of the Peterborough Core Strategy DPD (2011), PP4 and PP20 of the Peterborough Policies DPD, Policies LP33 and 34 of the emerging Local Plan (2019) and Paragraph 179 of the NPPF (2019).

Neighbour Amenity

Given the distances involved and the intervening tree cover the proposed spectator stand would not result in an unacceptable adverse impact on neighbouring amenity.

It is recognised that the proposed spectator stand would form a gathering point for spectators during games, which could result in peaks of noise during matches, however matches would typically take place at weekends during the day. To confirm the Pollution Control team have raised no objections to the proposal on noise grounds.

It is noted that the site would generate vehicle movements during game times, however the rugby club use is established and could generate this number of vehicle movements as it stands. As such it is not considered the coming and going of vehicles to match days, or by players who may train at the site during the week, would result in unacceptable levels of disturbance which would harm the amenity of neighbouring residents.

A condition shall be attached with respect to the proposed private boxes and spectator area advising that these shall only be used in connection with the rugby club, and shall not be used for private hire. The reason for this is that there has not been sufficient information submitted, and Officers are conscious a separate application may follow to replace the temporary club house and marquee in the future.

Therefore subject to controlling the operation of the private boxes the proposed development would not harm the amenity of neighbouring properties, and would accord with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2 and PP3 of the Peterborough Policies DPD (2012).

A letter of representation has raised concerns with respect to issues of noise and light pollution, however as outlined above there have been no objections raised with respect to noise from the Councils Pollution Control Officer, and the floodlighting as shown on the submitted plans do not form part of this application. Details of lighting for the car park would be secured by condition, however this would be low level and designed to serve as a deterrent to crime.

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 weighting against relevant policies of the development plan and specifically:

- The proposed spectator stand and associated parking area would result in the loss of an area of tennis courts, however it would go towards improving an existing and established rugby club facility, therefore the proposed development would accord with Policies CS19 of the Peterborough Core Strategy DPD (2011), PP14 of the Peterborough Policies DPD (2012), LP23 of the emerging Peterborough Plan (2019) and Paragraph 97 of the NPPF (2019);
- The proposed spectator stand and associated parking area would not unacceptably harm the character or appearance of the area, or unknown buried archaeology, and would accord with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), PP2 and PP17 of the Peterborough Policies DPD (2012);
- The proposed spectator stand and associated parking area would not have an unacceptable harmful impact to neighbouring amenity and would accord with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012); and
- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).
- The proposed development would not result in a net loss to the biodiversity value of the site, or have an unacceptable adverse impact on the adjoining County Wildlife Site, a satisfactory surface water drainage scheme for the site would be achieved and satisfactory safeguarding measures would be put in place to deal with uncovering unsuspected contaminated land, as such the proposal would accord with Policies CS22 of the Peterborough Core Strategy DPD (2011), PP4 and PP20 of the Peterborough Policies DPD, Policies LP33 and 34 of the emerging Local Plan (2019) and Paragraph 179 of the NPPF (2019).

7 Recommendation

Subject to securing a satisfactory surface water drainage strategy the Director of Place and Economy 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 materials to be used in the construction of the external surfaces of the spectator stand hereby permitted shall match those indicated on the submitted application form and drawings.

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

- C 3 Prior to the first use of the spectator stand hereby approved the parking and turning areas as shown on Drawing AK0002-N (Proposed Site Layout Plan) shall be laid out and marked out in accordance with this plan, and shall thereafter be retained and maintained for the purposes of parking and turning in connection with the Rugby Club in perpetuity.

Reason: To ensure the development does not constitute a highway safety hazard, in accordance with Policy PP13 of the Peterborough Policies DPD (2012).

- C 4 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason: To ensure the development does not constitute a highway safety hazard, in accordance with Policy PP13 of the Peterborough Policies DPD (2012).

- C 5 Prior to the commencement of development a wheel cleaning system for construction vehicles (i.e. a portable wheel wash) including a contingency measure should this facility become in-operative shall be installed on site. The wheel cleansing equipment shall remain on site throughout construction and be capable of cleaning the wheels, underside and chassis of all construction vehicles that shall visit the site during the construction/demolition phase.

Reason: In the interest of highway safety, in accordance with Policy PP12 of the Peterborough Policies DPD (2012).

- C 6 Prior to the first use of the spectator stand hereby approved details of external lighting serving the car parking area as shown on Drawing AK0002-N (Proposed Site Layout Plan) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting scheme shall be implemented in accordance with the approved details, and retained and maintained as such in perpetuity.

Reason: In the interests of addressing vulnerability to crime and highway safety in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2, PP12 and PP13 of the Peterborough Policies DPD (2012).

- C 7 Prior to the first occupation of the spectator stand hereby approved the Foul Drainage scheme shall be strictly implemented in accordance with Drawing AK0002-N (Proposed Site Layout Plan), which states the proposed new foul drainage system shall utilise a 200mm diameter pipe at a depth of 1-1.5m below the existing footpath. This method of implementation shall not result in the loss of any vegetation within the County Wildlife Site.

In the event that it is not possible to implement the foul drainage scheme in accordance with these details a new foul drainage strategy and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority, and thereafter be implemented in accordance with the approved details, and retained and maintained as such in perpetuity.

Reason: In the interest of pollution prevention and in the interest of ensuring the adjacent woodland is not damaged by the installation of the new sewer pipe, in accordance with

Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2, PP16 and PP20 of the Peterborough Policies DPD (2012).

- C 8 Prior to the first use of the spectator stand hereby approved details of bird boxes (House Sparrow, Starling & Swift) and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the bird and bat boxes shall be implemented in accordance with the approved details and thereafter retained in perpetuity.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy PP16 of the Peterborough Policies DPD (2012).

