



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 17 DECEMBER 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 **5 November 2019** 5 - 16

4.2 **26 November 2019** 17 - 26

5. **Development Control and Enforcement Matters**

5.1 **19/01469/HHFUL - 184 Mayors Walk West Town Peterborough PE3 6HQ.** 27 - 32

5.2 **19/01363/FUL - 89 Grange Road West Town Peterborough PE3 9DZ.** 33 - 40



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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, Simons, E Murphy and Yurgutene

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,, Amanda McSherry, Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, and Carry Murphy

Minerals and Waste: Alan Jones

Compliance: Clive Dunnett, 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, 5 NOVEMBER 2019  
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

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

**Officers Present:** Nick Harding, Head of Planning Peterborough and Fenland  
Julie Smith, Highways Control Team Manager  
Amanda McSherry, Development Management Team Manager  
Brona Bell, Planning Solicitor  
Dan Kalley, Senior Democratic Services Officer

**Others Present:**

**27. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Jones and Hussain.

**28. DECLARATIONS OF INTEREST**

Councillor Casey declared an interest in Item 5.3 by virtue of being of being a Parish Councillor, however he did not take part in any discussions relating to planning applications when the Parish Council was debating them.

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

There were no representations to make declarations as Ward Councillor.

**30. MINUTES OF THE MEETING HELD ON**

**30.1 3 SEPTEMBER 2019**

The minutes of the meeting held on 3 September 2019 were agreed as a true and accurate record.

**30.2 24 SEPTEMBER 2019**

The minutes of the meeting held on 24 September 2019 were agreed as a true and accurate record.

**31. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS**

**31.1 19/00039/FUL – BRITISH SUGAR, OUNDLE ROAD, WOODSTON  
PETERBOROUGH**

The Committee received a report in relation to seeking:-

1. Full planning permission for the demolition of the existing buildings on site, and redevelopment of the site to provide a new foodstore (Class A1), with associated car parking and landscaping on part of the site (Phase 1) ; and
2. Outline planning permission on the remaining part of the site (approx. 1.57 hectares) for up to 74 new residential units, with all matters reserved, apart from access (Phase 2).

The Development Management Team Manager introduced the item and highlighted key information from the report and update report. The application was similar to the previous application that was refused, except for the increase in affordable housing provision from 15% to 30%. This figure was now in line with the minimum amount of affordable housing as outlined by the Council. The layout of the proposed 74 dwellings was only indicative at this stage. A further application outlining the residential development would be brought separate to this application. Members were informed that the British Sugar building had recently been inspected and was no longer classed as a listed building.

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

- The objections to the application were the same for all three Ward Councillors. There was a lot of interest in the impact on the local centre nearby. Nearby residents and employees at the Budgens store believed this application would in effect force the Budgens store to close down. This would leave a large premises vacant at the centre.
- The biggest concern was around the residential properties. The increase in the potential numbers of children to the area would place a strain on the already full and crowded schools in the locality.
- The Council was under a statutory obligation to provide suitable education to children within the local area. Peterborough had one of the highest birth rates in the country along with one of the highest rates of new homes being built.
- Section 14 of the Education Act placed an obligation on the local authority to provide children with a school place as close to home as possible. In addition the Inspection Act 2006 placed a duty on the Council to give fair access to parents to provide a diversity and choice of school for their children.
- In terms of the residential proposal it was agreed that these were definitely needed, however it was important that the education need of children moving into the development was taken into account.
- There was no space to expand the schools within the local area. However in order to cope with the increased demand all that would be needed was a further 4 classroom spaces.
- There was potential within the new development for the need of the additional space to be met.
- It was therefore suggested that the application be deferred at the current time while the applicant and local authority discussed the education provision in the local area along with the need to build the additional homes.

- If the listed building had remained listed this could've been used to provide the additional school places. However this was no longer a possibility as it would be demolished to make way for the development.

Russell Adams and Edward Vann, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Members needed to consider whether the proposed Lidl store was needed in this location. Lambert Smith's appraisal to the Council provided an up to date commentary on the need for a store in light of existing provision. There was already an existing Budgens, Co-op, Tesco Express, Tesco Extra, Lidl, two Aldi's and an Asda all within easy access of the proposed development.
- The impact of the proposed Lidl store on the existing retail centre had not been assessed properly as the issues had only been raised on this revised application.
- It was argued that an edge of centre development needed to be well connected and in this instance Sugar Way would act as a barrier to easy movement of pedestrians being able to access the new development.
- The original report had showed that Lidl had understated the impact the new store would have on shops such as Budgens.
- The Budgens was an independent family run store. The store had initially seen a rise in profits and footfall however since the opening of the Tesco Express profits had fallen away.
- People who worked nearby to the store would often buy their lunch and any groceries on their way home from work.
- Budgens had been assessing whether to try and sell the site onto another retailer as the business was already under strain and this new proposal would almost certainly signal the end of the Budgens store.
- It was not acceptable to suggest that increased business would bring higher footfall to the centre. There was no evidence to suggest this would happen and from previous experience this was unlikely.
- If the proposal went ahead it would then difficult decisions would need to be made over the future of the Budgens store. This could potentially affect around 20 local people who worked at the store.

Anne Cook, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was potentially concern around the provision of education should the residential development go ahead. However this more about population increase rather than any additional homes being built.
- It was a great idea to have a big supermarket such as Lidl at the site.
- The Budgens site could be used to increase education provision in the area or increase the size of the doctor's surgery.
- The Tesco express store and Co-op were irrelevant to the application as they had marked their goods at a higher price than a Lidl would.
- Although it would be a shame for local business to close down it was difficult to see how the Budgens could compete with Lidl.

- Most of the large supermarkets were still quite some distance away from the proposed site. Local residents would welcome the addition of a Lidl store.

