



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 23 JULY 2019

1.30 PM

Bourges/Viersen Rooms - Town Hall

### AGENDA

Page No

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

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

3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting Held on:**
  - 4.1 **11 June 2019** 5 - 22
  - 4.2 **2 July 2019** 23 - 30
5. **Development Control and Enforcement Matters**
  - 5.1 **19/00854/FUL - Oak Barn French Drove Thorney Peterborough** 31 - 44
  - 5.2 **19/00830/FUL - 62 Cromwell Road Millfield Peterborough PE1 2EG** 45 - 54



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| 5.3 | <b>19/00833/ADV - 62 Cromwell Road Millfield Peterborough PE1<br/>2EG</b>    | <b>55 - 62</b> |
| 5.4 | <b>19/00738/HHFUL - 16 Engine Orton Longueville Peterborough<br/>PE2 7QA</b> | <b>63 - 70</b> |

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

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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, E Murphy, Yurgutene and Simons

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

**CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, 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.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION  
COMMITTEE MEETING  
HELD AT 1:30PM, ON  
TUESDAY, 11 JUNE 2019  
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** Councillors (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Jones, Hiller, Hussain, Simons, Hogg, Bond and Warren

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

**Others Present:**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Rush, Councillor Simons was in attendance as substitute.

**2. DECLARATIONS OF INTEREST**

Councillor Amjad Iqbal declared a non pecuniary interest in item 19/00408/HHFUL 26 Ledbury Road, Netherton, Peterborough, PE3 9RH and that he knew the family but had not been involved in any of the matters and would be impartial during the discussions.

Councillor Hussian declared a non pecuniary interest in item 5.1 19/00408/HHFUL 26 Ledbury Road, Netherton, Peterborough, PE3 9RH and that he knew the family but had not been involved in any of the matters and would be impartial during the discussions.

Councillor Brown declared a non pecuniary interest in item 19/00168/FUL - The Fenman Whittlesey Road Stanground Peterborough that he was a resident of 7 Upton Close, which was located 15 houses in distance from The Fenman.

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

Councillor Harper declared his intention to speak as Ward Councillor in relation to agenda item 5.1 19/00408/HHFUL 26 Ledbury Road, Netherton, Peterborough, PE3 9RH.

Councillor Warren declared his intention to speak as Ward Councillor in relation to agenda item 5.2 18/01307/FUL - Club House Bretton Park Flaxland Bretton.

**4. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 2 April 2019**

The minutes of the meeting held on 2 April 2019 were agreed as a true and accurate record.

1.34pm - At this point Councillor Harper stood down to speak as Ward Councillor on 5.1 19/00408/HHFUL 26 Ledbury Road, Netherton, Peterborough, PE3 9RH.

Councillor Casey assumed the Chairman position.

## **5. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS**

### **5.1 19/00168/FUL - The Fenman Whittlesey Road Stanground Peterborough**

The Committee received a report in relation to a planning application where permission was sought for the demolition of existing public house and erection of new children's nursery (D1 use) with associated car parking and landscaping (resubmission).

The Head of Planning introduced the item and highlighted key information from the report and the updated report and explained the proposal was to demolish the existing building and erect a children's day nursery in its place. There was a revised plan to relocate two parking spaces on the recommendation of the Tree Officer. The update report included site and road traffic photos. Petitions and letters of support had been received together with a considerable number of objections. Further representations had been received too late to include in committee papers but were included in the update report, from Councillors Harper, Bisby and Rush, the agent and a supporter of the scheme. In addition a late representation had been received which stated that the location was unsuitable and that there had been a collaboration between the Cardea Development and the Peterborough City Council Officers and Councillors which appeared to distort the issue of nursery provision.

Ward Councillor Harper addressed the Committee in his capacity as Ward Councillor for Stanground South and responded to questions from Members. In summary the key points highlighted included:

- The objection was about the impact to neighbouring residents due to noise, increased exhaust gases and additional traffic on an already busy junction.
- The need for additional nursery places had been established in the area however this had not allowed for the siting of the facility in an unsuitable area.
- A 600 strong petition had been submitted in favour of the development however this should be considered in context with the petition against the development.
- A map had been submitted and circulated to the Committee which illustrated the number of objections and supporters marked out in red and yellow. No residents had signed the petition in favour of proceeding with the development, that lived within a reasonable distance from the site.
- A residents meeting had been held to discuss the initial nursery plans, which was attended by 50 local residents who were against the proposal.
- There was a need for a new doctors and dental surgery in the area however the need had not justified the use of the proposed location.
- The application was contrary to planning policy due to an unacceptable increase in noise within a quiet residential area, which accommodate a large number of retired residents.

- Serious mental and physical health effects would be inflicted upon nearby residents due to a potential increase in noise, air pollution from exhaust gas and parking difficulties.
- It was unlikely that the building would re-open as a public house as it had failed to thrive over the last few years despite the attempts of several landlords and there being a large restaurant nearby.
- The application prior to the proposed development had been for a housing scheme which had received very little local objection.
- The noise disturbance generated by a public house was not comparable to that of the proposed nursery facility and the high intensity of the noise and pollution caused from the additional vehicles visiting the area would have a huge impact on local residents.
- There were existing traffic issues on Whittlesey Road with cars queuing. A yellow box had been installed recently near the traffic light junction to manage traffic issues.
- Vehicle congestion would also increase on Whittlesey Road at peak times especially when the North Bank is closed due to flooding.
- There had been the suggestion of a parking plan to limit the number of vehicles arriving at any one time and the numbers using the car park, however it was felt that such a planning condition would be unworkable and could not be effectively policed, resulting in obstructive parking in surrounding grounds and obstruction to verges, footpaths and driveways.
- The application was out of line with Peterborough City Council's aspirations to become the Environmental Capital particularly as it had not appeared to encourage the use of public transport.
- The application was contrary to Planning Policy (PP3) as it would result in unacceptable noise or disturbance for occupiers or users of nearby property or land.
- The proposal also failed PP3 which advised against granting planning permission if there would be an increased odour or pollution.
- The application was contrary to Planning Policy Core Strategy 14 (CS14) which encouraged the reduction in travel by private car.
- The application was contrary to Planning Policy Core Strategy 16 (CS16) which stated that new developments should not result in unacceptable impact on nearby amenities and properties.
- Whilst a need for additional nursery places has been established the facility would be better located in the Cardea area.
- The vehicle activity profile would change if 70 additional vehicles were visiting the site as a nursery during drop off and pick up times when compared with the traffic visiting a pub, where many people would not drive.
- The timing of vehicle visits for the proposed use would coincide with busier times of commuter traffic as the proposed opening times for the nursery would be 7am - 6pm.
- Support should be directed to a more suitable development.

Chris Goodwin, Objector addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- It was felt the proposed development was in the wrong location.
- There would be an increase in noise from both traffic and children which would not be mitigated by the erection of a fence.
- Traffic issues such as speeding, ignoring red lights and crossing lights, poor parking and traffic congestion were already problems in the nearby vicinity.
- Over seventy cars would be competing for sixty parking spaces, which would include staff parking.
- The developers had suggested vehicles could arrive and depart within a two hour window however, the timeframe was likely to be less.
- Parents coming in late were likely to obstruct driveways and traffic on Coneygree Road.
- Parents may have to cross a busy road and negotiate dangerous conditions with children if they cannot get parked.
- The proposed siting of the play area alongside the filling station may not meet the minimum requirements for a nursery as it was next to a busy junction with waiting traffic, giving rise to health issues. Recent health organisation and press reports had stated that 64,000 deaths were due to car pollution and that children were at risk of growing up underdeveloped lungs.
- The petition had been signed by 46 local households, whereas the petition in favour of the nursery had 600 signatures however these were not all local residents.
- If the nursery was located elsewhere the pollution and traffic concerns may be alleviated if the site was in a more open area.
- The congestion on The Fenman junction would only worsen.

Mr Slipper, the Applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Council's own analysis was that the population was growing fast in the area and the zero to four age group was expected to rise by 2,000 children by 2021. Demand amongst existing parents was increasing whilst there had been no substantial increase in child care provision in the area.
- Parents from this area were having to drive to other areas of the city for nursery care.
- Small nurseries were closing and this had a detrimental effect on the supply of available places.
- The Fletton Avenue facility had been established over 20 years and had been commended by Ofsted.
- The demand for places in Stanground and Cardea provided the commercial incentive to open a new nursery in the area.
- The site was well located for Park Farm and Cardea based families as it was enroute to workplaces and therefore the impact on traffic would be minimal.
- The size of the site was dictated by the Council's car parking requirements.
- There were no other sites large enough to accommodate a nursery in the area and childcare crises would get worse.
- The proposal had been completely redesigned following close working with the planning department to reflect concerns of the local residents.



- Anyone could open a pub or restaurant on the site with the same social negative and traffic concerns that have been raised in objections to the application.
- Over 600 parents had signed the petition from surrounding areas to support the development.
- The size of the proposed car park had been increased in conjunction with the Highways Department and there were no anticipated problems with car parking.
- The management of pollution impact on children's health was a priority to the staff and would monitor ultraviolet levels when children were playing.
- There were a large number of schools and nurseries in the city located on busy roads and such monitoring took place in these locations.
- The Highways Department had evaluated the application and had reported there would not be a significant traffic impact.
- The biggest concern for parents was convenience of a nursery placement.
- Nurseries located in a village was different to those sited in a town.
- As the site was located next to a filling station a ground investigation had been carried out which found no contamination from fuel on that site.
- The Environmental officer had not noted any level of pollution beyond what would be anticipated on a similar site with a petrol station and traffic.
- A Member commented that a study by the University of Madrid regarding buildings near petrol stations had reported that fuel emissions could have a detrimental effect on health within a 100 metre radius. The playground was directly opposite the filling station entrance. During the Summer when evaporation rates were higher, any wind would divert fumes towards the site and the effects would not manifest themselves until a considerable time later.
- House to house enquiries had been conducted by the applicant and this was reflected by the signatures supporting the application.
- A noise survey had not appeared to have been carried out.
- There were two sources of noise impact for the proposed nursery and the Applicant had worked with the relevant planning officers to redesign the application in order to mitigate these.
- It was felt by the applicant that noise from children would be negligible and the noise disturbance from traffic would be at peak times and would already be apparent. This was also reflected within the officer's report.
- The car park movements would start at the beginning and end of each day which would be for a limited amount of time.
- The proposed nursery would not be open at weekends.

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

- The development had been assessed by the Environment Health team in terms of noise mitigation, however no concerns had been raised by officers about air pollution. Members were also advised that it was not absolutely certain whether officers had considered the air pollution impact.

- Members were advised that installation of a yellow road junction box could be considered for the Coneygree Road entrance and exit of the proposed nursery car park.
- It was confirmed that the operation of a nursery would not be the same as school times and officers were not concerned about the children arriving at the same time. In addition, Members were advised that the applicant had provided traffic numbers for similar sites in operation and the major impact would be in the evening. This was beyond the peak hours and was anticipated to be of low impact to residents.
- The car park entrance on the site was wide enough for vehicles to manoeuvre. It was anticipated that there could be some queuing to access the site, however if this became an issue on Coneygree Road, the Highways team would assess at a later date.
- Car movements for the petrol station was in the region of 400 per day, however this was not part of the application.
- Some Members were concerned about the pollution levels for children specifically in relation to vehicles travelling on Whittlesey Road and the fumes from the petrol station.
- Some Members felt that controlling nursery children's noise levels would be difficult.
- Members felt that nursery placements were needed in the area, however, questioned whether this should be located in a retired community and next to a petrol station.
- Members noted that the plans had been redesigned, however, this had moved the playground near the petrol station, which was of concern particularly when the weather could be hot and pollution would be high.
- The type of children's nursery noise was different and lengthier than a pub noise.
- Members were concerned about the vehicle movement impact on an extremely busy junction and there was no guarantee that parents of nursery children would be travelling on the commuter route anyway.
- It appeared that the applicant had not sought the views of residents to the site.
- Members felt that there were very good reasons not to approve the application such as traffic movement, times of use and the damage that could be done to young lives.
- Some Members felt that the pollution impact had been assessed by officers and that if some Members were minded to refuse the application, then the item should be deferred in order for the officers and applicant to provide the clarification required.
- Some Members were also concerned about the potential traffic movements on the junction.
- It was advised that clarification could be provided to Members over whether the air pollution impact assessment had been overlooked if the item was deferred.
- Members reiterated their concern by noise pollution, and the difference between nursery children and pub noise was very different.
- Members were not convinced that the car movements would be on a normal commute route to the parents of nursery children.