- C 9 During construction works all construction trenches shall be covered overnight and a method of escape for mammals, specifically hedgehogs, shall be provided to each trench. With respect to any impenetrable barriers hereby approved adequately sized gaps shall be provided every 10 metres to enable the movements of hedgehogs.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy PP16 of the Peterborough Policies DPD (2012).

- C10 No external public address system shall be installed or operated without the written consent of the Local Planning Authority, unless used in the case of an emergency.

Reason: In order to control the impact on the amenity of nearby residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

- C11 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

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

- C12 In the event that any areas of hardstanding are required to be re-laid within 10 metres of the southern boundary an arboricultural protection scheme shall be submitted to and approved in writing by the Local Planning Authority before any works take place. The arboricultural protection scheme shall include a site meeting between the site agent/architect/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer which shall inform the submission of a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology.

The Method Statement/Tree Protection Plan shall identify (not necessarily exclusively) the following:

- o Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the site;
- o Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);
- o Details of facilitation pruning;
- o Location for access, material storage, site office, mixing of cement, welfare facilities etc.;
- o Specification of landscaping prescriptions (including fencing/walls and changes in

soil level) within the Root Protection Area of retained trees;

- o Details of signage to be erected within the tree protection areas

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

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition as these details need to be agreed before development commences on site.

- C13 The private boxes which form part of the Spectator Stand hereby approved, as shown on Drawing AK0101-P01 (Proposed Floor Plans), shall only be used in connection with the Rugby Club during club games, and shall not otherwise be made available to hire or let, unless otherwise agreed in writing through the submission of a planning application.

Reason: There has been no information supplied to use the spectator boxes other than on club match days, and in the interest of protecting neighbouring amenity in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

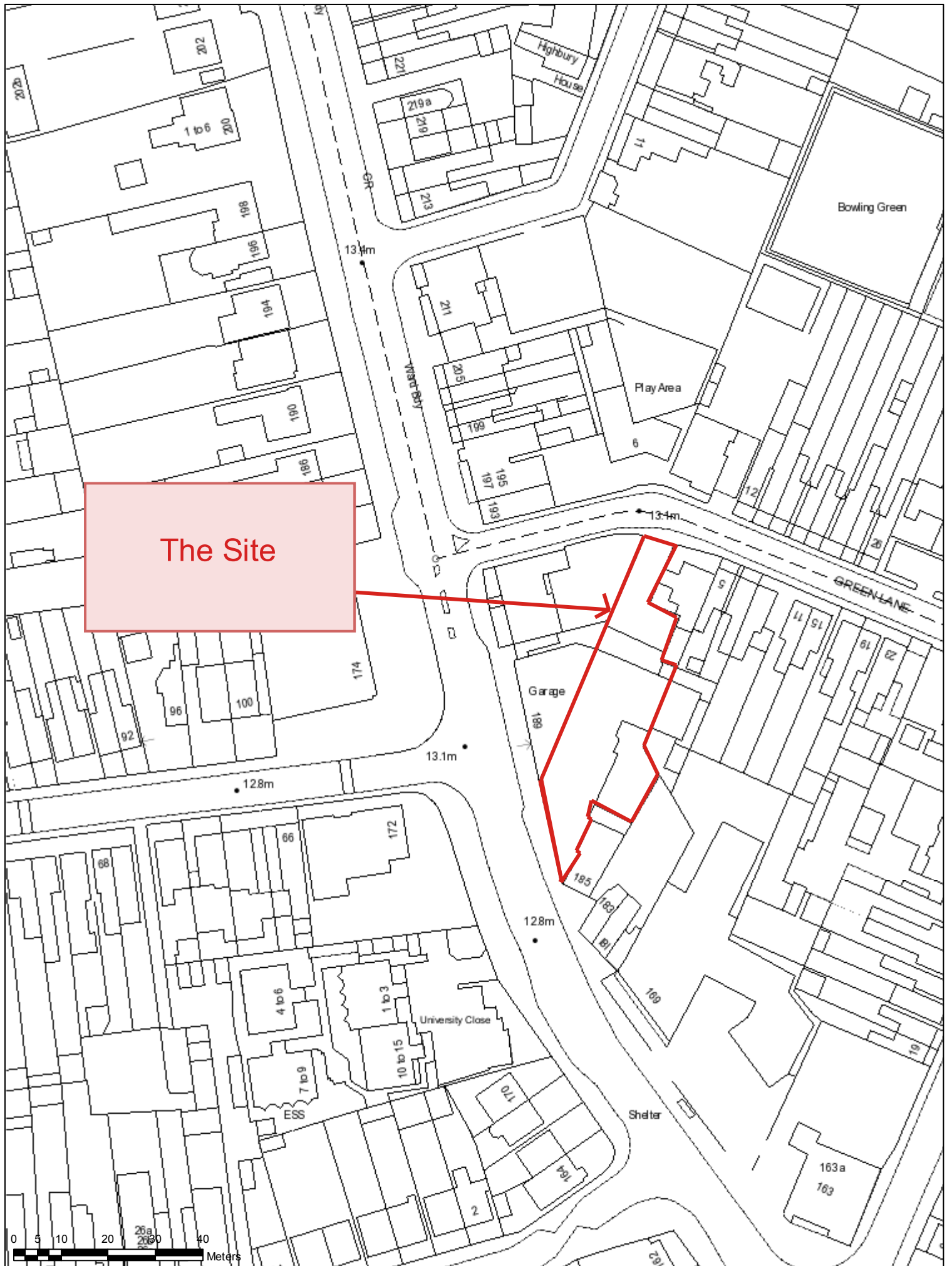
- C14 The development hereby permitted shall be carried out in accordance with the following approved plans:

- AL0102-B - Location Plan
- AK0102-P01 - Existing Floor Plan-Stand
- AK0101-P01 - Proposed GF and FF Plans
- SK0001-P01 - Existing and proposed visual
- AL0110-C - Existing Site Plan
- AK0002-N - Proposed Site Layout Plan
- AK0802-P01 - Existing Elevations
- AK0801-P01 - Proposed Elevations

For the avoidance of doubt the external floodlighting as shown on Drawing AK0002-N does not form part of this application.