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

- The amended scheme provided 30% affordable housing. This was an increase from 15% that was stated in the original proposal. The full application before the Committee was for the proposed Lidl store. The application for the residential dwellings would be made at a later date.
- It was proposed that the Lidl store would provide an extension to the Valley Park Centre rather than trying to close it down.
- The proposed application provided a customer focused store, which would provide a series of benefits to the local area. These included improving the attractiveness of the Valley Park Centre, increased job opportunities, more parking to ease some of the car parking congestion.
- The application was a more appropriate use of the land than what was currently on site and would potentially provide additional services for the local community.
- National Planning Policy encouraged residential development in sustainable locations such as what was being proposed in the application. The proposal would also assist the Council in achieving its five year housing supply targets.
- Historic England had withdrawn the ARUP building from its listed status following a recent inspection, as it was not of sufficient quality to list. In addition the site was not listed in a conservation area.
- The Council had deemed that re-using the building would not be viable in its current state.
- Overall the development would bring in a number of benefits to Peterborough both in terms of retail offering and improvement of the site.
- Lidl used standard HGV's to deliver goods to the store. This would only be done once or twice a day so as not to cause too much traffic disturbance.

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

- The application was a revision of an earlier application that had been refused due to a lack of affordable housing. The new proposal had increased this to the Council's minimum amount of 30% so there was no longer any issue with the application.
- Historic England had no comments to make on the proposal and had recently lifted the listed status of the ARUP building.
- If a Lidl was to be built it was unlikely to have a detrimental effect on the adjacent local centre as a whole, though the Budgens store itself might have been impacted upon, but it was not trading well currently.

**RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (7 for, 1 against) 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 principle of residential use on this site is considered to be acceptable and compatible with the surrounding land uses. The quantum of development achievable on this site will be determined at the detailed reserved matters stage, the figure applied for is an up to figure and therefore is not a fixed figure. The proposal is therefore in accordance with Policy LP03 of the Local Plan.
- The proposal has passed the sequential test in relation to retail site selection, it has been demonstrated that there are no sites higher in the search hierarchy. In terms of retail impact the greatest impact will be on the adjacent Valley Park Local Centre. There will be an impact on the Budgens store which anchors this centre. However on balance it is not considered that the impact would be significantly adverse, and therefore the proposal passes the impact test in accordance with the NPPF, and Policy LP12 of the Local Plan.
- The quality and significance of the building on site to be lost is not considered to be so high, that the harm caused by its loss would justify the prevention of the proposed redevelopment of this site for housing and retail use.
- The proposed access arrangements and traffic impacts are considered to be acceptable. There are no highway safety concerns with the development proposed. The car parking for the Lidl store is acceptable and the parking for the residential scheme will be determined at the reserved matters stage. The development is therefore considered to be in accordance with Policy LP13 of the Local Plan.
- The proposed drainage of the both the retail and residential sites are considered to be acceptable, subject to the imposition of conditions.
- 30% affordable housing is proposed in accordance with Policy LP08 of the Local Plan.
- The impact on neighbouring sites is considered to be acceptable in accordance with Policy LP17 of the Local Plan.

#### **31.2 19/00696/REM - LAND ON THE WEST SIDE OF GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH**

The Committee received a report seeking reserved matters consent in respect of appearance, landscaping, layout and scale for the erection of 5no. self-build detached bungalows (with refuge in the roof space) together with associated access, parking and amenity space pursuant to outline planning permission 17/01902/OUT. The application also seeks to comply with the requirements of conditions C6 (archaeology), C7 (fire hydrants), C8 (Arboricultural Method Statement), C10 (access details) and C13 (Construction Management Plan).

The Head of Planning introduced the report and highlighted key information from the report and update report. Members were informed that the application was deferred at the last meeting as the application did not meet the legal definition of a bungalow. This was due to the fact that the application had provision for balconies which were not permitted. The application did however still contain living space contained within the roof of the properties, but this was compatible with the definition of a bungalow.

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

- The original outline application mentioned that the first floor would be used for refuge space only. However the application as it currently stood made provision for living space above the ground floor. It was suggested that the original outline application be kept to. This would in addition lower the roof line of the properties.
- The majority of people would understand a bungalow to be ground floor accommodation only, contrary to the legal definition.
- There were a number of bungalows in the nearby location which only had ground floor accommodation and weren't big enough to hold living accommodation within the roof space.
- The Planning office needed to make it clearer for future applications that a bungalow could include living space in the roof.

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

- The changes made to the previous application had been to remove the balconies apart from one of the properties that contained a Juliet balcony which was within the gable and therefore was compatible with the bungalow definition.
- If someone undertook to build their own property this would be CIL exempt, however evidence would need to be produced to show it was a self-build via a CIL exemption form.
- Highways confirmed they approved the access width and were not concerned further than that due it being a private property.
- The legal definition of a bungalow was a surprise, however the application as it stood met that legal definition.
- Describing the bungalow with refuge space on the outline application was different from what was now being decided on by the Committee.
- Planning Officers confirmed that future applications would be scrutinised more closely so that the description conditions matched what was actually planned to be built.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (7 for, 1 abstain) to **GRANT** the application.

#### **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 principle of development is sound and the proposal will not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings, or highway safety; in accordance with policies LP01, LP2, LP13, LP16, LP17, P28 and LP32 of the Peterborough Local Plan 2019.

### **31.3 19/00924/FUL – LAND TO THE NORTH WEST OF 7-9, WAINMAN ROAD, ORTON LONGUEVILLE**

The Committee received a report in relation to seeking planning permission to change the use of the car park to a car sales site (sui generis use), along with the siting of a prefabricated sales office and erection of 2.2 metre high weldmesh fencing to the northern, southern and eastern boundaries of the site. The proposal would reduce the number of parking spaces from the existing 96 to 81, and would comprise: 73 'sales' spaces; 5 customer spaces (one of which is for disabled parking); and 3 staff spaces (one of which is for disabled parking). The sales office is proposed to be erected within the north-western corner of the application site, and would measure approximately 5.9 metres in width and 5.9 metres in depth. A flat roof is proposed, which would measure 2.8 metres high above ground level. A ramp and step would provide access. Grey GRP vertical cladding is proposed, along with powder coated finishes in grey to the window and doors.

It should be noted that the proposal had been amended from that which was originally submitted at the request of Officers. The application site originally enclosed the grassed landscaping area to the south, however this has now been excluded from being within the development site.

The Head of Planning introduced the item and highlighted key information from the report and update report. The Committee were informed that they were unable to take into account the lease arrangements for the car park in its current form, as this was a civil matter and not one which would affect planning permission.