- Members felt that parents would be prepared to travel off route to find the right nursery place and for that reason, the nursery could attract additional vehicles to the area.
- Some Members questioned how the potential air pollution impact would differ from schools in other wards, and whether there should be comparable studies undertaken in respect to traffic movements and pollution.
- Members were advised that there were no concerns raised by officers in relation to the car park, highway movements, air quality, or noise disturbances and that reasons for refusal would need to be strong in order to avoid appeal.
- Some Members were minded to approve the application.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **DEFER** the item for further information in relation to the pollution impact which was **DEFEATED** (4 For, 5 Against). A second motion was proposed and seconded to go against officers recommendation and **REFUSE** the application. The Committee **RESOLVED** (5 For, 4 Against and 1 Abstention) to **REFUSE** the planning permission.

## REASONS

1. The nursery was located near to a petrol filling station and to a road junction which was very busy during peak periods with slow and standing traffic and consequently it was considered that the children attending the facility were likely to be subject to a lower air quality (than would be experienced away from such sources) to the detriment of their health and wellbeing. The proposal was therefore considered to be contrary to Policy LP17: Amenity Provision in the Peterborough Local Plan 2019 (version pending adoption at Council in July 2019) and the objective of para 91 of the National Planning Policy Framework.
2. The nursery would result in additional vehicular traffic to and from the site and would pass through the junction of Whittlesey Road and Coneygree Road. This junction carried already high volumes of traffic (especially at peak period) and was complicated in terms of traffic movements by virtue of the entrance/exit points related to the petrol filling station. It was considered that the additional movements would add to the congestion and vehicle safety at the junction. The proposal was therefore contrary to policy LP13: Transport in the Peterborough Local Plan 2019 (version pending adoption at Council in July 2019) and Policy PP12 of the Adopted Peterborough Planning Policies DPD 2012.
3. The nursery would result in a significant number of movements of vehicles and people in the car park which had been immediately adjacent to residential development. The resultant noise and disturbance to the residence would be detrimental to the amenity of the occupants and therefore would be contrary to Policy LP17: Amenity Provision in the Peterborough Local Plan 2019 (version pending adoption at Council in July 2019) and Policy PP3 of the Adopted Peterborough Planning Policies DPD 2012.

3:13pm at this point Councillor Harper the Chairman returned to the meeting, Members of the Committee also stopped for a short comfort break.

At this point Councillor Warren stood down to speak as Ward Councillor on item 5.2 18/01307/FUL - Club House Bretton Park Flaxland Bretton.

## **5.2 18/01307/FUL - Club House Bretton Park Flaxland Bretton**

The Committee received a report in relation to a 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 50 metres x 8.8 metres, 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.

The Head of Planning introduced the item and highlighted key information from the report and the update report.

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

- The Ward was in favour of application and what it attracted.
- The facility would be an asset for Bretton and Peterborough.
- Fans travelled from as far as Leicester and Birmingham to watch sporting matches.
- There had been objections made in relation to the loss of tennis courts, however, the current ones were not being used, although they had been closed off.
- The proposed clubhouse would be sited on the tennis court part of the facility.
- The Parish Councillor requested the retention of the tennis courts be maintained in order not to let the residents down.
- New tennis courts could be located were the current ones were actually located currently.
- Officers clarified that one of the drawings submitted in relation to the club was what would be undertaken in the future.
- Members commented that there were undercover hockey and tennis courts located near the hospital site in Bretton.
- The applicant had confirmed that they wished to install tennis courts and a multi-use games area in the future.

Mr Andrew Moore, the Applicant's representative addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application had superseded a previous one and accommodated a much needed permanent facility, which would include disabled amenities.
- The current tennis courts were not being used and needed to be resurfaced. The plan was to install tennis and netball courts on the site for future use in order to attract much needed income in order to operate in a sustainable way.
- There had been a donation for the work and grants from land refill in order to build the disabled facilities.

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

- Members commented that the applicant had demonstrated that they were prepared to provide tennis courts in the future.
- Members felt that the application seemed straight forward for the site and would provide improved facilities to offer to visiting clubs.
- Members commented that the Rugby Club was a busy, professional and vibrant.

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

## **REASONS FOR THE DECISION**

Subject to the imposition of the attached conditions, the proposal was acceptable having been assessed in the light of all material considerations, including 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);
- There were no Highway safety concerns and parking could 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).

### **5.3 18/02001/FUL - 3 Green Lane Millfield Peterborough**

The 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 testing (MOT) and 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 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.

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 and the update report.

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

- The Ward Councillor had supported the planning application proposal.
- Mr Clutch used to be located at the front of the premises.
- Loading access to the premises had been undertaken at the rear. Premises had operated at the rear in the past, but it was proposed for some of it to open up to the front, which had raised some parking issues. However, there had been extra parking provision proposed, which was adequate and would resolve the issues.
- There had been issues raised regarding parking on Green Lane, however this would be policed by the existing parking restrictions.
- The Applicant and Agent had worked to get issues raised by officers resolved.
- There would be at least one MOT tester employed at the premises.

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

- The Applicant wished to change the premises operation in order to move away from groceries and alcohol sales.
- The car spares part of the business would operate at the front of the premises which was not a change of use, however approval was needed for the MOT bay.
- No vehicles would be left on site all day as the premises would operate an appointment process.
- Any MOT failures would be serviced on site by the Mr Clutch business, which approval was not required.
- Noise disturbance to neighbours had been sited in the officers recommendation for refusal, however there would only be one vehicle maintenance conducted per hour, which was not considered unacceptable by the Applicant.
- There would be eight parking spaces provided on site.
- All deliveries would be undertaken at the front of the premises off Lincoln Road and not at the rear.
- The loss of facilities, on site parking and adverse effect on the public highway issues highlighted by officers would be resolved by the one appointment at any one time for vehicle maintenance. In addition the visibility splays were deemed acceptable by the Applicant.

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 Highways team were satisfied with the access width, which had accommodated two vehicles to pass.
- Members were advised that concerns raised in the previous application, which resulted in the item being deferred had included the operating hours, impact to the neighbours, vehicle turning, parking and loading remained to be an issue for officers.
- Some Members felt that the area was busy by nature and that Mr Clutch and deliveries were already in operation at the premises. In addition the neighbouring residents had not objected to the application.
- Some Members felt that the proposal had not seemed to contribute to any detrimental impact for the area.
- Some Members were concerned by the car movements which already existed around the site, however one car an hour would alleviate those concerns.
- Some Members felt that the Applicant had resolved their concerns raised at the previous planning meeting.
- Members commented that the application had provided the opportunity to reduce the number of premises that sold alcohol in the area which was a benefit.
- Highways officers remained to be concerned about the inconsistency between the boundaries shown on the application.
- Members were advised by the Agent that there seemed to be a discrepancy on the drawings in terms of the red line boundary, however there were six parking spaces plus the MOT bay for the premises, which was sufficient for the business.
- Officers advised that the red line discrepancy could be corrected on the plan.

- Members felt the parking outside of the site would be self-policing due to the existing traffic restrictions.

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

## **REASONS**

The Committee were satisfied that the queries raised at the meeting held on 2 April 2019 had been addressed through clarification provided by the agent, particularly in relation to the boundary lines and provision for parking.

Parking within the area would be self-policed due to restrictions already in place.

There would be less licenced premises operating in the area;

The additional conditions were acceptable and included a review of opening hours, no external operation of power tools, only one car would be Ministry of Transport (MOT) tested at any one time, parking and turning areas would be kept available for said purposes at all time.

### **5.4 18/01875/FUL - 35A Peterborough Road Castor Peterborough PE5 7AX**

The Committee received a report in relation to planning permission for the erection of a three bedroom dwelling with access from Peterborough Road alongside existing houses.

The Head of Planning introduced the item and highlighted key information from the report and the update report. Planning consent had been granted on appeal for two semi-detached properties which had commenced building but as yet were incomplete. The report misquotes the address for one of the adjacent properties which was given as number 23 which should read number 37 Peterborough Road.

The proposed building would be single storey on the left hand side matching the scale and form of the existing cottages. The Conservation Officer had expressed concern over this application and suggested the development was too large, needing to be reduced to retain the character of the existing area. Some windows on the front elevation would be overlooking into neighbouring properties however others had an oblique view although there remained concerns over loss of privacy due to the proximity of the boundary. The design and appropriateness of the development was questionable.

Mr John Dadge, the Applicant's representative addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Parish Council was not originally able to support the application however they had supported the modified plans. Castor had a Neighbourhood Plan



which contained criteria relating to character and building form and it had been assumed that the Parish Council felt the application had met with that criteria.

- The scale of the diagrams was not representative of the existing properties and the scale was better illustrated by the photographs shown in the presentation as the cottages at the front of the site were higher than those adjacent to the proposal building and the existing building on the site was higher than the building being proposed.
- The access was narrow, 5.5m between the stone pillars, which provided a transient view.
- This application was for a self-build by the owner of a property who already lived on the site and was downsizing. The garden was considered appropriate in size and sufficient for the applicant's needs and the property would include a lift for use later in life. The design was simple, using good quality materials, would not be out of place in this location and would improve the view of the area.
- The design was considered the most appropriate for the plot and flowed naturally from the cottages at the front of the site.
- Parking was considered sufficient for the type and size of the property given the intended residents would be retired. It would not however be appropriate for a growing family.
- Some windows would overlook into neighbouring gardens which was not identifiable from the plans.

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

- The Highways officer explained that where drives served two or more dwellings, wider access points would usually be required and had expressed concerns that pedestrian visibility would be compromised. However, similar concerns were raised with previous development on this site and, as the refusal decision was overturned at a recent appeal. There would therefore need to be alternative reason cited for refusal of the application. If Members and Officers were mindful that although the site access had not satisfied their own guidelines it would probably satisfy the Inspectorate's.
- No changes to the existing access had been proposed.
- Some Members felt that the narrow access was opposite a public house and was not ideal. Although the property was quite large it would not be visible from the road.
- Members commented that the Parish Council had given their support as the type of property and material would fit in well with the environment.
- Members commented that the proposal included replacement of an unsightly building and the result would be more aesthetically pleasing.
- Members raised concerns regarding the proximity to the adjacent property which had overlooking windows and that the light and view would be obstructed. However, the adjoining property had not had a private garden as it was already overlooked by an existing property.
- Members commented that there had not appeared to be an objection received from properties on the south side of the existing building, the only objections

received had related to the drain running across the site, the extra traffic, the size of the drive, the view and school drop offs. There were no objections received regarding amenity loss.

- The proposed building appeared to be very close to the boundary.
- Members were generally minded to support the proposal as the Parish Council had not raised any objections and the Planning Inspectorate were likely to approve at appeal.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officers recommendation and **GRANT** the application. The Committee **RESOLVED** (10 For, 1 Against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

### **REASONS FOR THE DECISION**

Subject to the delegated conditions to officers the Committee felt that:

- The building was in need of improvements as it was in a poor condition.
- The Parish Council had no issues with the application.
- The building materials proposed seemed to be acceptable.
- There was a Neighbourhood Plan, which the applicant would need to adhere to.
- Although access to the road was not ideal, there were other properties that had used the same access, which the Planning Inspector had deemed acceptable at a recent appeal.
- The scheme was considered to be acceptable and there were other examples of two storey extensions in the area for which planning permission has been granted.

4.43pm - At this point Councillor Jones left the meeting.

### **5.5 19/00408/HHFUL - 26 Ledbury Road Netherton Peterborough PE3 9RH**

The Committee received a report in relation to planning permission which was 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 original proposal under this planning application had included a two storey side extension, however the plans had been amended and the first floor element of the side extension was removed.

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

The two storey rear extension would provide a utility room and kitchen and dining area at the ground floor level, which would be served by a large roof light. The proposed

first floor accommodation would see the existing layout reconfigured to provide larger bedrooms, a shower room and a store room. The single storey element of the rear extension was flat roofed and measured eight metres in depth, seven point four metres in width and three point four metres high. The two storey element had a dual pitch with hipped roofs being six point four metres height to the ridge, four metres in depth and seven point four metres in width.

A residential annex would have a pitched roof, with the ridge lying perpendicular to the rear boundary and gables to either side. The annex measured seven point seven metres wide, six metres deep and four point five metres to the ridge and would provide lounge and bedroom accommodation with a wet room. This would lay at the bottom of the garden close to the rear boundary.