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

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

Scale 1:1,000
 Print Date: 28/05/2019

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Item No. 3

Planning and EP Committee 11 June 2019

Application Ref: 18/02001/FUL

Proposal: Change of use of ground floor retail storage area and flat, and upper floor flat to mixed use MOT Centre and shop.

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

Agent: Mr N P Branston
Branston Assoc.

Referred by: Aasiyah Joseph
Reason: Deferred from April 2nd committee

Site visit: 02.01.2019

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

UPDATE

Application was deferred by committee on 02/04/2019 and the following information/alterations requested;

1 Revised red / blue line as necessary

A new red line has been produced using an updated and recent ordinance survey extract, with boundaries in their correct positions. The new red/blue line has been reconsulted on, the consultation period will expire 06/06/2018. Any outstanding consultation responses will be added to the update report. All consultees who previously responded have stated their previous comments still stand, these can be seen in the previous committee report reproduced here.

A single objection has been received on the revised consultation stating;

1.I am concerned about this application on two counts. Firstly, it can already be very difficult to park in our street and I am worried that the presence of an MOT centre would mean more traffic in the road and the possibility of customers waiting in parking bays in along the street, taking up valuable residents' parking spaces.

2.Noise. The MOT centre will be almost directly next to my garden and I am concerned that the noise levels will be disruptive in what has, up until now, been a peaceful area

2 Revised description as required

Description revised to; Change of use of ground floor retail storage area and flat, and upper floor flat to mixed use MOT Centre and shop.

3 Clarification of which other properties has a right of access/will have subsequently have the ability to use the access to the yard that you get to by driving

through the mot bay.

Only Boham's furniture has right of access over the rear yard. Nobody has the right to park other than the applicant.

4 Revised opening hours of MOT operation

The applicant has requested 09:00-18:00 Monday to Saturday. No Sunday or Bank Holiday working.

5 Applicant said that servicing would be done in ex Mr Clutch premises, this is not blue land, check the Mr Clutch premises for the permission.

This unit is a garage workshop. Mot repairs will be done in there, the building is in the Blue Land. The case officer cannot find any permission granting this use, the applicant states that this is a long standing arrangement and as such the use of this building may be immune from any potential enforcement action relating to use. A google Street view extract from 2012 confirms the use was as a Mr Clutch.

6 Is the shop and the mot place a single planning unit or two

It is considered that at present the site is two planning units, but if approved the shop and MOT place would become a single planning unit.

7 Survey the access width

The applicant has shown the access width to be 6.0 metres on the revised plans. This has been confirmed by the Case Officer.

Below is the report prepared for 02/04/2019 Committee – reproduced in full:

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

Reference	Proposal	Decision	Date
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 Place and Economy 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.

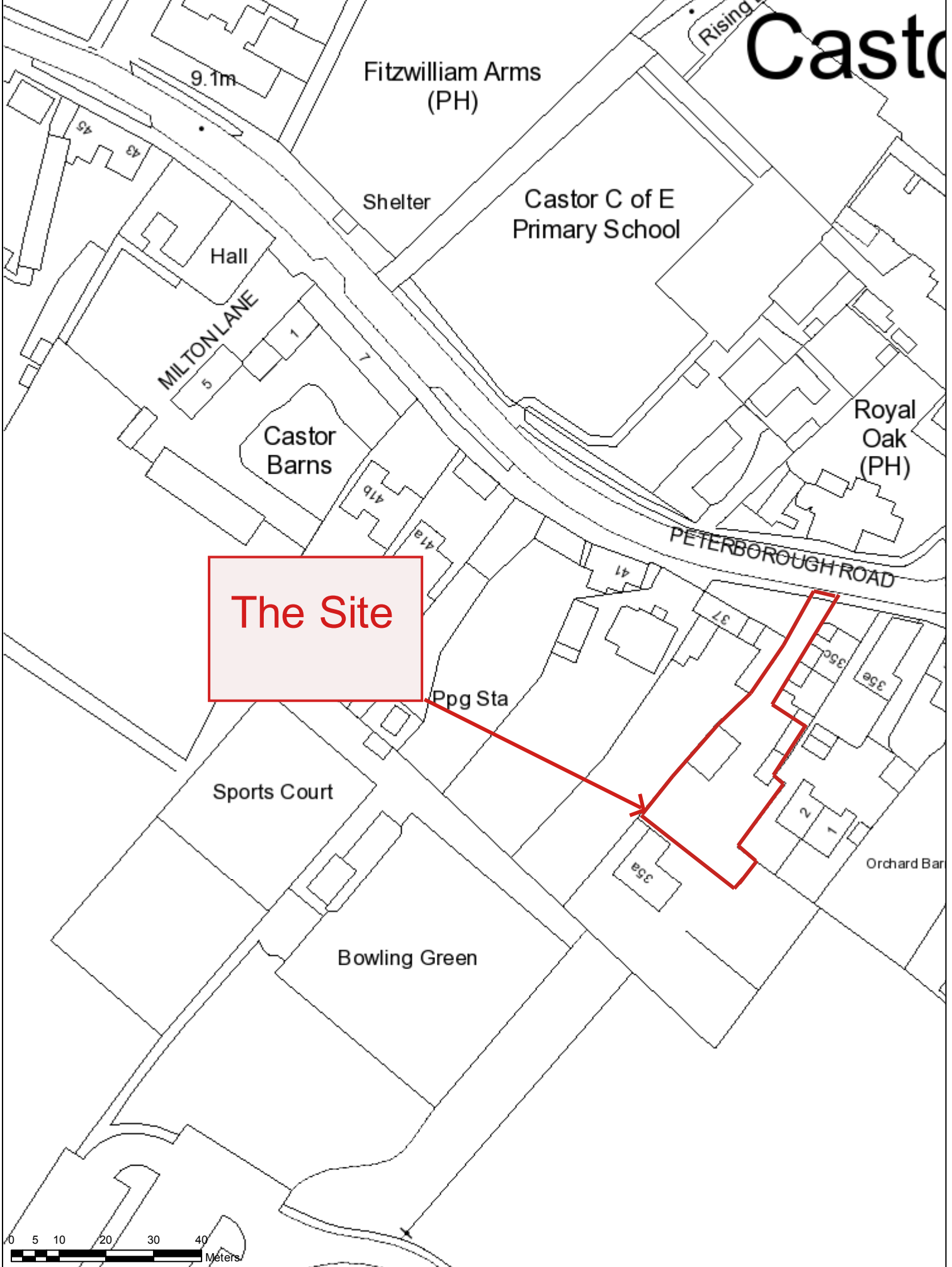
- C 2 The proposed development would not provide adequate facilities within the curtilage of the site for the parking of vehicles visiting the MOT bay. As a result, vehicles will park on site frontages, crossing and often partially obstructing the footways, to the detriment of the safety of pedestrians.