Andrea Harrison, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The loss of the wooded area to the rear of the site had affected the wildlife, including a number of nests for birds and the loss of five species of bat. This should be re-established and a natural preservation order placed on it.
- There was concern that if the application was to be granted that it remains a car sales lot and not become a taxi rank, as this was another business of the owner of the land.
- The car sales lot would increase the volume of traffic on the roads and affect the ability of business to function as they had been. Members of the public who visited the businesses in the area were increasingly having to park further away when visiting. This also included people parking in local residential streets and having to walk to the business park.

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

- In terms of provisions within the proposed sales hut this was covered by other legislation and was not something the planning department would look at in great detail.
- The granting of the application did not affect any ongoing matters that were contained in any potential lease arrangements. This would be a civil matter that would need to be taken up.
- Using a S106 agreement would have a much more impactful status on preventing car transporters from parking around the corner of the application site and offloading vehicles.
- No lease had been shown to officers to confirm whether or not some of the units had the right to park in the car park.
- If the application was to be refused the owners of the land could still block the car park and therefore no one would be able to use it. If the car park was opened up and charges were then applied the Council wouldn't be able to control this.
- It was likely that no longer having the car parking spaces would have a detrimental impact on the businesses and staff within the locality.
- There were concerns around the estate, the closure of the car park had led to an increase in the number of cars parking around the estate and in residential areas. Giving permission to the application will increase the traffic in the area and make parking an even bigger issue.
- Although there were issues with parking and a potential for increased traffic it was difficult to see a planning reason for refusal. If refused the applicant could go ahead and block the car park if it was not to be used.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (5 for, 3 against) to **GRANT** planning permission.

#### **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 principle of development is acceptable; - The proposal would not unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019); - Adequate parking to serve the use would be secured and the proposal would not adversely impact upon the safety of the surrounding highway network, in accordance with Policy LP13 of the Peterborough Local Plan (2019); - The proposal would not unacceptably harm the amenity of trees and wildlife, in accordance with Policies LP28 and LP29 of the Peterborough Local

Plan (2019); and - The amenity of surrounding industrial units would be retained, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

#### **31.4 19/01278/FUL – LAND ADJACENT TO Highbury House, Millfield, Peterborough**

The Committee received a report in relation to seeking planning permission for the demolition of an existing single storey workshop and garage building on site. It is understood from the agent that the previous use of the site was as an independent garage and workshop and that it was not associated with any of the surrounding residential properties. It proposed to replace the existing development on site with a two storey detached building comprising of 2 x one-bed flats. No on site car parking is proposed.

The Head of Planning introduced the item and highlighted key information from the report and update report. Officers were recommending refusal on the basis that no parking provision had been made and the property was deemed to be overbearing in terms of overlooking on properties across the road and the privacy on neighbouring properties.

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

- The flats would provide much needed accommodation to the local area. The applicant had a number of years' experience in building accommodation for the rental market.
- The development was within 200 to 300 yards of the nearest bus stop, making it easy for tenants to use public transport.
- There were a number of shops, community centres, restaurants and pubs within walking distance.
- Although there was an issue with parking in the local area the applicant was willing to limit those who could rent the property to those who did not own a vehicle.
- There was a definite need for affordable housing in the local area and there were excellent transport links.
- Despite there being a parking issue in the area there were often enough spaces on the street for people to park.
- The applicant was clear that they wanted the flats to stay as one bedroom flats and not allow the proposed study to turn into a bedroom.
- There was potentially a loss of privacy to the neighbouring property from one of the windows to the side of the proposed development.

John Dadge, agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- In terms of the impact to the adjacent property to the north of the proposal it was considered that this was not overlooking any habitable rooms of the adjacent property. In addition there were only two proposed windows going

into the north side of the proposed property and these were both bathroom windows.

- It was suggested that adjacent to the north of the proposed development was mainly used for car parking space.
- There had been no objection from the occupier at 215 Lincoln Road over the proposed development and loss of amenity. The garden of the property at 215 Lincoln Road was 77 foot long and most people would only generally use the part of the garden close to the living space and leave the back of the garden. This would in effect have less of an impact on the property and not cause any issue with loss of privacy.
- With regards to the property at number 11 there had been no reports of this being an issue. The location of the property was on a terraced street. However the applicant was willing to install an obscured glazed window to prevent any further overlooking.
- There was a big push to do away with cars. It was suggested that any future occupiers may decide to not have access to any vehicles and instead use public transportation.
- People who owned a vehicle would have to weigh up whether they wished to keep their vehicle or instead use public transport in order to rent the property.
- There were examples where conditions had been included to limit those who rented the property to not have access to a vehicle. Some of the colleges in Cambridge had used this condition for student accommodation.
- Each application should be considered on its merits. In this instance the proposal would provide necessary accommodation close to the city centre at an affordable level.

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

- It was feasible to attach a condition to the application to prevent anyone renting the property having access to a vehicle. However this was generally used for larger scale developments.
- It was not possible to include a condition preventing potential occupiers from applying for a residents parking permit.
- Highways would continue to have objections to the proposal as there would need to be a minimum parking provision for the development. If the proposed studies were to be used as bedrooms then four parking spaces would need to be provided.
- If this application was granted with a provision that the occupiers could not have access to a vehicle it could set a precedent for other applications outside the city core.
- Even if the proposal was for genuine one bedroom flats the officer recommendation would still be for refusal as two parking spaces would be required.
- There is no limit on the number of parking permits that are issued. It was therefore difficult to know whether the area was oversubscribed.

- There had been applications in the past that had been refused by the Committee due to lack of parking provision.
- If the application was granted it would be seen as going against the Councils Planning policy in terms of parking provision.

**RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (7 for, 1 abstain) to **REFUSE** planning permission.

**REASON FOR THE DECISION:**

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

Chairman  
1:30pm – 4.16pm

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
MEETING  
HELD AT 1:30PM, ON  
TUESDAY, 26 NOVEMBER 2019  
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

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

**Officers Present:** Nick Harding, Head of Planning Peterborough and Fenland  
Nick Greaves, Principal Engineer  
Karen Dunleavy, Democratic Services Officer  
Stephen Turnbull, Planning Solicitor  
Alan Jones, Senior Officer Minerals and Waste

**Others Present:**

**32. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**33. DECLARATIONS OF INTEREST**

Councillors Amjad Iqbal and Mahboob Hussian highlighted that agenda item 4.3 19/00725/FUL - St Joseph's Catholic Church, Gladstone Street, Millfield, Peterborough was within their ward and they would not be predetermined when reaching a decision.