The Head of Planning introduced the item and highlighted key information from the report and the update report. He explained that Officers were concerned with the overpowering impact on two neighbouring properties and the loss of sunlight. The annex would be overbearing and would overshadow number 24 Ledbury Road. The annex would also incorporate a large amount of the existing garden, leaving a garden too small for the remaining property.

It had been suggested that other similar applications in the same area had been permitted and that the recommendation for refusal was inconsistent with these other applications. Members were advised the applications were not identical and were influenced by other factors such as the number of storeys, size and position of plot and host property, relationships to and distance from adjacent buildings. Other applications had not included an annex.

Rafreen Qayyoun, the Agent addressed the Committee and responded to questions. In summary the key points highlighted included:

- The Agent advised that the application had been revised and was submitted in line with the officers recommendations. The first floor side extension had been removed and the size of the annex has been reduced. The applicant was also prepared to agree not to install a kitchen and not to let the annex separately to the main property. The family needed a larger property and had been unable to find anything suitable within their budget. The annex was needed to accommodate a family member with medical needs. The applicant had spoken to the neighbours and felt they had given their approval.

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

- Family needs would not be a consideration in determining the planning permission.
- Officers would require the first floor extension to be reduced by a further one metre to the rear extension and to be reduced by one metre to the annex, however the applicant was not prepared to compromise further.

- The comparison with other applications included applications highlighted by Councillor Nadeem to the Head of Planning only and had not included all planning applications made in Peterborough.
- The Planning Officer had requested that the application be amended to reduce the ground floor and two storey elements to the rear extension as it was considered excessively deep in relation to the main house. However, the revised application remained bigger than advised by officers.
- Whether this resulted in a reasonable sized bedrooms was not a consideration when granting consent.
- The latest government guidelines regarding extensions of eight metres was not relevant to the application as consent was still required.
- The remaining garden space would be 12 metres post development.
- The extension had almost doubled the size of the property and was considered overdevelopment of the plot.
- The impact the extension would have on the dwellings either side was not acceptable.
- There were no objections received from ward councillors and only one objection resulted from consultations.
- Although the applicant had made changes to the original plans and developed the best plan under the circumstances, that was not considered a good reason to grant consent in planning terms, although not all Members were in agreement.
- Some Members felt that medical conditions had been considered when making planning decisions, however, it was argued that in these cases the development was not considered overlarge.
- Members commented that the revised application had not matched the requirements of the Planning Officer.
- Members expressed concerns over the size of the remaining garden.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (8 For, 2 Against) to **REFUSE** as per the officers recommendation.

## **REASONS FOR THE DECISION**

The proposal was 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:

- 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).

- 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 detrimental 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 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 was further compounded with the significant length and height of the single storey element of the extension along the shared boundaries. The proposed developments were 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).
- 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 was therefore tantamount to creation of a separate independent dwelling. Accordingly, the proposal was 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).

Chairman  
1.00pm-5.18pm

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION  
COMMITTEE MEETING  
HELD AT 1:30PM, ON  
TUESDAY, 2 JULY 2019  
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Hussain, Hiller, Warren, Rush, and Sandra Bond

**Officers Present:** Nick Harding, Head of Planning Peterborough and Fenland  
Janet McLennan, Principal Development Management Officer  
Nick Greaves, Principal Engineer (Development)  
Chris Gordon, Planning Solicitor  
Dan Kalley, Senior Democratic Services Officer

**Others Present:**

**6. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jones, Andrew Bond and Hogg. Councillor Sandra Bond was in attendance as Substitute for Councillor Hogg

**7. DECLARATIONS OF INTEREST**

There were none.

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

There were no representations to make declarations as Ward Councillor.

**9. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 23 APRIL 2019**

The minutes of the meeting held on 23 April 2019 were agreed as a true and accurate record.

**10. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS**

**10.1 18/02017/OUT - THE PEARL CENTRE, LYNCH WOOD, PETERBOROUGH, PE2 6FZ**

The Committee received a report in relation to approval for outline consent with details of access to be considered and all other matters reserved for the following:

- Car Park 5 - up to 7,440sqm (80,000sqft) of office (Class B1) floorspace with associated car parking (339 spaces). The indicative plans show that the floorspace proposed would be provided in two separate blocks each providing 3720 sq.m (40,000 sq.ft) of

floorspace across four storeys. The height of the office blocks would be a maximum to roof ridge 16.45m; and

- Car Park 1 - a small commercial hub providing up to 880 sq.m / 9,472 sq.ft GIA of flexible retail floorspace (Classes A1 – A5) with associated car parking (16 spaces). The maximum height to roof ridge 6m.

The Head of Planning introduced the item and highlighted key information from the report and update report. The design and appearance of the buildings had yet to be finalised as the application was for the principle of development at this stage and images within the pack were for indicative purposes only. Height restrictions would be imposed as the Pearl Building and grounds had recently achieved National Listing Status as a Building of Architectural Importance and regard had to be given to the impact any new development could have on it and its settings. Highway and access improvements had been included in the proposals. The Council had already committed to implementing improvements to Oundle Road and was considering a further improvement scheme in the local area. If permission was granted the developer would be required to contribute approximately £270k towards further improvements to limit the impact of increased traffic. A late representation was contained in the update report which included answers to the points raised and it was confirmed that, as the National Census was only taken every 10 years, the most recent data available was from the last census in 2011. The application had been considered both by Council engineers and external consultants and this application was the result of the final version.

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

- Lynchwood was considered to be part of the community and young people had bought homes nearby. Children from these families were being driven to the local school less than a mile away as the route passed Lynchwood but was not considered safe which had led to increased congestion in Orton Wistow.
- The suggested improvements for access onto Wistow Way had been removed from the application and this had been appreciated by local residents.
- At peak times roads were very busy with cars and pedestrians which was not represented on the images contained within the pack. The movement of people and children around the area without using a car remained a priority. Residents would welcome the opportunity to be involved in formulating a plan acceptable to pedestrians and cyclists and encourage active travel.
- Recent announcements by Yorkshire Building Society (YBS) indicated that they were shortly to vacate their offices on the site and there were concerns regarding illegal encampments if the area was to become vacant.
- There was already a parking issue with employees from Lynchwood using the retail parking facilities in Napier Place, and parking in residential areas of Orton Northgate and Orton Southgate.
- Part of the Showground had been converted into parking for employees from Lynchwood in order to deal with the shortage of parking generally on the business park. Shortage in parking had resulted in residents in Orton Northgate being surrounded by car parking.



- A survey conducted by the developer, FI Real Estate Management (FI) showed that Lynchwood employees were unlikely to take up new methods of transport.
- Roads were congested at peak times and vehicles had been seen accelerating dangerously in order to join the roundabout at Wistow Way and Orton Parkway, as witnessed by members of Speedwatch.
- There were conflicting elements within the report regarding the use of retail facilities which were listed as being for the use of the employees of Lynchwood and later listed as being for the benefit of the neighbourhood. Local residents did not want more fast food outlets or shops in the area. There were many empty units in Ortongate, which should be used first. There was a serious problem with litter and this would only worsen with more takeaway shops.
- The owner of Lunch Wrapped Up, situated directly opposite the proposed development, had raised concerns which had been disregarded.
- Three years ago there was an unauthorised encampment on the site lasting several weeks adjacent to the public pathway, on land belonging to Peterborough City Council (PCC) and the YBS. During this time the area was impassable on foot and there were concerns that if the YBS building became vacant the site would not be adequately protected against this happening again.

The Chair asked the Committee if the time allowed for Objectors to address the Committee could be extended to 10 minutes (collectively) in the public interest as there were several speakers and, in the interest of fairness, to extend the time allowed to the Agent / Applicant also to 10 minutes to which the Committee agreed.

David Turnock, Objector, on behalf of Peterborough Civic Society, who also owned an office building close to the site, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposed four storey buildings were considered too high and not in keeping with buildings in close proximity.
- Existing buildings on this business park were in accordance with the original Development Corporation brief of quality buildings in a landscaped setting. The application however outlined 2 buildings surrounded by tarmac with very little planting.
- The last paragraph on the Conservation Officer report had been omitted from the agenda pack and was read to the committee as follows “At this stage there are no in principle objections to the proposals, however concerns and requirements should be noted to ensure they are adequately addressed” which suggested the Conservation Officer did have concerns.
- The retail element would improve the offer to occupiers on the business park and local residents.

Anju Tugnet, Stephen Swan and Dale Banham, Objectors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was acknowledgment of the withdrawal of the access road onto Wistow Way and the written confirmation that there would be no future consideration to such access on either a temporary or permanent basis..
- The traffic information contained in the report was considered inadequate as it contained theoretical and old data and surveys over three years old which were unlikely to reflect current traffic conditions. Thomas Cook did not occupy premises on Lynchwood until after the first survey had been conducted. It was requested that any future planning application included adequate traffic surveys and appropriate mitigation plans.
- All highways improvements should be completed and operational prior to construction work commencing.
- A Grampian Condition (*a planning condition attached to a decision notice that prevents the start of a development until off-site works have been completed on land not controlled by the applicant*) could be applied.
- The potential increase in staff numbers between 540 and 700 did not correlate with the reduction of 254 car park spaces. Documentation referred to office floor area to determine the number of parking spaces required but did not make reference to the staff already employed on the site. The numbers of cars parked and staff present on the day should be considered in future parking assessments.
- The car park was occasionally rented out to other organisations.
- The proposal should have included a design hazard risk assessment as per the Construction Design Management Regulations 2015 .
- One less floor would reduce the potential for CCTV operators to zoom into schools and adjacent properties.
- There was no landscaping or planting built into the proposal..
- A risk assessment had not been carried out on pollution and noise impacts.
- If using glass panels, consideration would need to be given on the impact of sunlight and resulting glare as there had been a case where sun radiation and refraction caused damage to adjacent vehicles and buildings in Napier Place.
- The use of large glass panels would reduce the availability onsite parking for contractors vehicles displacing them into nearby residential areas.
- During the construction period on a nearby site, vehicles had been covered in dust for months, contractor vehicles blocked access roads and traffic controls were discarded.
- All legal obligations and regulations needed to be fulfilled as identified within the objection from the Orton Wistow Action Group.
- Lunch Wrapped Up, a retail coffee shop employing eight local staff was located less than 30 metres from the proposed retail units.
- It had provided food and bespoke corporate catering services to local residents, workers and business and had become embedded in the Lynchwood community.
- The retail element was of grave concern and causing distress to staff of Lunch Wrapped Up due to the possibility that national companies would come in and impact local business.
- The Council had overlooked their obligation to protect and support local business.

- The requirement for additional retail outlets had not been explored. There were five sandwich vans currently circulating the offices and there were several large scale facilities within the seven largest employers on the business park. There were other restaurants, food outlets and hotels nearby.
- There could be an overdevelopment of retail facilities within the local area and Lynchwood alone may not be able to sustain the proposed development.
- The daily spend of £7.50 per person as quoted was questionable as the average daily spend at the Lunch Wrapped Up was £4.72 based on sales figures of the last two years.
- The Pearl Centre employed approximately 3500 people.
- The developers had created an artificial demand for financial gain. Should such a demand exist the units could be placed on the Pearl Centre using empty outlets.
- This could be perceived as an opportunity for Lunch Wrapped Up to increase turnover however the owner felt that she could not compete with the lower prices offered by high street brands.
- A large scale employer had an obligation to provide a subsidised canteen.
- It was not known whether all available car parking spaces were in use every day however on the day of the site visit there were a number of empty car spaces empty.
- An under provision of parking currently existed on this site and 18 months ago Highway Officers allowed parking on the main estate road.
- Car parking spaces were currently rented out on the proposed site which would no longer be available if the development were to proceed and pressure would be increased elsewhere.
- There were known to be at least 150 parking spaces currently rented out.
- There were issues with double parking and it was not known how many staff were at work when the car parking surveys were conducted.

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

- This was a comprehensive report which addressed the main issues.
- Applications should be determined in accordance with the Development Plan unless material considerations indicated otherwise and Officers have advised this scheme is Development Plan compliant.
- The application was for outline permission for office led development on land identified as being in employment use in both the adopted and emerging Development Plan.
- The Councils statutory technical consultees had not made any objections to the scheme subject to the mitigation that the client would provide.
- The Applicant had done everything possible to appease the concerns of the residents and Officers, including reducing the quantum of office space by 10,000ft<sup>2</sup> to 70,000ft<sup>2</sup> and the height of the office building.
- Vehicle access onto Wistow Way, which had caused concern from residents in an earlier application, had been removed in response to public reaction
- The height of the commercial hub had been reduced to by 2m to 6m.