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.

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Planning Committee Location Plans 18/01875/FUL 35A Peterborough Road, Castor, Peterborough PE5 7AX



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Item No. 4

Planning and EP Committee

Application Ref: 18/01875/FUL

Proposal: Erection of a three bedroom, self build, detached dwelling and garage

Site: 35A Peterborough Road, Castor, Peterborough, PE5 7AX
Applicant: Mr & Mrs P BROWN

Agent: Mr John Dadge
Barker Storey Matthews

Site visit: 27.11.2018

Called In by: Castor Parish Council
Reason:

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 site is the side garden area of 35a Peterborough Road. This itself was backland development, constructed in the early 1980's. The site is accessed via Peterborough Road. The site is obscured from the public realm by a recent development of two semi detached properties in front of the application site. To the rear of the site lies the bowls green, which is part of Woodlands Sports Club.

N.B. Permission for the erection of two four bedroom dwellings was granted at appeal under application number 14/01397/FUL. This development has commenced but remains unbuilt.

Proposal

Permission is sought for the erection of a three bedroom dwelling

2 Planning History

Reference	Proposal	Decision	Date
14/01397/FUL	Erection of 2 x dwellings	Refused (Allowed at appeal)	30/09/2014

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

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.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP13 - Parking Standards

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

PP03 - Impacts of New Development

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

PP17 - Heritage Assets

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

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.

LP09 - Custom Build, Self-Build and Prestige Homes

a) Permission will not be granted for development involving the loss of prestigious, top-of-the market housing unless there is clear evidence of appropriate marketing or new prestigious homes would be created, the dwelling has been realistically marketed and does not contribute to the historic environment.

b) Proposals or residential development will be considered more favourably if they provide appropriate opportunities for custom build and self build.

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.

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.

Castor Neighbourhood Plan (2017-2036) (December 2017)

NHPCAS - Castor Neighbourhood Plan

Design and Development in selected villages SPD (2011)

7. Castor - Development proposals in Castor will be determined taking account of the following guiding principles: CAS1-CAS16.

Castor Conservation Area Appraisal and Management Plan (2008)

February 2008 - The City Council does not intend to prevent change or new development in the Conservation Area. The policies and proposals are intended to manage change and avoid harming the key elements which define the character and appearance of the Conservation Area.

4 Consultations/Representations

Initial Scheme

Conservation Officer

It is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17, Design and Development in Selected Villages SPD (Castor village specific) (2011) and the adopted Castor Conservation Area Appraisal (2008). and the application be refused.

Castor Parish Council (28.11.18)

Objection – Insufficient access and over development

PCC Peterborough Highways Services

Objection

Cambridgeshire Fire & Rescue Service

No comments received

PCC Pollution Team (12.02.19)

No objection subject to condition

Waste Management

No comments received

Archaeological Officer (26.11.18)

On the basis of the available evidence, I recommend that a programme of monitoring and/or evaluation by trial trenching targeted on the building footprints is secured by condition.

Revised Scheme**Archaeological Officer (05.03.19)**

On the basis of the available evidence, I recommend that a programme of monitoring and/or evaluation by trial trenching targeted on the building footprints is secured by condition.

PCC Conservation Officer (14.03.19)

It is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17, Design and Development in Selected Villages SPD (Castor village specific) (2011) and the adopted Castor Conservation Area Appraisal (2008). and the application be refused.

PCC Pollution Team (15.03.19)

No objection.

PCC Peterborough Highways Services (05.03.19)

Refusal - The proposed access to the site is inadequate and below the standard required by reason of inadequate vehicle-to-pedestrian visibility splays and insufficient width for 2 vehicles to pass. 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.

Cambridgeshire Fire & Rescue Service

No comments received

Castor Parish Council (15.03.19)

Parish council therefore no longer object to the development.

Waste Management

No comments received

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

A single objection has been received in relation to the proposal stating;

The location does not follow the line of the village boundary, thereby setting a standard that could considerably enlarge the village.

There is currently a drainage and sewage issue within the village and adding houses will increase

the problem. We would like to point out that there is a culvert running roughly in line with the side fence of our property and across the land of 35A into a ditch at the rear, this is piped and takes water from the hill and storm water from the road, but this is not shown on the plans. There has certainly been problems with the new houses in Port Lane with sewage coming up through the toilet pipes. This will also impact the problem of decreased water pressure in the area.

There are concerns about the extra traffic and exit onto the main road, especially with proximity to the school.

The width of the drive does not allow for two cars to pass on the drive therefore if a car is exiting and meets a car awaiting to turn into the drive, it leaves the main highway blocked whilst the car reverses back down the drive, or the car on the highway has to reverse to allow the other car out. This is dangerous and causes traffic build up and confusion made worse as the road is particularly busy at school times.