Councillor Dennis Jones highlighted that agenda item that agenda item 4.1 18/02196/Mmful - Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough was within his ward and he would not be predetermined when reaching a decision.

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

There were no declarations of intention to make representation as Ward Councillor.

**35. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS**

**35.1 18/02196/MMFUL - DOGSTHORPE LANDFILL SITE, WELLAND ROAD, DOGSTHORPE, PETERBOROUGH**

The Committee received a report in relation to permission being sought for the dewatering of the lagoon at the eastern end of the landfill site, and the infill of approximately 375,000 cubic metres of construction, demolition and excavation waste, over a six year period, with restoration to an agricultural grassland area, and implementation of a modified surface water management system which served the wider landfill site.

The construction of the void was expected to generate approximately 12,000 cubic metres of material, to be stockpiled in a suitable location on the wider site before used for restoration purposes.

The infill works were proposed to take place within the previously approved operational hours for the landfill site 6:00am to 6:00pm Mondays to Saturdays and 8:00am to 12:00pm (noon) Sundays, Bank and Public Holidays and would involve an estimated 25 deliveries per day around 50 Heavy Goods Vehicle movements to and from the site.

The proposed restoration scheme had been amended to include conservation grassland to the margins of the agricultural grassland and waterbody, with a hedgerow proposed along the western edge of the proposed landform to delineate the grassland areas.

The proposal was EIA development, under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations and was accompanied by an Environmental Statement.

The Environmental Statement had been presented in such a way as to account for the proposed changes (since permitted) to the landfill, including the additional time for the completion of restoration and the amended restoration scheme for the wider site.

The Senior Officer Minerals and Waste introduced the item and highlighted key information from the report and the update report.

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

- The benefits of the proposal were that it would provide needed land and capacity within the landfill site.
- The proposal would deliver improvements to the existing surface water management systems, rather than being pumped.
- The proposal was a more diverse restoration scheme to enable priority habitats.
- The proposal met the relevant regulations in terms of odour, and this would continue to be reviewed and controlled by the Environment Agency.
- The proposal was a sustainable development.

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

- Members were satisfied that the proposal was a positive improvement for the site and the area had not been best served in its current state.
- Members felt that the proposal was good for the City.

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 the imposition of the relevant conditions delegated to officers.

**REASON FOR THE DECISION:**

- The National Planning Policy Framework (NPPF) stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accorded with the development plan without delay. The application had been considered in light of the Cambridgeshire and Peterborough Minerals and Waste development Plan, the NPPF and accompanying Planning Practice Guidance, and the National Planning Policy for Waste.
- The site was not allocated for inert fill but the proposal complied with policies CS14 and CS15 of the Core Strategy with regards the provision and location of waste management, and due to the limited availability of inert fill capacity coming forward at the strategic Block Fen / Langwood Fen allocated site (policy CS20) it was accepted that there may be a requirement to divert infill in the plan area to other available sites. The use of catchment restrictions ensured the proposal accorded with policy CS29.
- An Environmental Statement accompanied the application which was considered to be comprehensive and met the requirements set out in the Town and Country Planning Environmental Impact Assessment Regulations 2017. Detailed topic areas had been assessed and considered:- noise, dust and air quality impacts had been considered and were in accordance with policy CS34. Highway and traffic issues, including safety of all road users in the vicinity of the site, had been considered and was in compliance with policy CS32. With regards to landscape and visual impacts, the proposal was in compliance with policies CS24, CS33 and CS24. The impact on water resources and the water environment had been assessed and the proposal was in compliance with policy CS39. The impacts on ecology, site restoration and provision of biodiversity enhancements had also been considered and the proposal was in compliance with policies CS25, CS34 and CS35.
- Cumulative impacts with the ongoing restoration works at the adjacent Dogsthorpe landfill site had also been taken into account.
- Comments of consultees and representations had been taken into account and suitable conditions attached to address any issues raised and in all other respects the proposal was acceptable. As such, there was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

**35.2 19/01212/WCPP - THE BLUE BELL, 10 HIGH STREET, GLINTON, PETERBOROUGH**

The Committee received a report in relation to permission sought to vary condition six of planning permission reference 17/01167/FUL. This permission granted was for an outdoor dining area comprising of Jumbrella with seating, with an extension of the hard surface serving the existing patio area. Timber posts, 'square arches', lighting, screens partially enclosed a dining area and finally acoustic fencing were also approved, with

the removal of the willow tree along with additional landscaping also accepted. The proposed variation sought to allow the extended hours granted temporary consent 9:00am to 11:00pm to be made permanent. For the avoidance of doubt, the approved condition was as follows: For a temporary period up to the 30 November 2018, the development hereby permitted should not be open for use by patrons of the Bluebell Public House or members of the public outside the hours of 9:00am and 11:00pm on any day. Thereafter, the development hereby permitted should not be open for use by patrons of the Bluebell Public House or members of the public outside the hours of 9:00am and 9:00pm on any day. Reason: To allow the extended hours to be tested to see whether issues that arise from the development hereby permitted would unacceptably harm the amenity of surrounding neighbours, in accordance with Policy PP3 of the Peterborough Planning Policies DPD (2012).

The Head of Planning introduced the item and highlighted key information from the report. Members were advised that there had been a further representation from Glington Parish Council against the application. In addition, there had been no complaints of noise received since the operation of the development approved under the 2017 application.

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 no smoking policy adopted in the outdoor area was the choice of the landlord and was not an activity that Planning Committee could condition.
- Members felt that the proposal was difficult to refuse as most of the other parts of the garden were in use to 11:00pm. In addition, there had been no formal complaints received by the Authority during the trial period.
- Members felt that the pub trade was hard to get right and that neighbours would be aware that they had purchased a property next to a pub
- Members commented that if customers were to stand a foot outside of the Jumberrella area there would be no breach of the existing 9:00pm curfew.