- £270,000 funding was being proposed towards the widening of Orton Parkway on approach to the Wistow Way roundabout.
- Improvements were also proposed at Lynchwood to improve vehicular access, cycle accessibility and pedestrian safety.
- A contribution towards the costs of installing a new bus stop with real time passenger information was included.
- 500 - 600 new jobs would be created, dependent upon the end users.
- Supporting services and construction jobs would provide additional employment.
- Further economic investment would be attracted to the area.
- As there were a large number of people employed on the site who would all require daily subsistence the retail hub would provide additional food and refreshment facilities rather than people travelling off site by car to get food and drinks, reducing unnecessary car travel.
- The application was to provide office space in an area allocated for office space and surrounded by such.
- The application was compliant with national and local planning policy, there were no outstanding unresolved technical matters and there were a number of material considerations which weighed in favour of the scheme.
- There was no belief that there was a requirement to have a canteen in an office block.

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

- It was not known what floor space was currently occupied within the Pearl Centre. The focus for the calculations for parking requirements was based on the gross floor space of the Pearl Centre added to the floor space of the proposal and compared with the policy for the provision of car parking.
- It would appear that there would be an overprovision post development of about 100 parking spaces.
- If the Pearl Centre and the proposed buildings were fully occupied those companies who currently rent car parking from them would no longer have that facility.
- The Pearl Centre could withdraw their current car park space rentals at any time and the Planning Department do not have jurisdiction to make the Pearl Centre rent their parking spaces to a third party.
- The height of the proposed development is below that of the Pearl Centre and the maximum height.
- The existing approved highways scheme was from the A1 Eastbound and included localised widening and increased pedestrian access.
- In 2020 the widening of the Northbound access through to the roundabout for 75m would form part of a wider study which would include Oundle Road Westbound from the Nene Parkway past the schools heading towards Lynchwood which was usually gridlocked at rush hour incorporating £270,000 from this application.
- The Highways Officer confirmed that the £270,00 contribution was towards improvements at Wistow Way roundabout with the Orton Parkway.

- The Highways Officer confirmed the survey was after Thomas Cook took residency.
- Ortongate was considered outside the 15 minutes walking time.
- The Planning Officer confirmed that a condition could be applied to insist the road improvements were completed first however the £270,000 from the developer could not be secured until the development was about to commence. Therefore it was difficult for Peterborough City Council to mobilise at short notice a junction improvement in time for the opening of the development.
- Grampian conditions were considered normal and it was standard practice that a building was not occupied until road improvements had been carried out.
- Members felt this was not unprecedented and that the money could be ring fenced and suggested legal advice should be taken to construct a legal agreement to cover the road improvements.
- Members appreciated the developers had listened to resident concerns and modified the plans accordingly.
- Parking did not appear to be an issue as there had always been plenty of parking spaces available although their status was unknown.
- The Highways Department were comfortable with the proposal.
- The proposal was an opportunity to increase business.
- The retail element would enhance the retail diversity and there would be less movement of traffic if more facilities were available on site.
- The design detail was not under discussion.
- Residents issues regarding parking and the access via Wistow Way had been removed.
- Additional jobs would be created.
- The maximum height of the building had been fixed.
- There were no material planning objections although as site evolved there were concerns regarding traffic on Oundle Road.
- The area had been designated as office space for development.
- Delegated authority could be given to Head of Planning to secure the earliest delivery of the highway improvements associated with the 270k contribution.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application with the proposed condition and delegate to the Head of Planning authority to put in place appropriate conditions/s106 provisions to secure the earliest possible delivery of the Wistow parkway junction improvements. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

#### **REASON FOR THE DECISION:**

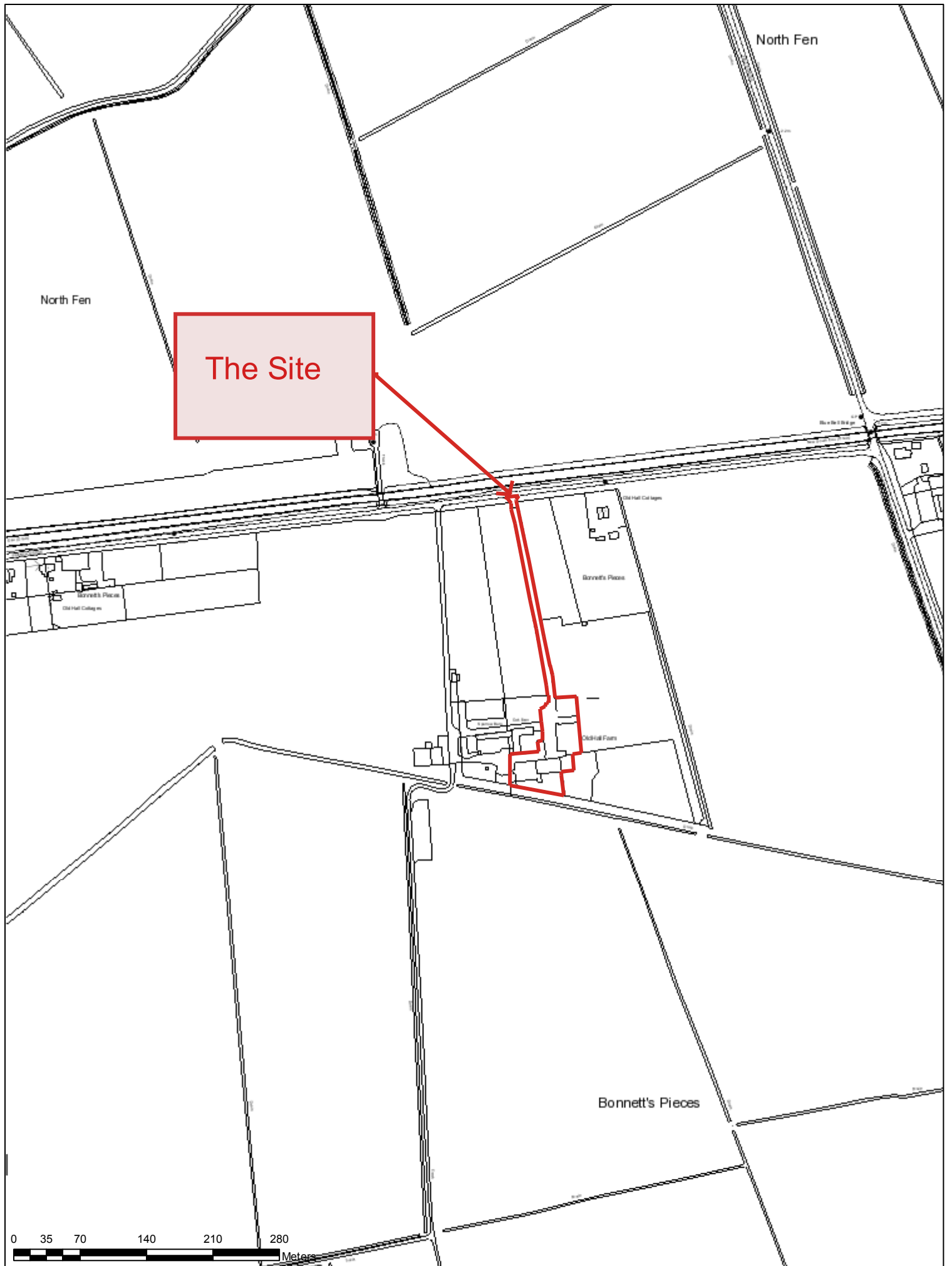
Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The office development would be located on land designated for employment use under policy SA11 of the Site Allocations DPD and policy LP4 of the

emerging Local Plan (draft version); and the retail uses could be considered as ancillary to the employment site;

- The indicative plans demonstrated that the development would lead to less than substantial harm to the heritage assets within the Pearl Centre site, the benefits of the proposal outweigh the harm, in accordance with policy CS16 and CS17 of the Adopted Peterborough Core Strategy, policy PP17 of the Adopted Peterborough Planning Policies DPD, policies LP16 and LP17 of the emerging Local Plan (draft version) and section 16 of the NPPF;
- Subject to the proposed mitigation measures, the development would not result in any unacceptable impact to the safety of users of the public highway and would provide satisfactory space for the provision of parking, as well as safe pedestrian access to the site, in accordance with Policy PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and policy LP13 of the emerging Local Plan (draft version);
- the development could be accommodated without impact on the amenity of neighbouring occupiers in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD. Policy PP3 of the Adopted Peterborough Planning Policies DPD and policy LP17 of the emerging Local Plan (draft version); and
- the proposal would not result in the loss of important landscape features to the visual amenity of the locality and would preserve the biodiversity value of the site, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and policy LP28 and LP29 of the emerging Local Plan (draft version).

Chairman  
1:30 - 3.00pm



Planning Committee Location Plan- 19/00854/FUL Oak Barn French Drive Thorney

Scale 1:5,000  
Print Date: 02/07/2019

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## Item No. 1

### Planning and EP Committee 23 July 2019

**Application Ref:** 19/00854/FUL

**Proposal:** Proposed barn conversion and garage block

**Site:** Oak Barn, French Drove, Thorney, Peterborough  
**Applicant:** Mr N Simons

**Agent:** Mr Gareth Edwards  
Swann Edwards Architecture Ltd

**Referred by:** Head of Planning Services

**Reason:** Applicant is a Councillor

**Site visit:** 10.05.2019

**Case officer:** Mr D Jolley  
**Telephone No.** 01733 4501733 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 located on the Southern side of French Drove, Thorney, Peterborough with access from French drove approximately 400m from the junction with Bell Drove. The site is currently used as a D2 Leisure use as part of 'Battlefield Live', a combat gaming site.

The application site currently accommodates a large brick built building which has been previously used as an agricultural barn/storage unit, now used in connection with the wider D2 use associated with the combat gaming site.

The site is visible from the highway but the building is set back on the site, behind a number of existing residential buildings.

There is another agricultural building to the West and two residential buildings to the immediate North. There are also various outbuildings spread around the site.

The site is located within Flood Zone 3.

##### Proposal

Permission is sought for conversion of a barn into a single 5 bedroom dwelling and the construction of a separate garage block.

#### 2 Planning History

Reference	Proposal	Decision	Date
02/00581/FUL	Conversion of agricultural building to residential use	Refused	17/07/2002

### **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)**

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

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

##### **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.

##### **CS22 - Flood Risk**

Development in Flood Zones 2 and 3 would 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 would be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council would grant permission unless material considerations indicate otherwise.

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

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

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

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

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

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

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

Permission would 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.

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

This document sets out the planning policies against which development would be assessed. It would bring together all the current Development Plan Documents into a single document. The plan has now been examined by the Inspector and found sound, subject to certain modifications.

The Plan was considered and approved by the Council's Cabinet on 17th June 2019, it is anticipated that the Plan would be formally adopted by Full Council at the meeting on 24 July 2019. On this basis, the Plan can be afforded considerable weight at this time.

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

The council would take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It would 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.

#### **LP11 - Development in the Countryside**

a) Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside - Change of use proposals would be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

#### **LP13 - Transport**

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

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

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

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

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

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

a) Amenity of Existing Occupiers- Permission would 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.

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.

#### **LP28 - Biodiversity and Geological Conservation**

##### **Part 1: Designated Site**

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

#### Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

#### Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

#### **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**

#### **PCC Archaeological Officer (17.06.19)**

No objection - The proposal is unlikely to impact on significant buried remains.

#### **PCC Peterborough Highways Services (20.06.19)**

No objection - There is adequate space within the site for the provision of the vehicular parking and turning requirements of the new dwelling.

The proposals shall not result in an intensification of use in terms of additional daily vehicle trips as historically agricultural vehicles in connection with the former farm building would have accessed/egressed the existing access on a daily basis.

#### **PCC Pollution Team (19.06.19)**

No objection - Subject to imposition of contaminated land conditions.

#### **PCC Wildlife Officer (12.06.19)**

No objection – In accordance with the submitted Ecology report, I think it unlikely that bats would be affected by the proposal. However as there is a crack in the building, I would recommend a standard bat informative to draw to the developers attention that it is an offence to damage, destroy, obstruct or disturb any structure of place which a bat uses for shelter or protection. In respect of nesting birds, as the proposal involves the removal of vegetation which may support nesting birds, the standard bird nesting informative should be applied to any consent and a condition to secure a range of nesting bird boxes to enhance the biodiversity of the site.