I have been in contact with PCC in highway services recently regarding the parking safety issues during school hours and any additional traffic around the school should be carefully avoided.

There is height, proximity and privacy issues in having a property built directly behind our property

The aesthetics and noise implications of overlooking the proposed properties

The boundaries shown on the site plan do not appear to match the land registry records of the plot.

We believe that there is a covenant on the garden land behind our house that suggests the land should only be used as a garden.

5 Assessment of the planning issues

The main considerations are;

- The principle of development
- The impact of the proposal on the character of the Castor Conservation Area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The impact of the proposal on highway safety
- Amenity provision in the new development

The principle of development

The site is located within the village envelope on previously developed land, however for the reasons set out below it is considered that the principle of development is not sound.

The impact of the proposal on the character of the Castor Conservation Area

The proposed dwelling will be out of context and character with the former outbuildings/barns now converted into a low run of cottages, which take the form of single storey dwellings with attics. The general expectation is that size and grandeur of buildings decreases the further you travel into historic plots. The proposed dwelling is oversized and overly grand for its setting and position within the site. The proposal is two storey with a marginally subservient 1¾ storey side element, a building of this scale should be the principle building on a site, not located halfway along a drive, facing and close to a side boundary.

The proposal appears as a significant overdevelopment of the plot, with approximately 50% of the total site area being developed. This is a significantly greater degree of development as compared to the vast majority of dwellings within the Conservation Area.

Good design is particularly important as the proposed building will be visible in views from Peterborough Road and within the setting of 23 Peterborough Road (GII listed). Any building in this linear development along the track should take on a more agricultural appearance and be no taller

than 1.5 storey, so as not to dominate its surroundings and narrow track.

The amenity space, at approximately 75sqm is considered to be undersized compared to the majority of dwelling within the conservation area. The location of the amenity space, its layout and the position of the dwelling within its curtilage are both considered to be contrived and result in unacceptable overdevelopment of the plot. The majority of the dwelling is directly abuts the rear boundary in order to provide sufficient space to the front of the dwelling and this result in an inability to have normal fenestration to the rear.

Although the dwellings approved at appeal under application 14/01397/FUL are relatively large, they are not visible from the public realm and as such their large size should not be used as justification for the scale of dwelling proposed here. Likewise whilst 35A is a large dwelling, it is set back a significant distance from the small cottages at the front of the site and is not immediately apparent when passing. Given the proposed dwellings proximity to the cottages it is considered that any proposal must be compatible with these more prominent buildings.

In light of the significant harm caused by the incongruous, contrived nature of the size and design of the proposed dwelling it is considered that the proposal would result in unacceptable harm to the character of the Castor Conservation Area.

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

The proposal will result in development within 10 metres of the side boundary shared with number 37 Peterborough Road. It is considered that the proposed dwelling would permit unacceptable overlooking of the private amenity space of 37 Peterborough Road. Whilst it is noted that 35A permits views into the neighbours amenity space, this dwelling is located significantly further from the neighbouring dwelling and as such the impact is limited.

Whilst there are no windows overlooking or material overshadowing of the neighbouring dwelling to the south east it is nonetheless considered that such a large structure, directly adjacent to the boundary is unacceptably overbearing to the occupiers of the neighbouring dwellings.

There is a north east facing window overlooking the amenity space of 35e Peterborough Road. If the application were to be approved, this window would need to be obscurely glazed and fixed shut. However as the bedroom in question is dual aspect, this could be done without unacceptable harm to the amenity of future occupiers of the dwelling.

The impact of the proposal on highway safety

This proposal shall increase the number of dwellings sharing the access to 5 in total (subject to construction of previously approved dwellings). The dimensions of the access remain the same - 4.7m in width narrowing down to 3.8m at a distance of approximately 6m into the site. A shared driveway for motorists and pedestrians should measure at least 5.5m in width for the first 10m of the driveway to allow vehicles and pedestrians to safely access and egress the site.

The insufficient width of the access will not permit 2 vehicles to pass safely in and out of the site. This shall result in vehicles wanting to access the site waiting on the adjoining carriageway whilst another vehicle exits the site which is not acceptable. As Peterborough Road is quite busy in terms of vehicle movements this could create vehicle to vehicle conflict on the adjacent carriageway and vehicle to pedestrian conflict on the footway which is not acceptable.

As the access shall become intensified adequate vehicle to pedestrian visibility should also be provided. Due to the existing boundary wall the required vehicle to pedestrian visibility splay of 2m x 2m cannot be provided to the east of the access. Pedestrian splays should be located on both sides of a shared access measured and located from and along the back edge of the adjacent public highway.

Parking space number 1 is located behind a 1.5 metre wall and has no visibility of cars entering the

site from Peterborough Road, this is considered to be unsafe and further exacerbates the issue of the substandard access width and lack of visibility splays.

Amenity provision in the new development

The dwelling itself is large and although somewhat contrived in terms of design, nonetheless has a good level of fenestration through the use of roof lights and is likely to be well illuminated by natural light.

Other matters

The Authorities Monitoring Report 2018 highlights a small shortfall in the number of self build plots required, with three permissions required and only one granted. However the shortfall is considered to be minor and the requirement of the council to provide self build plots does not outweigh the harm caused to the character of the Castor Conservation Area, neighbour amenity and highway safety.