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 imposition of the relevant conditions delegated to officers.

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

Subject to the imposition of the attached conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan. Specifically, the proposal variation of condition would not unacceptably impact upon the amenity of surrounding residents, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

### **35.3 19/00725/FUL - ST JOSEPH'S CATHOLIC CHURCH, GLADSTONE STREET, MILLFIELD, PETERBOROUGH**

The Committee received a report in relation to amended plans, for an application which sought planning permission to demolish the Church and Hall and erect a three storey building to create 14 one bed apartments. In addition, 14 off-street car parking spaces and a small amenity space/drying area would be situated on site to serve the proposed apartments, and eight parking spaces for nursery staff would be created to the north-east of the site, access to which would be gained from Taverners Road to the north. The proposed building would have an overall footprint of 15 metres by 17.2 metres and proposed to stand at 9.3 metres in height, utilising a flat roof. Each unit would be provided with a bedroom, kitchen/living room area and bathroom. Proposed materials would include walling -white render and grey cladding roofing, flat roof with aluminium edging windows - white UPVC doors, aluminium fencing at 1 metre in height with bow top railings to Gladstone Street and Bamber Street. The scheme had also been amended to include a revised site location plan to include the satellite car parking area, to provide staff parking for eight vehicles and access from Taverners Road; and - amended car parking and bin store arrangement for the proposed residential units. The amended plans were subject to public consultation, and no new comments had been received.

The Head of Planning introduced the item and highlighted key information from the report and the update report. Members were advised that there were a number of revised conditions. In addition, there had been no feedback received from the water drainage team regarding surface water drainage, however if approved, any requirements they recommend would be implemented. The proposed use of the car parking off Taverners Road was undergoing consultation and if the application was approved, the plans would be implemented, subject to any negative comments received.

Members were also advised about the viability exercise undertaken, and that the applicant was asked to provide figures for a conversion opposed to redevelopment of the proposed site. In conclusion, the viability exercise demonstrated that the proposal would result in negative profit value if the existing church building was to be converted.

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

- The Ward Councillor was against the proposal due to the overbearing size and location of the development.
- The viability figures provided were from 2008, and that the suggested negative profit should be questioned as the number of units in the revised proposal had doubled since the original application.
- The three-storey proposal was out of character for the area as most buildings were two storeys in height, therefore the proposal was not in accordance with LP16.
- The St Joseph's Catholic Church building was historical to the area and the proposal would be more acceptable if it was more in keeping with the area.
- LP 19 stated that a development should enhance a local area.

- The vehicle turning onto Taverners Road was not efficient at the best of times and the car park access was very restricted. Furthermore, this could present a risk to pedestrians.
- There were two doors located either side of the car park access which had not always been there. In addition, the use of the doors could present a danger to residents of both properties.
- There would be an increase in traffic within an already busy business related area, which would increase pollution and was in breach of LP13 a and b.
- The proposed entrance to the St Joseph's Catholic Church was prone to surface water flooding and if approved the scheme would exacerbate the issue.
- The scheme agreed in 2008 was for the development of family homes, which would be more acceptable.
- It was accepted that there had been no road traffic incidents reported as a result of the use of the car park on Taverners Road.
- The car park on Taverners Road had limited visibility at the exit/entrance, which could cause traffic related incidents.
- There were taller buildings located within half a mile of the area, however, they were serviced by adequate car parking arrangements.
- Although the Church building was not located within a conservation area and in a bad state of repair, the proposed development was felt to be out of character for the area.

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 St Joseph's Catholic Church site was all built cover, and the new scheme would not increase this and proposed a more SUDS based managed approach for surface water. The proposed drainage scheme would reduce the amount that needed to direct into the current pipes network.
- Members were advised that the doors located in the Taverners Road car parking entrance were either present at that time or have since been introduced and become lawful, but it was not conclusive as to which was correct.
- Members were also advised that the entrance to the Taverners Road car park was not presented to the Committee when it was considered in the 2007 application and it was assumed that there was a highways officer present at the meeting.
- Members were advised that the installation of convex mirrors on either side of the exit and entrance to Taverners Road car park could only be implemented if the buildings either side were within the control of the applicant. In addition, if the proposal was approved, the Authority could make the convex mirror request.
- It had not appeared that the Taverners Road car park was currently in use, however the use had previously been approved to serve a development.
- Some Members felt that if the car park was not in use currently, it would be difficult for road traffic incidents to be highlighted.

- Members were advised that there had been no suggestion made to the applicant to reduce the number of flats proposed for the development.
- Members were advised that the parking on the proposed building development site, was only enough to serve the occupiers of the flats. A car park survey was undertaken, which also highlighted that adequate visitor spaces were available in the Taverners Road public car park.
- Members were advised that it would be ideal to provide car parking on the development site rather than the Taverners Road option, however, that option would reduce the number of flats.
- The translocation of nursery parking was acceptable as staff would be able to gain access through the car park to the site as opposed walk round.
- Members were advised that the proposed height of the building was no bigger than that of the existing Church building. The existing building had a narrow sloping roofscape which would meet the roofline height of the proposed development. The proposed roofline of the development would be viewed from Bamber Street; however, it was not too overbearing or dominant to the remaining Church building.
- Some Members felt that the development had not appeared to be in keeping with the area and that they would prefer the original Church building to be converted.
- Some Members felt that the entrance and exit to the Taverners Road car park had not appeared to be safe and that the installation of convex mirrors would not alleviate the safety issue that was apparent.
- Some Members felt that the proposal was an over development and that they would prefer housing to be considered instead.
- Some Members commented that planning permission for the use of the car park on Taverners Road had been given, therefore it would be difficult to refuse the proposal based on the car parking issues highlighted.
- Some Members felt that the installation of convex mirrors would aid drivers to see any approaching traffic or pedestrians going past the exit on the Taverners Road car park.
- Some Members felt that pedestrians would approach the entrance to the Taverners Road car park with caution.
- Some Members felt that a permeable road service would be beneficial to the Taverners Road car park to help aid water drainage.
- Some Members felt that there was a need in the City for housing and it was good use of a brownfield site.
- Some Members felt that the current building was dilapidated.
- Some Members felt that what was approved in 2008, was not necessarily appropriate for 2019.
- Some Members commented that although property investment in the area was welcome, they would like to see a smaller development proposal with a better parking provision for the nursery staff.
- Some Members commented that there was a premise that the Taverners Road land had not been used as a car park and that assumptions should not be considered.