#### **Environment Agency (19.06.19)**

No objection - Subject to imposition of a condition to ensure the development is carried out in accordance with the submitted Flood Risk Assessment (FRA), in particular in respect of the proposed finished floor levels, and the flood resilient construction. We support the FRA recommendation that the occupiers sign up to the Floodline Warnings Direct Service to receive

advance warning of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied.

**North Level Drainage Board (21.06.19)**

No objection – The only comment we would make is that the Board’s Charters Drain forms the southern boundary to the site and therefore Byelaw No.10 applies, in that no structure, be it temporary or permanent, can be placed within 9 metres of the brink of this Drain.

**Thorney Parish Council**

No comments received.

**Local Residents/Interested Parties**

Initial consultations: 2

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

1 letter of objection has been received in relation to the proposal as follows:

- The proposed property will be 2 storeys, whereas our adjoining property, located only metres away, is a single storey residence. Therefore the concern raised is that the proposed East facing windows, would look directly into our property and as a result cause an unacceptable loss of privacy.

**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 highway implication of the development
- Flood risk
- Contamination
- Ecology

**a) The principle of development**

Policy LP11 of the emerging Peterborough Local Plan 2016 to 2036 states that in the open countryside proposals for the conversion of non-residential buildings into residential use would be supported provided that: the use has not ceased; for agricultural buildings, that they were not constructed in the last 10 years; no more than 3 units would be created; significant reconstruction is not required; and that there are no fundamental constraints to delivery or harm arising. As the emerging Local Plan has been found ‘sound’ by the appointed Inspector (subject to minor modifications) and is due to be adopted subject to full Council approval on 24 July, considerable weight can be attached to this policy and it may therefore be used in the determination of the current proposal.

Turning first to the use of the site, the extant lawful use is for combat gaming (known as ‘Battlefield Live’) and this has not ceased. Whilst the policy states that the use of the site must have already ceased, the Applicant has confirmed that the use would cease should permission be granted. As this use has resulted in complaints regarding noise and disturbance, the cessation proposed by the Applicant to enable the conversion to a dwellinghouse is supported by Officers.

Notwithstanding the proposal by the Applicant to cease the combat gaming use, there is the potential for it to continue within the land outside the boundary of this application land following the conversion proposed. As it is not possible to condition that the use ceases, a legal agreement (or Unilateral Undertaking) is required to ensure that the extant D2 use would permanently cease prior

to the first occupation of the barn. The Applicant has agreed to enter into such an agreement and the process of securing this would be done following a resolution to determine the application by Members of the Planning Committee. Permission would not be issued until the legal agreement/undertaking is in place.

The building proposed for conversion has substantial brick built walls, which would be retained, albeit with the roof fully replaced and whilst not currently in agricultural use, it does not appear to have been constructed within the last 10 years. The proposal is for a single, large residential dwelling and there are no fundamental constraints to the delivering the site, i.e. highways, archaeology, ecological factors, nor is there considered to be any harm arising from the proposed development.

In light of the above, in this instance owing to the complaints relating to the extant lawful use, it is considered that the principle of development is acceptable in accordance with the provisions of CS16 of the Peterborough Core Strategy DPD (2011), PP01 and PP02 of the Peterborough Planning Policies DPD (2012) and LP11 and LP16 of the emerging Peterborough Local Plan (Draft) (2019).

**b) The impact of the proposal on the character of the area**

The existing barn is a substantial brick built structure which has a limited impact on the visual amenities of the area due to the distance that the building lies from public vantage points and the screening provided by other buildings within the site.

It is considered that the fenestration detailing at first floor level is not particularly well designed and does not relate well to the large windows that are proposed at the ground floor. However, given the distance from which views are possible, it is unlikely that the fenestration treatment would be unacceptably incongruous in terms of its impact on the building and the character of the area.

Whilst the walls of the barn are substantial and well-constructed, the roof is of constructed from corrugated lightweight sheeting and is not particularly attractive or durable for the proposed use. For the purposes of the conversion, it would be likely that the roof would require complete replacement and this would provide a more attractive appearance.

The required cessation of the 'Battlefield Live' D2 use and the removal of all of the associated paraphernalia and vehicles would result in an improvement to the character and visual amenities of the area, and would return the land to a more agricultural open character.

Accordingly, it is considered that the proposal would not result in a detrimental impact on the character and visual amenities of area, as such the proposal is considered acceptable in accordance with the provisions of CS16 of the Peterborough Core Strategy DPD (2011), PP2 of the Peterborough Planning Policies DPD (2012) and LP11 and LP16 of the emerging Peterborough Local Plan (Draft) (2019).

**c) The impact of the proposal on the amenity of the occupiers of neighbouring dwellings**

There are currently two dwellings that sit adjacent to the application site. The site immediately to the north is currently owned and occupied by the Applicants, and there is another dwelling to the north-east. There are no other dwellings in close proximity to the application site.

There are proposed to be no windows at first floor in the northern elevation of the building and as such no overlooking of the Applicant's current property would result from the conversion. However, there are windows proposed in the western elevation at first floor and it is noted that an objection has been received in regards to these. These windows would permit views towards the other adjacent dwellinghouse, Sparrow Farm, to the north-west. The distance between the proposed windows to the boundary of the private amenity area of Sparrow Farm would be approximately 20 metres, and the window-to-window distance between the proposal and this dwellinghouse would be approximately 34 metres. These distances are considered to offer ample separation distances that would not result in an unacceptable degree of overlooking and loss of

privacy to the neighbouring occupants. There is no reason to believe that the conversion of the building to a residential use would result in unacceptable harm through noise disturbance and in any event, a residential use would be generate less noise/general disturbance than the extant lawful use.

In light of the above it is considered that the proposal would not unacceptably harm the amenity of the neighbouring properties and the proposal accords with CS16 of the Peterborough Core Strategy DPD (2011), PP3 of the Peterborough Planning Policies DPD (2012) and LP17 of the emerging Peterborough Local Plan (Draft) (2019).

**d) The highway implication of the development**

The site is accessed via a long unmade track, which at the time of the Officers site visit was in poor condition and deeply rutted and potholed. However, the access is an existing access serving two existing dwellings and the D2 use. Given the extant nature of the access and the likely reduction in the intensity of the use of the site following the cessation of 'Battlefield Live', it is considered unlikely that the proposal would result in unacceptable harm to the safety of users of the public highway. The Local Highway Authority have raised no objection to the proposal stating that there is adequate space within the site for the provision of the vehicular parking and turning requirements of the new dwelling, and that the proposals shall not result in an intensification of use in terms of additional daily vehicle trips, as historically agricultural vehicles in connection with the former farm building would have accessed/egresses the existing access on a daily basis.

As such the proposal is considered to be acceptable in accordance with the provisions PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and LP13 of the emerging Peterborough Local Plan (Draft) (2019).

**e) Flood risk**

As detailed in Section 1 above, the application site is located within Flood Zone 3 which is at high risk of flooding. The application has been accompanied by a detailed Flood Risk Assessment and the Environment Agency, who are a statutory consultee, have raised no objections to the proposal. They have however requested conditions requiring finished floor levels to be set a minimum of 150mm above existing ground level and flood resilient construction a minimum of 300mm above proposed finished floor level (both measures are set out within the submitted FRA). A single condition securing these is therefore considered necessary to ensure that the risk of flooding to future occupants is mitigated as far as possible.

The Environment Agency has also advised that it is the responsibility of the Local Planning Authority to determine if the sequential test is passed. The NPPF advises that all new development in Flood Zone 3 which is categorized as 'more vulnerable', such as the proposal, follow the sequential approach to site selection as new development should be directed to those areas at lesser flood risk. This is noted, however in this instance it is not considered necessary. The proposal seeks to re-use an existing building on the site, adjacent to established residential dwellings. Accordingly, there are no other locations whereby the development could be located and as such, the sequential test need not be applied.

The North Level Internal Drainage Board have advised that due to the proximity of Charters Drain to the south of the site, Byelaw No. 10 applies, in that no structure, be it temporary or permanent, can be placed within 9 metres of the brink of this drain. This would be added as an informative as it does not appear that any proposed structure would be within the easement.

On the basis of the above, the proposal would accord with the provisions of Policies CS22 of the Peterborough Core Strategy DPD (2011) and LP32 of the emerging Peterborough Local Plan (Draft) (2019).

**f) Contamination**

Due to the previous agricultural and D2 uses of the site, the Environmental Health Team have requested that contaminated land site characterisation and remediation schemes conditions are

appended to the decision. As this condition is in the interest of the health of future occupiers conditions that require such measures are considered to be reasonable and necessary should permission be granted. Subject to this condition, the proposal is considered to be in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012).

#### **g) Ecology**

The Wildlife Officer has requested an informative be added to any permission granted relating to the possible existence of bats and nesting birds. In addition a planning condition to secure nesting bird boxes is recommended. These are reasonable given the loss of the unoccupied nature of the barn and should be appended to any permission granted for the development.

### **6 Conclusions**

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

- The principle of development is sound in accordance with Policy LP11 of the emerging Peterborough Local Plan (Draft) (2019);
- The proposal would not unacceptably harm the character of the area, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011), PP2 of the Peterborough Planning Policies DPD (2011) and LP16 of the emerging Peterborough Local Plan (Draft) (2019);
- No unacceptable harm would result to the amenities of neighbouring occupants, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011), PP3 of the Peterborough Planning Policies DPD (2012) and LP17 of the emerging Peterborough Local Plan (Draft) (2019);
- The proposal would not pose an unacceptable danger to highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and LP13 of the emerging Peterborough Local Plan (Draft) (2019);
- The proposal would not be at unacceptable risk from, or result in increased flood risk elsewhere, in accordance with Policies CS22 of the Peterborough Core Strategy DPD (2011) and LP32 of the emerging Peterborough Local Plan (Draft) (2019);
- Contamination risks on the site can be adequately addressed so as to not pose a risk to human health, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012); and
- The proposal would ensure that biodiversity is enhanced on the site, in accordance with Policies PP19 of the Peterborough Planning Policies DPD (2012) and LP28 of the emerging Peterborough Local Plan (Draft) (2019).

### **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to securing a Legal agreement ( or unilateral undertaking) to cease the existing D2 use of the site and 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 drawing numbers: 1000 A, 2101, 1100, 2100.



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

- C 3 No development shall take place until details of the materials to be used in the external surfaces of the barn conversion 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. The development shall not thereafter 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), Policy PP2 of the Peterborough Planning Policies DPD (2012) and LP16 of the emerging Peterborough Local Plan (Draft) (2019).

- C 4 Prior to the first occupation of the dwelling hereby permitted, the area shown for parking and turning on drawing number 1000 shall be provided. Thereafter, the parking areas shall be retained and used solely for the parking of vehicles in connection with the use of the dwelling in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

- C 5 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA), prepared by Geoff Beel Consultancy, reference GCB/Swann Edwards, dated May 2019 and the following mitigation measures detailed within it:

- Finished floor levels are set a minimum of 150mm above existing ground level.
- Flood resilient construction a minimum of 300mm above proposed finished floor level.

These mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF (2019), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Policy LP32 of the emerging Peterborough Local Plan (Draft) (2019).

- C 6 Prior to the first occupation of the development hereby permitted, a scheme for the provision of bird boxes, including details of their location and design, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a range of nesting features that cater for House Sparrow, Starling and House Martin. The proposed bird boxes shall thereafter be provided fully in accordance with the approved scheme prior to the first occupation of the dwelling.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012) and Policy LP28 of the emerging Peterborough Local Plan (Draft) (2019).

C 7 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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, Policy PP20 of the Peterborough Planning Policies DPD (2012) and Policy LP33 of the emerging Peterborough Local Plan (Draft) (2019).

C 8 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

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, Policy PP20 of the Peterborough Planning Policies DPD (2012) and Policy LP33 of the emerging Peterborough Local Plan (Draft) (2019).

C 9 The remediation scheme approved under the provisions of condition 8 of this permission shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

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, Policy PP20 of the Peterborough Planning Policies DPD (2012) and Policy LP33 of the emerging Peterborough Local Plan (Draft) (2019).