6 Conclusions

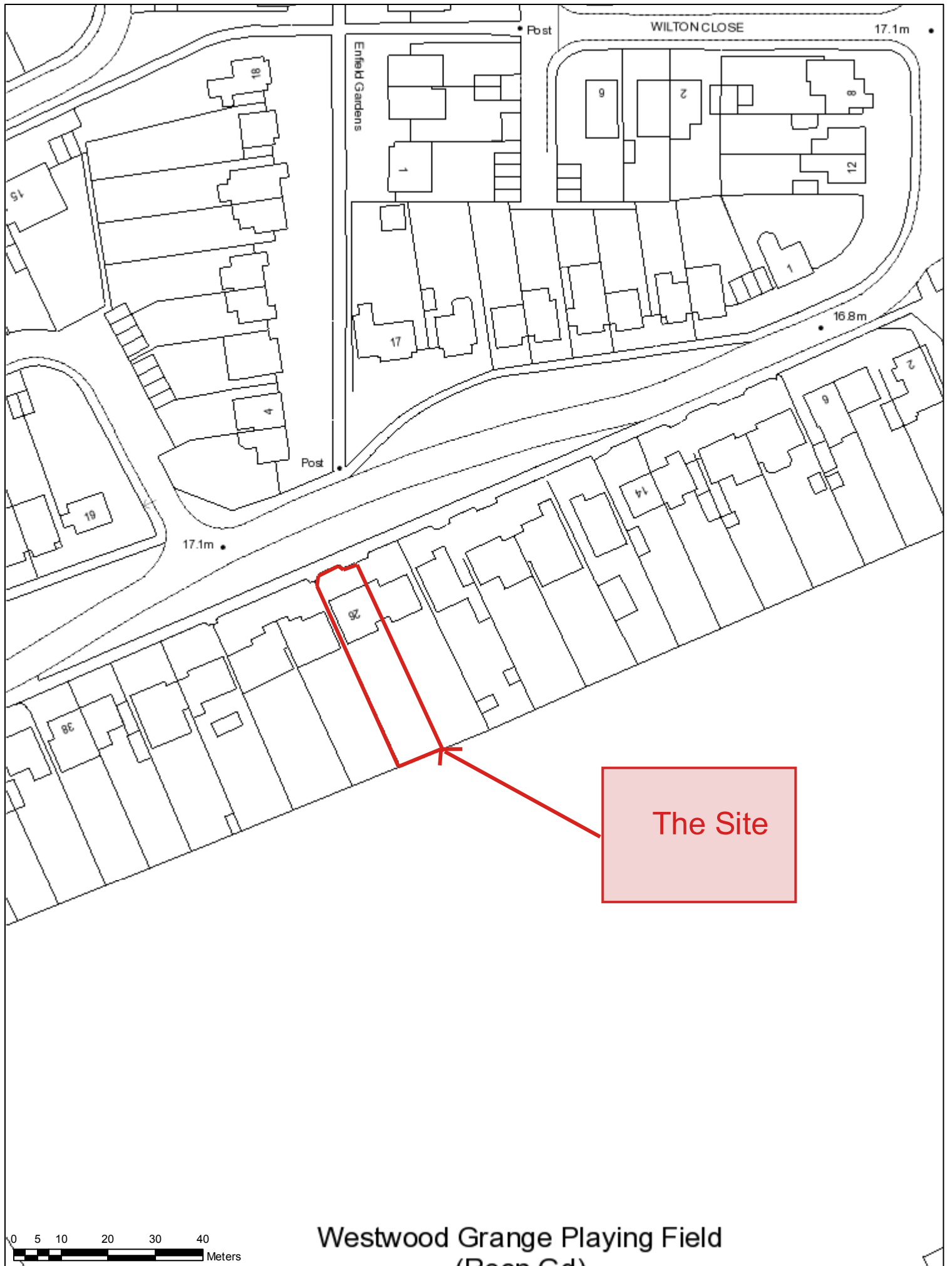
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that Planning Permission is **REFUSED**

- R 1 The proposal by way of its size, design and location is incongruous and out of place, contrived to fit the plot, the dwelling is overly tall and high status, to the detriment of the character of the Castor Conservation Area. This is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17 and policy LP17 of the Peterborough Local Plan (submission) 2018.
- R 2 By way of its position and proximity to boundaries, the proposed dwelling would be overbearing to the occupiers of numbers 35a and 35b Peterborough Road and would permit unacceptable overlooking of the amenity space of 37 Peterborough Road to the detriment of their amenity. This is contrary to policy PP3 of the Peterborough Planning Policies (DPD) 2011, policy CS16 of the Peterborough Core Strategy (DPD) 2012 and policy LP17 of the Peterborough Local Plan (Submission) 2018.
- R 3 The proposed access to the site is inadequate and below the standard required by reason of inadequate vehicle-to-pedestrian visibility splays and insufficient width for 2 vehicles to pass. 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. Parking space 1 suffers from a lack of visibility and vehicles leaving this space will not be able to see oncoming vehicles travelling along the access, to the unacceptable detriment of the safety of vehicles and pedestrians using the access. This is contrary to Policy PP12 of the Adopted Planning Policy DPD: 2012

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Planning Committee Location Plan- 19/00408/HHFUL 26 Ledbury Road Netherton PE3 9RH

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Item No. 5

Planning and EP Committee 11 June 2019

Application Ref:	19/00408/HHFUL
Proposal:	Two storey rear and single storey side and rear extensions and granny annexe to the rear
Site:	26 Ledbury Road, Netherton, Peterborough, PE3 9RH
Applicant:	Mr N Younas
Agent:	Mr Iqbal
Referred by	Councillor Mohammed Nadeem
Reason for referral:	The scheme is considered to be acceptable and there are other examples of two storey extensions in the area for which planning permission has been granted.
Site visit:	18.03.2019
Case officer:	Mr Chris Mohtram
Telephone No.	01733 4501733 453410
E-Mail:	chris.mohtram@peterborough.gov.uk
Recommendation:	REFUSE

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

Site and surroundings

The application site consists of a semi-detached property, forming a pair with number 24 to the east, connected through their garages at ground floor. The side elevation at first floor protrudes at the rear, creating a staggered appearance to the street. The rear garden is modest in size, with a number of mature trees towards the bottom of the garden, with the rear boundary established through by close boarded fencing.