- Members were advised that the Taverners Road car park had been tarmacked, however had become overgrown since.
- Members were advised that if the proposal was overbearing in relation to the part of the Church building that was to remain, there could be a different recommendation from officers.
- Members wanted a condition to be considered regarding permeable surface installation on both the Taverners Road and the St Joseph's Church car parks. Members were advised that there were options, such as the installation of extra crating to improve drainage on the proposed site; however, there would never be a 100 percent solution for an area of poor drainage.
- Members were advised that it would be unreasonable to request the applicant to resurface the Taverners Road car park as it was already hard surfaced, however, officers could stipulate that the applicant would be required to install a more permeable surface if they intended to replace it.
- Some Members requested that officers work with the applicant over the best possible drainage solutions for both car park surfaces, if the proposal was approved.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (8 For, 3 Against) to **GRANT** the planning permission subject to the imposition of relevant conditions as per the Committee report as amended by the update report, with an additional condition (if appropriate in regards to the permeable surfacing proposed for Taverners Road Car Park).

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

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

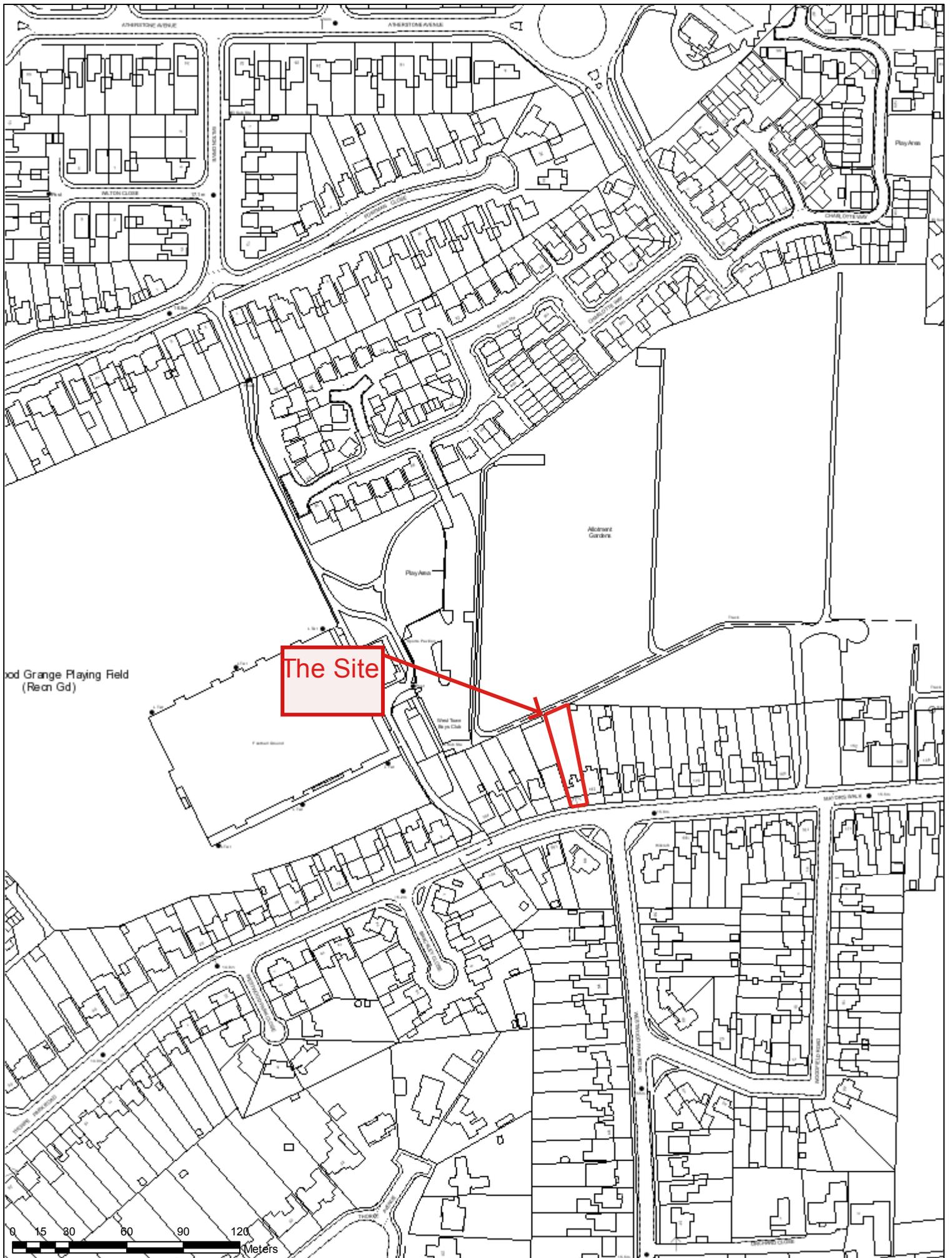
- The proposed development would be situated within the urban area of the city; therefore, the principle of development was in accordance with Policies LP2 and LP3 of the Peterborough Local Plan (2019);
- The proposed development would result in the loss of two non-designated heritage assets, however their loss had been justified and the proposed development would not harm the character or appearance of the immediate area, therefore the proposal would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraph 197 of the NPPF (2019);
- The proposed development would not unacceptably harm the amenity of adjoining neighbours, and satisfactory amenity would be provided for future occupiers, in accordance with Policies LP17 and LP32 of the Peterborough Local Plan (2019);
- The proposed development would not adversely affect the biodiversity value of the site, and would accord with LP28 of the Peterborough Local Plan (2019);
- The proposal would make provision for surface water drainage and uncovering unsuspected contamination, in accordance with Policies LP32 and 33 of the

Peterborough Local Plan (2019), and Paragraphs 178-180 of the NPPF (2019);  
and

- The proposed development would not constitute a highway safety hazard and sufficient car parking could be accommodated onsite, in accordance with Policy LP13 of the Peterborough Local Plan (2019)