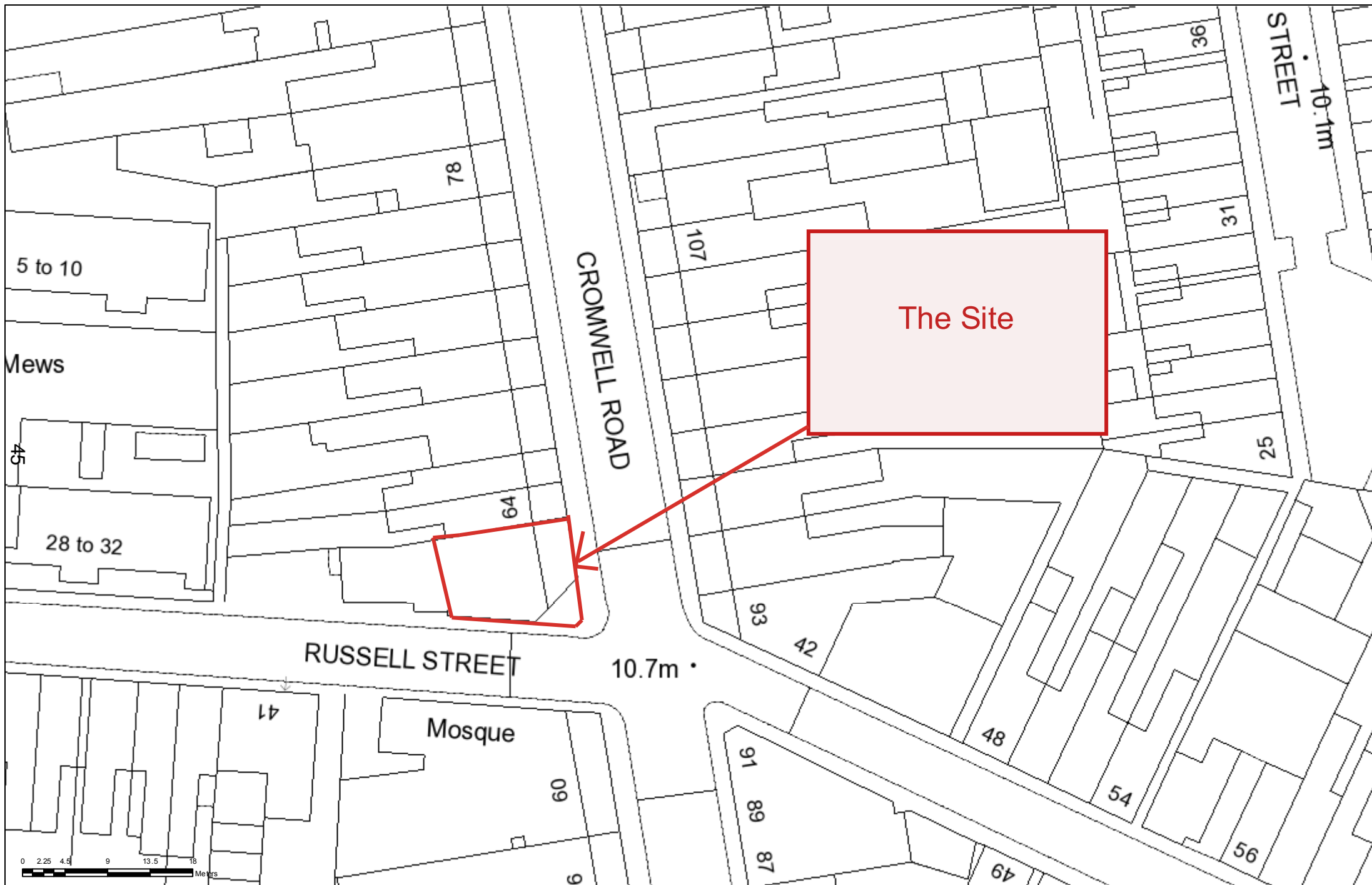
- C10 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and 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, Policy PP20 of the Peterborough Planning Policies DPD (2012) and LP33 of the emerging Peterborough Local Plan (Draft) (2019).

#### Informatives

1. It is an offence to intentionally or recklessly damage, destroy, obstruct or disturb any structure or place which a bat uses for shelter or protection. Should any bats be found during construction, work should stop immediately and a suitably qualified ecologist contacted to provide advice and the Local Planning Authority should also be informed at the earliest opportunity.
2. It is an offence to take, damage or destroy the nest of any wild bird while it is being built or in use. Trees, scrub and/or structures likely to contain nesting birds between 1st March and 31st August are present on the application site. You should assume that they contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Planning consent for a development does not provide a defence against prosecution. The protection of nesting wild birds remains unchanged even when planning permission is granted. For further information on surveys contact Peterborough City Council's Wildlife Officer ([wildlife@peterborough.gov.uk](mailto:wildlife@peterborough.gov.uk))
3. Byelaw No. 10 applies in that no structure, be it temporary or permanent, can be placed within 9 metres of the brink of the Charters drain.
4. It is recommended that the future Occupiers sign up to the Environment Agency's Floodline Warnings Direct Service, to receive advance warning of flooding.

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Planning Committee Location Plan 19/00830/FUL 62 Cromwell Road PE1 2EG

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## Item No. 5.2

### Planning and EP Committee 23 July 2019

**Application Ref:** 19/00830/FUL

**Proposal:** Proposed external canopy and external wall lighting (part-retrospective)

**Site:** 62 Cromwell Road, Millfield, Peterborough, PE1 2EG  
**Applicant:** Mr M Abouomar

**Agent:** Mr Iqbal

**Referred by:** Head of Development and Construction  
**Reason:** Application site within the ownership of an elected Member

**Site visit:** 04.06.2019

**Case officer:** Mr Chris Mohtram  
**Telephone No.** 01733 4501733 453410  
**E-Mail:** chris.mohtram@peterborough.gov.uk

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

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

### Site and surrounding area

The application site is a building of mixed use located within the Russell Street Local Centre, comprising a restaurant at ground floor with law chambers at first floor. The site is located in a prominent position, at intersection between Russell Street and Cromwell Road.

The surrounding area comprises a mixture of retail and residential uses, typical of the locality's Local Centres. Furthermore, the defined City Centre boundary abuts the site to the south.

A number of shopfront changes have been undertaken following the grant of planning permission reference 16/00439/FUL. It is noted that whilst this permission has been implemented, the development on-site has not accorded with the approved plans and a number of other unauthorised works have taken place including:

- Altered window and door arrangements to the front and side elevations;
- Application of black tiles to the front and side elevations;
- Installation of external security shutters to all ground floor windows and doors;
- Creation of a raised decking area within the forecourt along Cromwell Road; and
- Erection of railings around the forecourt area to Cromwell Road.

Planning applications are anticipated to regularise these unauthorised works however it should be noted that these have no bearing upon the determination of the current application.

### Proposal

The application seeks planning permission for the installation of a canopy structure to the front eastern elevation (on Cromwell Road) with external lighting to enable outdoor dining associated with the existing restaurant use at ground floor level. The canopy would enclose two large windows within the front elevation and would be set 2.6m above ground level with a forward projection of 3.6m. There would also be 3 spotlights along the eastern elevation, and 3 along the southern elevation.

The proposal has been amended from that which was originally submitted to reduce the overall size of the canopy. As initially submitted, the canopy structure would have been constructed on land within the boundary of the adopted public highway and as such, the proposal has been amended to remove this conflict. Furthermore, the scheme has been amended at the request of Officers to remove railings which were proposed at ground level and would have partially enclosed the entire outdoor seating area.

It should be noted that a canopy frame has already been constructed on the site albeit not completed, and not to the design as currently proposed. Therefore this application is part-retrospective.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/00833/ADV	Proposed 2 no. internally illuminated letter signs	Pending	
16/00439/FUL	Increased height of eaves to single storey rear element and replacement with flat roof, partially remove frontage to south elevation of rear element, installation of new shop fronts to south and east elevations and creation of enclosed bin store to the rear	Permitted	29/07/2016
11/00875/FUL	Change of use of first floor flat to professional services office (Retrospective)	Permitted	08/09/2011
07/01098/FUL	First floor rear extension to existing residential accommodation	Refused	25/09/2007
P0886/85/R	Single storey extension	Permitted	12/12/1985

## **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.

### **PP11C - (c) Canopies**

Will only be acceptable on the ground floor of a shop, café, restaurant or public house and only if it can be installed without detracting from the character of the building or surrounding area.

### **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.

### **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 and found sound, subject to certain modifications. Subject to final approval by the Council's Cabinet in June 2019, it is anticipated that the Plan will be formally adopted on 24 July 2019. On this basis, the Plan can be afforded considerable weight at this time.

### **LP13 - Transport**

b) 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.

### **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**

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.

### **LP18 - Shop Frontages, Security Shutters and Canopies**

a) Shop Frontages (including signage) - Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

c) Canopies - Will only be acceptable on the ground floor of a shop, café, restaurant or public house and only if it can be installed without detracting from the character of the building or surrounding area.

### **Peterborough Shop Front Design Guidance SPD (2014) – Principle 3 'Blinds and Canopies'**

## **4 Consultations/Representations**

### **PCC Highway Services (27.06.19)**

No objections - Following amended plans submitted no objection subject to the imposition of conditions that: prevents the overhanging of any part of the structure (e.g. rainwater goods) onto the public highway; and ensures that no surface water from the canopy runs off onto the public highway. All surface water run-off must be collected and disposed of within the site.

## Local Residents/Interested Parties

Initial consultations: 14  
Total number of responses: 0  
Total number of objections: 0  
Total number in support: 0

No neighbouring representations have been received from 14 neighbouring properties

## 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
- Highway safety and parking provision

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

Turning first to the siting of the proposed canopy, this would be along the front eastern elevation to Cromwell Road and within the boundary of the identified Local Centre. The proposal would be readily visible from the surrounding street scene given its positioning. Whilst there are not a significant number of similar developments within the locality, there are other examples of external canopies to retail and commercial premises. Accordingly, it would not appear alien or incongruous within the streetscene.

With regards to its design, the City Council has an adopted Shop Front Design Guidance SPD (2014) which sets out specific design principles for new external canopies. The purpose of this design guide is to ensure that there is consistency in the appearance of shop frontages throughout the City and its publication followed from the erection of a number of poorly designed and harmful canopies across the City area.

In the main, the proposal would accord with the key principles of the design guide as it would:

- cover the width of the shop front fascia;
- be an integral part of the principal elevation to the application property;
- be of a style in keeping with the architectural detailing and proportions of the application property;
- extend only over the shop front and would remain clear of the separate pedestrian access to the first floor law chambers;
- be constructed of a metal frame with supported posts located into the ground finished in painted black;
- be free of any permanent side panels or shutters with open side elevations;
- be located way from any adjoining residential properties.

However, the proposal also differs from the adopted design guide as: it would have a depth greater than 3 metres; would be of almost flat roof design with no 35 degree pitch; and would have a roof covering of fabric not glass. It is considered that these variances from the design guide are not unacceptable as the overall composition of the canopy is considered to be appropriate. The finished design of the proposal would not be of poor quality, and would not appear incongruous within the streetscene. The finished appearance of the site would not be contrived or awkward and whilst the canopy would be of unique form, angled across at the immediate point of the crossroads, this would account for the angle of the building on which it would be sited. Accordingly, deviance from the adopted design guide in this instance would be appropriate.

To ensure that the canopy remains open, as required by the design guide and requested by Officers (who sought amendments) in the interests of visual amenity, a condition is required to remove 'permitted development' rights for the construction of boundary treatments along the shop frontage – such rights would normally permit boundaries up to 1m in height when adjacent to a public highway.

With regards to the external lighting proposed, this would consist of 3no. spot lights to each elevation which are considered minimal in scale and suitably placed, projecting towards the property and not out into the streetscene. Accordingly, no unacceptable degree of harm to the character of the locality would result.

In light of the above, the proposal would not result in unacceptable harm to the character or appearance of the surrounding area and is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP18 of the emerging Peterborough Local Plan (Draft) (2019).

#### **b) Neighbour amenity**

No.64 Cromwell Road is the only neighbouring residential property that adjoins the application site and is situated immediately to the north. The proposed canopy would project out by 3.3m and would remain open without enclosure, as to be secured by condition above. It would be separated from the adjacent residential property as the intervening entrance to the law chambers at first floor would remain uncovered. Accordingly, the proposal would be set a minimum of 1.2m from the neighbouring property. This relationship is considered sufficient to ensure that there would be no undue overbearing or overshadowing impacts to neighbouring occupants.