The wider area is wholly residential characterised by semi-detached and detached properties generally set back from the highway with substantial grass verges in front. The majority of properties have off street parking provision to the front and side with front boundaries being identified with low brick walls, hedgerows or are open.

Westwood Recreation Ground sits to the rear of the property and shares the rear boundary with the application site.

The Proposal

Planning permission is being sought for the construction of a single storey side, two and single storey rear extensions, and a detached residential annexe building within the rear garden. The originally proposed development under this planning application included a two storey side extension, however following receipt of amended plans, the first floor element of the side extension has now been deleted.

The construction of the proposed single storey side extension would result in the demolition and re-building of the existing attached garage building and outside store. This new extension would also extend further rearwards than the existing building with an overall depth of 9m and would contain a play room and bathroom.

The two storey rear extension will provide a utility room and a shared extended kitchen/dining area at ground floor which will be served by a large roof light. The proposed first floor accommodation would reconfigure the existing layout to provide larger bedrooms, shower room and a store room. The single storey element of the rear extension is flat roofed and measures 8m in depth, 7.4m in width and 3.4m high. The two storey element has a dual pitch with hipped roofs being 6.4m height to the ridge, 4m in depth and 7.4m in width.

A residential annex is also proposed at the bottom of the garden close to the rear boundary. The annex has a pitched roof, with the ridge lying perpendicular to the rear boundary, with gables to either side. The annex measures 7.7m wide, 6m deep and 4.5m to the ridge. The annex will provide lounge/bedroom accommodation with a wet room.

2 Planning History

Reference	Proposal	Decision	Date
P0350/89	Single storey extension to front	Permitted	08/05/1989

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.

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 has found the Local Plan 'sound' (subject to

certain modifications) and, in effect, has given permission to the Council to adopt it provided recommended modifications are incorporated into the final adopted version. The draft Local Plan will be presented to a meeting of the full Council on 24 July 2019, when the Council will decide whether or not to adopt the Local Plan

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.

LP34 - Residential Annexes

Permission for the creation of a residential annex will only be granted if the annex remains in the same ownership as the original dwelling, would not result in the creation of a new or separate dwelling, is ancillary in size and scale, of an appropriate design, has a clear functional relationship to the main house including services/ utilities and does not result in other harm. Detached annexes will only be permitted where it can be demonstrated that the accommodation cannot reasonably be provided through extension of the existing dwelling.

4 Consultations/Representations

Local Residents/Interested Parties

1 representation has been received, they comment:

- That the side extension is too close to their bathroom window

5 Assessment of the planning issues

The main considerations are:

- Design and impact to the character and appearance of the site and the surrounding area
- Neighbour amenity
- Parking

a) Design and impact to the character and appearance of the site and the surrounding area

In line with Policy CS16 of the Core Strategy and Policy it is important that any new extensions to a property, are of an appropriate scale, and design to be in visually in keeping and subservient to the property it adjoins. Similarly any new residential annexes must be ancillary and subordinate in size and scale to the original dwelling, with a clear functional relationship with the original house.

Officers were concerned that the original size and scale of the extensions proposed together with the annexe outbuilding would overdevelop the plot and fail to be in keeping with the scale and proportions of the existing dwelling and plot, and would be harmful to amenity of neighbouring properties. Officers therefore requested the removal of the first floor side extension element of the proposal, a reduction in the depth of the rear extensions, both at ground floor and first floor and a reduction in the footprint of the residential annexe.

Amended plans have been submitted that removes the first floor element of the side extensions and propose only a single storey side extension. This is considered to be acceptable and has overcome Officers concerns in this regard.

Officers requested also that the ground floor and two storey elements of the rear extension be reduced in depth to 5m and 2.5m in depth respectively. It was considered that the proposed rear extensions at 8m at ground floor and 4m at first floor would be excessively deep in relation to the main house, especially when combined with the height of the proposed roofs. Due to the excessive size, the proposed extension, if approved, would appear visually harmful to the character and appearance of the host dwelling and would be out of character with the wider area, appearing as an incongruous feature when seen against the host dwelling. However the applicant was unwilling to alter their proposal so the extension remains proposed at 8m and 4m in length. Therefore Officers are of the view that the two and single storey rear extensions due to the resulting visual harm to the host property and the character and appearance of the area and in respect of the impact of the extension on neighbouring residential amenity would be unacceptable.

Planning permission is also being sought for a detached outbuilding at the bottom of the rear garden to provide a residential annexe, containing a bedroom and lounge area and a wet room area. The building was originally proposed to measure 8m x 7m (56sqm). Officers considered that the size and scale of the annexe was too large and was not ancillary or subordinate to the main house and therefore could not reasonable be considered ancillary annex accommodation.

Officers requested that the residential annexe be reduced to 6m x 5m (30sqm); however, the amended plans received reduces the annexe to only 7.5m x 6m (45sqm) The annexe would occupy an area of 45sqm within the rear garden which is considered substantial in addition to the main dwellinghouse, and its proposed extensions. The host dwellinghouse and the annexe would be separated by 12m from the closest part of the proposed extension. The scale of the annexe would be overly large in relation to the main house and a large detached building at the bottom of the garden which would be out of keeping with the character of the surrounding area. Providing such a large separate unit of accommodation within the modest rear garden would be both out of keeping with the plot, host dwelling and the character of the surrounding area. This would be contrary to Policy LP34 of the new local plan. In addition insufficient justification has been provided by the applicant as to why such a large annexe building is required.