Chairman  
15.05pm

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Planning Committee Location Plan- 19/01469/HHFUL 184 Mayors Walk West Town Peterborough PE3 6HQ

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 Print Date: 28/11/2019

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## Item No. 5.1

### Planning and EP Committee 17 December 2019

**Application Ref:** 19/01469/HHFUL

**Proposal:** First floor extension above existing garage, change to roof type and single storey rear extension (part-retrospective)

**Site:** 184 Mayors Walk, West Town, Peterborough, PE3 6HQ

**Applicant:** Mr A Iqbal  
**Agent:** Mr J Wilson, Remway Design Ltd

**Referred by:** Head of Planning  
**Reason:** Applicant is an elected Member

**Site visit:** 31.10.2019

**Case officer:** Mrs Louise Simmonds  
**Telephone No.** 01733 45(01733) 454439  
**E-Mail:** louise.simmonds@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

### **Site and Surroundings**

The application site comprises a two storey link-detached (semi-detached in planning-terms) residential dwelling located on the northern side of Mayors Walk, within the urban area of Peterborough. The property is of red brick construction, with render to the first floor and architectural detailing in the form of a gablet and bay window to the principal elevation.

The property has previously been extended by two storeys to the side, of flat roof construction and containing a garage, single storey to the rear and with a dormer window within the rear-facing roof slope.

There is parking provision for 2no. cars to the front of the site, with dropped kerb access from Mayors Walk.

### **Proposal**

The application seeks planning permission for the construction of a first floor extension above the existing garage (to the rear of the existing flat roof extension), alteration to the roof of the existing side extension (replacing from flat roof to dual pitched roof); and construction of a single storey rear extension.

It should be noted that development has already commenced in the form of footings having been dug and therefore the application is part-retrospective.

## **2 Planning History**

No relevant planning history.

### **3 Planning Policy**

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

#### **Peterborough Local Plan 2016 to 2036 (2019)**

##### **LP13 - Transport**

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

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.

c) 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.

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

### **4 Consultations/Representations**

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

Initial consultations: 5

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection has been received from the occupant of No.182 Mayors Walk on the following basis:

- The size of the foundations dug show the scale of the extension and I believe this to be very overbearing.
- The foundations are so big that I cannot see how the side of the extension will not have windows that will look out on to my property, should this planning application be granted then I believe I will have a reduction in the levels of my privacy.
- The closeness of the 'already dug' foundations to the boundary of the property show that the wall will be next to the fence and this will impact on my property due to a loss of sunlight and daylight in the kitchen area of my property.
- I have a mature garden that has been here for almost 100 years and an extension of this size will impede on this. The size of the gardens in this area are large, and this does mean we have a variety of birds and wildlife that both live here and visit. A large extension will more than likely put an end to this.
- My property has a mature tree next to the boundary fence and the completion of these

foundations will impact on this.

- I believe that Peterborough City Council has recently declared a 'climate emergency' and I hope that this covers giving more thought to 'overbearing extensions' that will impact on the green areas in this city and change the habits of wildlife and trees.
- I do not object to the extension above the garage, however, should this be for another bedroom then I understand that more parking spaces will need to be provided by the homeowner. The homeowner already has more vehicles than can park on the front of the property and on counting today there are 5 vehicles attached to the address with parking for only 3 and double yellow lines out the front of the property.

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

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking and highway implications

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

Turning first to the roof alterations proposed to the existing side extension, it is considered that these would be of significant improvement to the overall appearance of the application property. At present, the flat roof form of the extension appears an incongruous and discordant feature within the streetscene whilst the proposal would respect and reflect the roof form of the host dwelling and others within the locality. Further, the slightly dropped eaves and ridge heights would introduce subservience to this element such that the resultant dwelling does not appear unduly dominant within the streetscene. Appropriately matching materials could readily be secured by condition to ensure harmony.

To the rear, the proposed first floor extension would have no material impact upon the character of the locality. With regards to the single storey extension proposed, it is acknowledged that this would be of considerable size and scale which fails to respect the proportions of the host dwellinghouse. However, large extensions are already present within the immediate environs of the site, most notably at No.186 Mayors Walk to the immediate west which has recently constructed a considerable rear extension (permitted under application reference 17/00254/HHFUL). Furthermore, the plot is of considerable size that could readily accommodate a large degree of development without appearing cramped or overdeveloped. As such, it is considered that no undue harm would result to the character of the area.

On the basis of the above, it is considered that the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy LP16 of the Peterborough Local Plan (2019).

### **b) Neighbour amenity**

Turning first to the proposed roof alterations, these would not alter the relationship to the neighbouring dwelling of No.186 Mayors Walk (to the east). The proposed first floor side extension would create additional two storey development along the shared boundary with this neighbour, and would project beyond the line of the existing rear elevation. However, the closest windows that would be subject to impact from the proposal serve a bathroom and landing, with the facing landing window required to be obscurely glazed in perpetuity (by virtue of a condition imposed upon planning permission reference 17/00254/HHFUL). As such, no undue overbearing impact or loss of daylight would result to occupants.

With regards to the proposed single storey rear extension, this would project 12.93 metres from the rear elevation of the existing dwellinghouse along the shared boundary with No.182 Mayors Walk to the east. Whilst this neighbouring dwelling has a single storey extension to the rear which projects approximately 4.3 metres in close proximity to the shared boundary, the proposal would extend 9 metres beyond. Whilst single storey in height (2.45 metres to the eaves) and with a dual pitched roof that slopes away from the shared boundary (maximum height 3.9 metres to the ridge),

it is considered that this length of development would result in an unduly dominant, obtrusive and overbearing feature to the neighbouring property's garden area and primary habitable rooms. Furthermore, some degree of overshadowing (the proposal being due west of the neighbour) would result and for the length of extension, this is considered to be unacceptable.

Amendments have been suggested by Officers to overcome this issue - principally to reduce the length of extension along the shared boundary to no more than 6 metres (in line with 'permitted development' tolerances) with then a staggered arrangement such that the length proposed could be achieved provided that it was set away by 3m from the shared boundary. In effect, this would create an 'L-shaped' extension. Whilst it would not provide the amount of additional floorspace requested, it would nonetheless provide a considerable amount of additional space within the dwelling and resolve the amenity issue. This has not been accepted by the Applicant who has requested that the application be determined on the basis of the submitted proposal.