The proposed canopy would be used as an outdoor seating area for customers of the ground floor restaurant. It is acknowledged that this would bring about an intensification of noise and general disturbance outdoors that may give rise to harm to the amenities of neighbouring occupants. However, it is noted that the creation of an uncovered seating area could take place without the need for planning permission (as no 'development' would take place) and therefore only the impact that the proposed canopy/lighting would have can be considered as part of this application.

The proposed canopy/lighting would permit outside dining throughout more of the year than is currently possible either by virtue of dark evenings (during winter months) or inclement weather. At present, outside seating could only take place up to sunset during the summer which is at peak, approximately 9.30pm. Dining into the evenings throughout much of the year could pose unacceptable disturbance to occupants if no restrictions were imposed upon hours. As such, it is considered necessary to restrict the use of the outside seating area to no later than 9.00pm. This cut-off is considered reasonable and would ensure that the amenities of neighbouring occupants is preserved.

On the basis of the above, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Draft) (2019).

#### **c) Highway implications of proposal**

The Local Highway Authority (LHA) has raised no objections to the proposed development as amended, as the proposed canopy would no longer be sited within land designated as adopted public highway. The proposal would be set at the back edge of the public highway, and would preserve the forward visibility of the crossroads for drivers.

The canopy would stand at 2.6 metres above ground level, which is sufficient to ensure that it would not pose an impediment or danger to pedestrians. There would be no encroachment upon the public footway and therefore free flow of pedestrians etc. would be maintained. It is noted that the LHA has requested that a condition be imposed which prevents any encroachment of the structure, such as rainwater goods, onto the public highway however this is not considered necessary. The red line boundary of the application site does not include any public highway and therefore the proposal does not seek to encroach onto it. As such, imposing a condition to this effect would not be relevant and therefore would fail to meet one of the key tests for the imposition of conditions. Instead, an informative would be more appropriate to advise the Applicant that no encroachment is permitted.

It is also noted that the LHA has requested a condition be imposed to prevent any surface water run-off from running onto the public highway as this would pose a danger to users. The Applicant has submitted revised drawings to identify that run-off from the canopy will be dealt with on-site by way of soakaways however the LHA does not consider that this will be sufficient. Therefore, to ensure that surface water run-off is adequately managed such that it does not discharge onto the public highway, a condition is required.

With regards to parking, it is not considered that the proposal would unacceptably impact upon any parking to serve the shop, given that there is no existing parking provision and that there is no capacity to have on-site parking to the front or to the rear of No. 62 Cromwell Road owing to the limited forecourt area.

In light of the above, the proposal is considered to be in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

## **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 character and appearance of the site and the surrounding area would not be unacceptably impacted upon by the proposed development, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP18 of the Peterborough Local Plan (Draft) (2019);
- The proposal would not unacceptably impact upon the amenity of surrounding residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Draft) (2019); and
- The proposal would not result in unacceptable harm to the safety of the adjacent public highway and its users, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

## **7 Recommendation**

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

- C 1 No later than 6 weeks from the date of this decision notice, the unauthorised canopy in situ on the site shall be removed.

Reason: In the interests of the visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP16 and LP18 of the Peterborough Local Plan (Draft) (2019).

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

- Location Plan and Block Plan 001 Revision B - Received 03.07.19
- Existing Elevations and Floor Plan 002 - Received 14.05.19
- Proposed Elevations and Floor Plan 003 Revision C - Received 04.07.19

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

- C 3 The materials to be used in the construction of the external surfaces of the canopy hereby permitted shall accord with the details shown on the submitted drawing 'Proposed Elevations and Floor Plan' 003 Revision C and the application form submitted on 02.07.19. For the avoidance of doubt, the frame to the canopy shall be steel finished in black and the roof shall comprise white fabric. The canopy shall be retained and maintained as such thereafter.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP18 of the emerging Peterborough Local Plan (Draft) (2019).

- C 4 Notwithstanding the provisions of Part 2 Class A of Schedule 2 Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no boundary treatments or enclosures shall be erected forward of any elevation of the building known as No.62 Cromwell Road and the elevations of the canopy hereby permitted shall be kept open.

Reason: To ensure a satisfactory appearance within the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP18 of the emerging Peterborough Local Plan (Draft) (2019) .

- C 5 Prior to installation of the fabric roof to the canopy hereby permitted, the surface water soakaways as shown on drawing 'Proposed Elevations and Floor Plan' 003 Revision C shall be constructed. All surface water run-off from the canopy hereby permitted shall be directed to these soakaways and none shall discharge onto the adjacent public highway.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

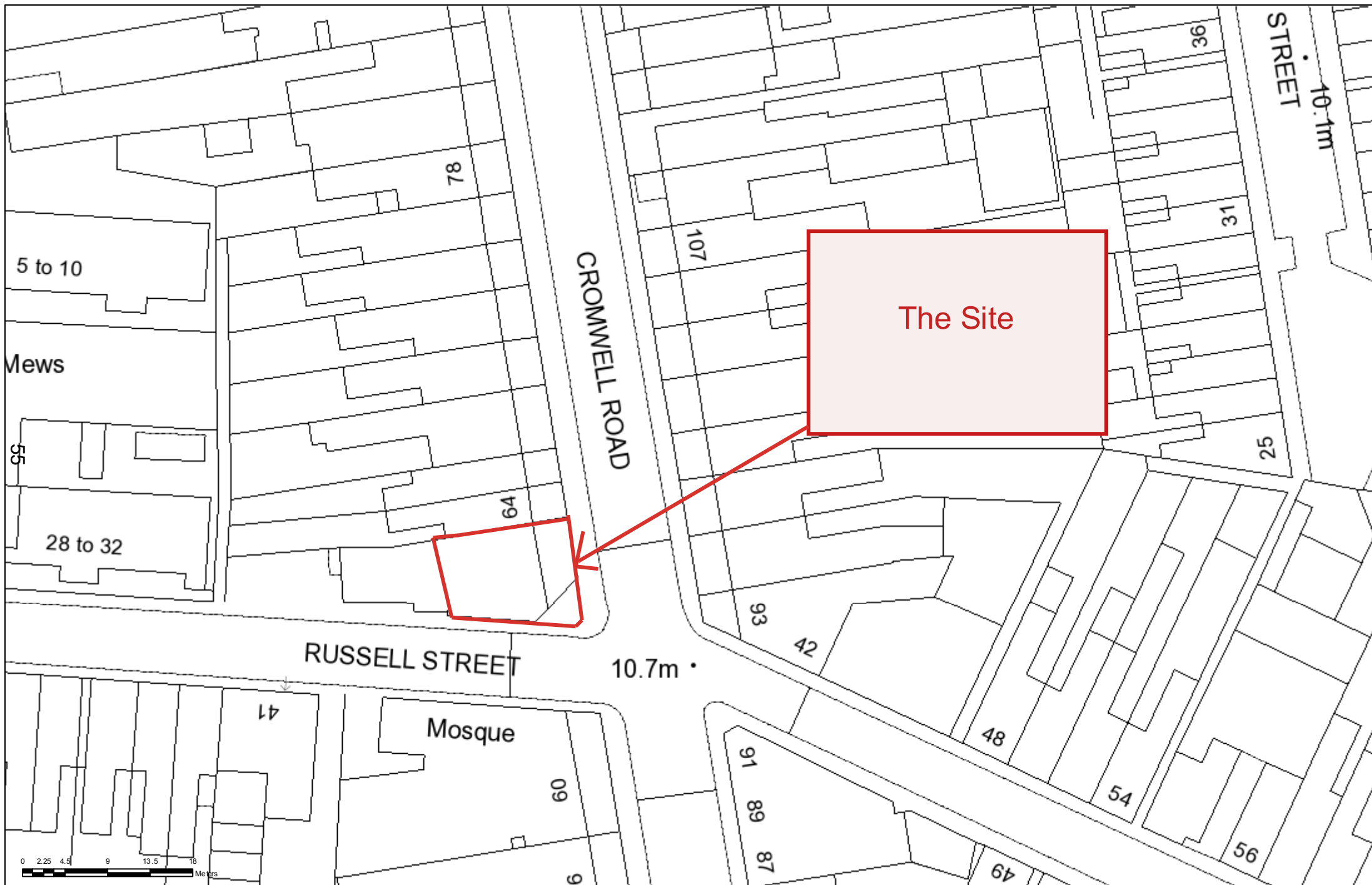
- C 6 The external seating area underneath the canopy hereby permitted and the spot lights hereby permitted shall not be used outside the hours of 08:00 to 21:00 on any day.

Reason: In order to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan (Draft) (2019).

- C7 No later than six weeks from the date of this decision and prior to installation of the roof of the canopy hereby permitted, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how rainwater from the canopy roof will be disposed of. The disposal of water shall occur within the site and not outside. The drainage strategy shall be implemented in full prior to installation of the roof of the canopy.

Reason: Reason: In the interests of highway safety and ensure satisfactory drainage of the site, in accordance with Policy PP12 Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan (Draft) (2019).

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Planning Committee Location Plan 19/00833/ADV 62 Cromwell Road PE1 2EG

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## Item No. 5.3

### Planning and EP Committee 23 July 2019

**Application Ref:** 19/00833/ADV

**Proposal:** Proposed 2 no. internally illuminated letter signs

**Site:** 62 Cromwell Road, Millfield, Peterborough, PE1 2EG  
**Applicant:** Mr M Abouomar

**Agent:** Mr Iqbal

**Referred by:** Head of Development and Construction  
**Reason:** Application site within the ownership of an elected Member

**Site visit:** 03.07.2019

**Case officer:** Mr Jack Gandy  
**Telephone No.** 01733 452595  
**E-Mail:** jack.gandy@peterborough.gov.uk

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

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

### Site and Surroundings

The application site is a building of mixed use located within the Russell Street Local Centre, comprising a restaurant at ground floor with law chambers at first floor. The site is located in a prominent position, at intersection between Russell Street and Cromwell Road.

The surrounding area comprises a mixture of retail and residential uses, typical of the locality's Local Centres. Furthermore, the defined City Centre boundary abuts the site to the south.

A number of shopfront changes have been undertaken following the grant of planning permission reference 16/00439/FUL. It is noted that whilst this permission has been implemented, the development on-site has not accorded with the approved plans and a number of other unauthorised works have taken place including:

- Altered window and door arrangements to the front and side elevations;
- Application of black tiles to the front and side elevations;
- Installation of external security shutters to all ground floor windows and doors;
- Creation of a raised decking area within the forecourt along Cromwell Road; and
- Erection of railings around the forecourt area to Cromwell Road.

Planning applications are anticipated to regularise these unauthorised works however it should be noted that these have no bearing upon the determination of the current application.

### Proposal

Advertisement consent is sought for two internally illuminated advertisements as follows:

- 1no. advertisement to the eastern Cromwell Road elevation which would measure 3.75 metres in width, 0.5 metres in length and would be installed at 2.7 metres from ground level; and
- 1no. advertisement to the southern Russell Street elevation which would measure 2 metres in width, 0.2 metres in length and would be installed at 2.9 metres above ground level.

Both proposed advertisements would comprise individually internally illuminated letters, and each would be illuminated to 300 CD/m. No flashing/intermittent illumination is proposed.

It should be noted that 3no. advertisements have recently been erected on the site (only one of which does not require consent) however these are not subject to the current application and are to be removed. The application originally sought advertisement consent for a further vertical letter sign to the southern elevation however at the request of Officers, this has been removed from the proposal.

Furthermore, a canopy and external seating area are also proposed and are being considered under an application reference 19/00830/FUL which will be determined alongside this current advertisement consent application.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/00830/FUL	Proposed external canopy and external wall lighting	Pending	
16/00439/FUL	Increased height of eaves to single storey rear element and replacement with flat roof, partially remove frontage to south elevation of rear element, installation of new shop fronts to south and east elevations and creation of enclosed bin store to the rear	Permitted	29/07/2016
11/00875/FUL	Change of use of first floor flat to professional services office (Retrospective)	Permitted	08/09/2011
07/01098/FUL	First floor rear extension to existing residential accommodation	Refused	25/09/2007
P0886/85/R	Single storey extension	Permitted	12/12/1985

## **3 Planning Policy**

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

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

#### **Paragraph 132 - Adverts**

The quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

### **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.

### **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.

### **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 and found sound, subject to certain modifications. Subject to final approval by the Council's Cabinet in June 2019, it is anticipated that the Plan will be formally adopted on 24 July 2019. On this basis, the Plan can be afforded considerable weight at this time.