In light of the above, given the size, scale, prominence, massing of the proposals and their unacceptable impact to the character and appearance of the site and the surrounding area, Officers do not consider the proposals to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 of the Peterborough Planning Policies DPD (2012)

and Policies LP16 and LP34 of the New Local Plan.

b) Neighbour amenity

The application site shares boundaries with No. 24 Ledbury Road t and 28 Ledbury Road. To the rear of the site lies Westward Recreation Ground which is a large open space

i) No. 24 Ledbury Road

This property is the adjoining semi-detached neighbour. As the single storey side extension is limited to a size that mimics the existing garage, with only a small increase to the depth of the outside store at the rear, this element is not considered to impact on the amenity of the neighbouring property. As such, the main considerations are the potential impacts from the proposed two storey extension at the rear. The ground floor element of the extension would extend approximately 8 metres along the boundary to this dwelling with the two storey extension extending by 4m, with an overall height of 6.4m. There is a separation distance of 1.4m from the shared boundary. Despite this separation, it is considered that the proposed scale and massing of the extension would have an overbearing and dominant impact on this neighbouring property. Also, the extension would have an overshadowing impact on the adjoining property and its garden particularly in the afternoon/evening as it lies to the South-West. Accordingly, it is considered that a significant harm would be caused due to the excessive scale of the proposal.

One roof light is proposed within the development, but it is not considered that this would unacceptably impact upon this neighbour's level of privacy.

An objection has been received noting the proximity of the extensions, particularly in respect to the impact of the two storey extension to a flank bathroom window. As the first floor side extension has now been removed from the application, it is considered that any impact that this extension would have now been negated, although the first floor element of the rear extension would remain to have an impact on the amount of light that the window on the side elevation would be afforded, although its position facing the host dwelling already limits the amount of natural light. Accordingly, in this instance, the level of impact would not be of such an unacceptable level, bearing in mind that it is a bathroom window, to warrant refusal of permission.

ii) No. 28 Ledbury Road

No. 28 Ledbury Road is the neighbouring property to the west. In this regard, the impact of the proposed development at the property would be limited to that created by the proposed two storey side extension would be off-set from the shared boundary by approximately 0.8 meters and to the dwelling itself by approximately 1.5metres. Even with this separation distance, the two storey extension would have a demonstrable impact on the amenity of this property through its significant mass and scale. The substantial depth of the proposed extension, combined with the height of 6.4m close to the boundary would cause harm through being over-dominant and overbearing on the rear windows and rear garden of the property.

Furthermore, as this dwelling sits on the western side of the application site there would be a significant detrimental impact on the amount of natural light afforded by the rear windows and the rear garden in the morning. Furthermore the centre of the bedroom window at first floor closest to the two proposed two storey element sits within the 45 degrees of the side wall of the first floor element, which would mean that the extension would severely impact natural light entering the room leading to significant overshadowing and loss of amenity.

Accordingly, it is considered that the proposal, by virtue of the mass and scale of the rear extension would unacceptably impact upon the light entering this bedroom as well as to a significant proportion of the rear garden space due to the excessive depth and height of the proposed two and single storey rear extensions.

Residential Annexe

In terms of the annexe building, this sits in the south east of the garden, adjacent the rear boundary. Its scale including its footprint and height will create some overbearing impact on the rear garden of no.24, of which it sits 0.5m from the shared boundary. There are a number of trees in the rear gardens of 24 and 26, which already would present on amount of over shadowing that limit the impact that the annexe would have on natural light to the garden.

The impact on the garden of no.28 would initially be considered to be negated slightly due to the increase separation distance of 1.4m. However as this property is to the west due to the angle of the sun rising and setting there would be some overshadowing and loss of light to part of their rear garden, especially considering the annexes' 4.5m height towering over the 1.8m boundary fence and combined with its 45sqm floor area.

The annex would be set at the rear of the garden, around 20m from the rear of the existing dwellinghouse. The oblique angle of view between the rear windows of 24 and 28 Ledbury Road and the front windows of the annexe at a distance of more than 20m whilst having a potential impact on privacy, this is not considered to be to such a level that it would warrant a refusal of planning permission.

Given the unacceptable impact that the proposed development would have on the amenities of the occupiers of 24 and 28 Ledbury Road, the proposal is considered to be unacceptable and contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies (2012) and Policy LP17 of the Peterborough Local Plan (Submission Stage) (2018).

Parking

The existing 3 bedroom property currently has the ability to park two cars on its site frontage. After the construction of the proposed extensions there would still remain the ability to park two cars on the site frontage. Therefore the car parking provision on site would still be maintained in line with Policy PP13 of the Peterborough Planning Policies (DPD) 2011. In light of this, the proposed development is considered to be in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Examination Stage) (2018).

6 Conclusions

The proposal is unacceptable having being 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 Place and Economy recommends that Planning Permission is **REFUSED**

- R 1 The proposed rear extension and residential annexe building would fail to respect the size, scale, and proportions of the host dwelling and plot, to the resulting detriment of the visual character and appearance of the site and surrounding area. The proposal would therefore be contrary to policy CS16 of the Peterborough Core Strategy (2011), policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the Proposed (submission) Local Plan (2018).
- R 2 The proposed two storey rear extension would, by way of its depth, height, scale and close relationship to 24 Ledbury Road significantly restrict the outlook from the rear facing first floor bedroom window whilst having a detrimentally adverse overbearing impact on the rear

of that dwelling. Also, the relationship that the proposal would have with 28 Ledbury Road to the West would have be harmful on the amenity through the significant loss of natural light afforded by the closest first floor bedroom window. Impact on both adjoining properties is further compounded with the significant length and height of the single storey element of the extension along the shared boundaries. The proposed developments are therefore contrary to policy CS16 of the Peterborough Core Strategy, policies PP02 and PP03 of the Peterborough Planning Policies DPD and Policies LP16 and LP17 of the Proposed (submission) Local Plan (2018).

- R 3 The proposed detached outbuilding at the bottom of the rear garden to provide annexe accommodation for the main house No.26 Ledbury Road would by virtue of its location, design, size and scale, be capable of providing self-contained residential accommodation and is therefore tantamount to creation of a separate independent dwelling. Accordingly, the proposal is considered to be contrary to policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP34 of the Proposed (submission) Local Plan (2018).

Cc: Cllrs

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