### **LP13 - Transport**

b) 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.

### **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.

### **LP18 - Shop Frontages, Security Shutters and Canopies**

LP18 a) Shop Frontages (including signage)- Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

## **4 Consultations/Representations**

### **PCC Peterborough Highways Services (03.06.19)**

Objection - Only one sign should be installed on the southern elevation. There should not be two signs given that there is a need to reduce driver distraction at this busy junction. The sign on the front of the building, whilst large, would be acceptable to the Local Highway Authority as it is not likely to distract along the side of the road.

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

Initial consultations: 11  
Total number of responses: 0  
Total number of objections: 0  
Total number in support: 0

No public / neighbour representations have been received from local residents.

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

The main considerations are:

- The fall-back position
- Visual appearance
- Highway safety

### **a) The fall-back position**

The two signs proposed are considered to fall within the provisions of 'deemed consent' by virtue of Class 4B of the Town and Country (Control of Advertisements) (England) Regulations 2007 (as

amended). Therefore, an application for advertisement consent is not required for the signs proposed. Notwithstanding this, the Applicant has requested that these signs be determined under this current application and the Local Planning Authority therefore has a duty to determine the application before it. It should be noted on this basis however, that the provisions of the Advertisement Regulations are a material consideration.

### **b) Visual appearance**

Given the site's prominent position within the streetscene at a crossroads, the proposed advertisements would be readily visible to the surrounding area. The individual letters, comprising of a white background with blue edge, would be arranged just above the ground floor windows to each elevation. Although the two signs would be of different scales, they would not be installed on the same elevation, and therefore not read as a whole.

It is considered that the arrangement of the proposed advertisements would not unacceptably detract from the visual appearance of the site or to the surrounding area. Each would be positioned below the first floor windows, in a position commonplace for advertisements and therefore their siting is considered to be appropriate. Furthermore, it is considered that the proposed advertisements would be of appropriate size and scale to the application property, not appear unduly dominant or obtrusive and would respect the overall composition of the elevations upon which they would be installed.

Notwithstanding the above, both of the advertisements proposed fall within the provisions of 'deemed consent' of Class 4B of the Town and Country (Control of Advertisements) Regulations 2007 (as amended) (i.e. consent would not normally be required). Accordingly, even in the event that harm to visual amenity were identified, which it has not been, Officers do not consider that the proposal could reasonably be resisted on this basis.

In light of the above, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019).

As detailed above, there are 3no. advertisements that have been installed at the site, two which do not benefit from deemed consent (i.e. consent from the Local Planning Authority is required) - these are the advertisements above the bottom of the first floor windows to the southern and eastern elevations. The arrangement and positioning of these advertisements appears awkward and contrived, harming the character and appearance of the streetscene and surrounding area. To ensure that this awkward arrangement does not continue, and is not exacerbated by virtue of the current proposal, Officers consider it reasonable and necessary that the existing lettering advertisements be removed and the new advertisements installed within a six week period. This shall be secured by way of a condition.

### **b) Highway safety**

The Local Highway Authority (LHA) initially raised concerns in regards to the original application submission, and in particular, the proposal to have two separate internally illuminated advertisements on the southern elevation. Their concern related to the potential for driver distraction when negotiating the cross roads. Accordingly, the scheme has been amended and the proposed 'vertical' sign removed, such that only 1no. advertisement is proposed to each elevation. Whilst no formal revised consultation has taken place with the LHA, Officers consider that this amendment is sufficient to address their concern.

Turning to the 2no. advertisements which remain as part of the proposal, the LHA has not raised any objections in respect of the proposed signage to the eastern front elevation. Although it would be a noticeable sign within the street scene, it would set back from the foot way, along with the proposed canopy to be beneath it. Accordingly, it would not be prominent or distracting to users of the adjacent highway.

The illumination intensity proposed to each advertisement is 300CD/m. This level of illumination intensity is within 'permitted tolerances' outlined within the Town and Country (Control of Advertisements) Regulations 2007 (as amended) and is therefore considered appropriate. To ensure that no glare or dazzle results to users of the adjacent highway, it is considered necessary to impose a condition which ensures that the source of the illumination proposed (i.e. the bulbs) is not visible to users of the highway.

Notwithstanding the above, given that the proposed advertisements benefit from 'deemed consent', any objection to illumination could not be upheld.

On the basis of the above, Officers consider that the proposal accords with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

## **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 visual appearance of the site would not be unacceptably harmed by the proposed advertisements, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019); and
- The proposed advertisements would not unacceptably harm the safety of surrounding highways, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Consent to Display Advertisements is **GRANTED** subject to the following conditions:

- C 1
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  2. No advertisement shall be sited or displayed so as to:
    - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or;
    - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring speed of any vehicle.
  3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or as subsequently amended.

C 2 The advertisements hereby consented shall be installed and maintained in accordance with the following details:

- Proposed Block and Location Plan (Drawing number 001 Revision B)
- Existing Elevation and Floor Plan (Drawing number 002)
- Proposed Elevation and Floor Plan (Drawing number 003 Revision C)

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

C 3 No later than six weeks of the date of the decision notice, the three existing internally illuminated advertisements currently in situ on the site known as No.62 Cromwell Road shall be removed, including any fittings used to secure them in place. Thereafter, the two advertisements hereby consented shall be installed in accordance with the provisions of condition C2 above.

Reason: In the interests of ensuring an acceptable appearance to the character and appearance of the site and surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019).

C 4 The source of illumination to the advertisements hereby consented shall not be visible to users of the adjacent public highway.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

Copies to Central Ward Councillors Hussain, Iqbal and Jamil.



Planning Committee Location plan 19/00738/HHFUL 16 Engine PE2 7QA

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 Print Date: 09/07/2019

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## Item No. 5.4

### Planning and EP Committee 23 July 2019

**Application Ref:** 19/00738/HHFUL

**Proposal:** Single detached garage

**Site:** 16 Engaine, Orton Longueville, Peterborough, PE2 7QA  
**Applicant:** Mr And Mrs D Thomson

**Agent:** Mr David Broker

**Referred by:** Head of Development and Construction  
**Reason:** Applicant is a close relation of a member of the Planning Department  
**Site visit:** 16.05.2019

**Case officer:** Mrs Louise Simmonds  
**Telephone No.** 01733 454439 or 453410  
**E-Mail:** louise.simmonds@peterborough.gov.uk

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

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

### Site and Surroundings

The application site comprises a relatively large detached dwelling of brick and tile construction, set centrally within a spacious plot. The site is situated on a bend in the road of Engaine, a cul-de-sac with dwellings of similar style, appearance and size. The dwelling has previously been extended by virtue of a two storey rear extension (permitted under reference 17/01073/HHFUL) and there is a relatively large single storey garage with attached workshop sited along the northern boundary (the workshop element permitted under reference 10/00454/FUL).

The application site lies outside of the Orton Longueville Conservation Area albeit the boundary of the Conservation Area abuts the site to the east.

### Proposal

The application seeks planning permission for the construction of a single storey single garage. The proposal would be sited to the front of the dwelling, between the side gable elevation and the public highway. The garage would be of brick and dual pitched tile roof design and measure: 3.7 metres (width) x 5.8 metres (length) x 2.45 metres (height to eaves) and 4 metres (height to ridge).

## 2 Planning History

Reference	Proposal	Decision	Date
10/00454/FUL	Construction of garage extension	Permitted	26/05/2010
17/01073/HHFUL	Two storey rear extension	Permitted	26/07/2017

## 3 Planning Policy

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

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

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

The Local Planning Authority has a statutory duty to 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.

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

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

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

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

#### **PP17 - Heritage Assets**

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

### **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 and found sound, subject to certain modifications. Subject to final approval by the Council's Cabinet in June 2019, it is anticipated that the Plan will be formally adopted on 24 July 2019. On this basis, the Plan can be afforded considerable weight at this time.

#### **LP13 - Transport**

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

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

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

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

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.

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

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

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

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

## **4 Consultations/Representations**

### **Orton Longueville Parish Council (10.06.19)**

No material comments to make.

### **PCC Conservation Officer (03.07.19)**

No objections - The main reason the Conservation Area extends into the estate is in order to control development in areas that are potentially visible from The Village, rather than the area beyond the barns on the edge of Engaine having any notable conservation value.

The fact that this proposal sits on the far side of the dwelling, jutting out into the streetscene, would conceal any longer views of the proposal and as such, it would have little to no impact on the character and appearance of the CA.

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

Initial consultations: 8

Total number of responses: 1 (Parish Council)

Total number of objections: 0

Total number in support: 0

No public representations have been received.

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

The main considerations are:

- Design and impact to the character and appearance of the surrounding area
- Impact to designated heritage assets
- Neighbour amenity
- Parking and highway implications

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

The surrounding area is of varied design and style of dwellings albeit the overriding character is of large detached dwellings set within spacious plots. Nearly all dwellings are served by detached garages set away from the dwellings they serve, many forwards of the front building line. The application site presently benefits from a large detached double garage sited along the northern boundary, which has been significantly extended to provide additional ancillary accommodation. The proposal seeks to provide a further detached garage, albeit of smaller scale and height. Whilst the proposal would be sited immediately adjacent to the host dwellinghouse and forward of its elevation that fronts the public highway, this would not appear incongruous or alien given the context of the surrounding area.

Furthermore, the relatively small scale and height of the proposal, assisted by the dual pitched roof

design, would not appear unduly dominant or obtrusive within the streetscene. The use of matching materials to the host dwelling would ensure that it integrates with the existing development on the site and the surrounding area.

On this basis, it is considered that the proposal would not result in unacceptable impact to the character, appearance or visual amenity of the surrounding area, and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan (Draft) (2019).

#### **b) Impact to designated heritage assets**

As detailed above, the application site abuts the Orton Longueville Conservation Area. This is situated to the east, with the proposal sited on the far side of the site away from the Conservation Area (CA). No formal consultation has taken place with the City Council's Conservation Officer albeit comments have been provided. The Conservation Officer has advised that the CA extends into the estate of Engaine in order to control development in areas that are potentially visible from The Village. Therefore the CA extending beyond the barns on the edge of Engaine (to the east) has no notable conservation value.

The proposal would only be briefly glimpsed from a relatively small area of the CA, and that area is within the modern development of Engaine which as detailed above, has no notable conservation value. Accordingly, the Conservation Officer has advised that the proposal would have little to no impact to the setting of the Conservation Area.

In light of this, the proposal is considered to be in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012), emerging Policy LP19 of the Peterborough Local Plan (Draft) (2019) and paragraphs 184 and 191 of the National Planning Policy Framework (2012).

#### **c) Neighbour amenity**

The proposal would be sited a considerable distance from the nearest neighbouring property (to the west), with the public highway and an area of garden and a detached double garage intervening. To the north, the proposal would be screened by the existing detached double garage/outbuilding, and to the south the proposal would be set with the application site's garden and then public highway between. On this basis, the proposal would not have any impact to the amenities of neighbouring occupants. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan (Draft) (2019).

#### **d) Parking and highway implications**

At present, the site has considerable parking provision with the existing detached double garage and a large area of hardstanding. The proposal would provide additional covered parking within the site which would not reduce the amount of available turning space within the site to allow vehicles to exit in a forward gear. Whilst the Local Highway Authority has not been consulted on the proposal given its smallscale nature, it is not considered that the proposal would pose any unacceptable risk to highway safety. On this basis, the proposal is considered to be in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan (Draft) (2019).

## **6 Conclusions**

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

- the proposed single garage would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and

- emerging Policy LP16 of the Peterborough Local Plan (Draft) (2019);
- the proposal would have little to no impact upon the setting of the Orton Longueville Conservation Area, in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012), emerging Policy LP19 of the Peterborough Local Plan (Draft) (2019) and paragraph 191 of the National Planning Policy Framework (2019);
- the proposal would not result in unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan (Draft) (2019); and
- the proposed development would not result in undue harm to the safety of the public highway, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan (Draft) (2019).

## **7 Recommendation**

The Executive 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 development hereby permitted shall be carried out in accordance with drawing number 2079-1 GA 'Plans and Elevations'.

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

- C 3 The materials to be used in the construction of the external surfaces of the single garage hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan (Draft) (2019).

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