It is also accepted that a similarly unacceptable relationship currently exists between the application site and the neighbour to the west, No.166. The considerable extensions to this property result in an unduly dominant and overbearing relationship. The Applicant therefore considers that this sets precedent for allowing the current proposal. However, as is long-established, each proposal must be considered on its own merits and there is no precedent in planning-terms. This neighbouring extension was only considered acceptable given the development that existed on the site beforehand. The extension replaced an existing single storey garage and car port that ran along the shared boundary by a length of approximately 22 metres. Therefore it was considered that the impact of the proposal did not alter this existing relationship. There is no such development along the shared boundary of the application site and the proposal would represent new development that would give rise to unacceptable harm to the amenities of occupants of No.182 Mayors Walk.

On this basis, it is considered that the proposal would result in an unacceptable degree of harm to the amenities of neighbouring occupants and is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

### **c) Parking and highway implications**

It is noted that the objector has raised concerns with regards to the level of parking provision within the site. The proposal would not result in any increase in the number of bedrooms within the application property and therefore, there would be no increased parking demand generated. Furthermore, the existing parking provision would not be affected by the proposal and therefore, no highway implications would result.

## **6 Conclusions**

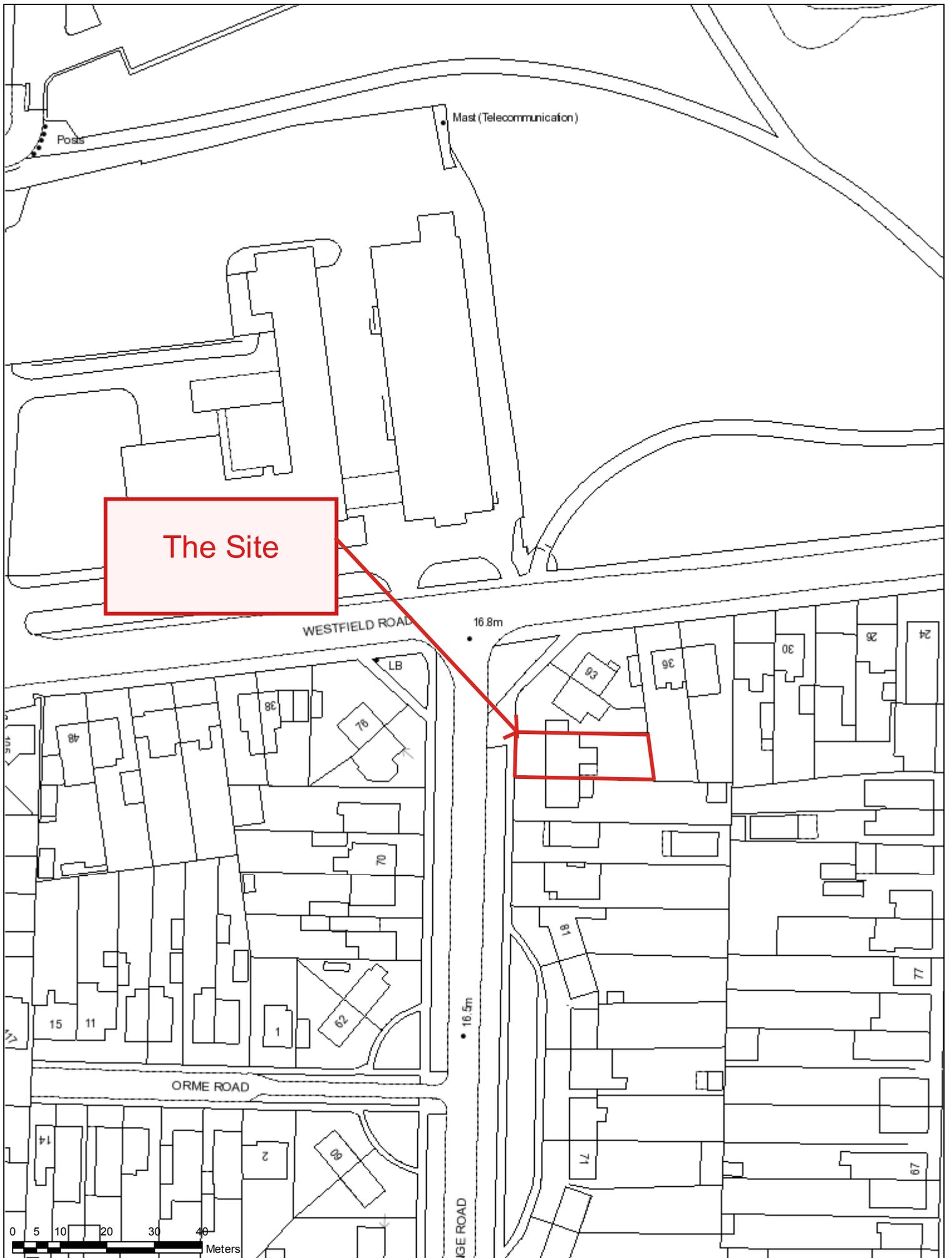
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below. The harm identified is not considered to be outweighed by the benefits of the proposal.

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed rear extension, by virtue of its size, scale and siting, would result in an unacceptable degree of overbearing and overshadowing impact to the primary habitable rooms and outdoor amenity area of No.182 Mayors Walk. This would result in an unacceptable degree of harm to the amenities of occupants of this neighbouring dwelling and is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to Cllrs. Hussain. Iqbal.Jamil



Planning Committee Location Plan-19/01363/FUL 89 Grange Road West Town

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 Print Date: 28/11/2019

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## Item No 5.2

### Planning and EP Committee 17 December 2019

**Application Ref:** 19/01363/FUL

**Proposal:** Change of use of outbuilding from residential to mixed use

**Site:** 89 Grange Road, West Town, Peterborough, PE3 9DZ

**Applicant:** Mr A Hussain

**Referred by:** Head of Planning

**Reason:** Applicant is related to an elected Member

**Site visit:** 31.10.2019

**Case officer:** Mr Christopher Mohtram  
**Telephone No.** 01733 45(01733) 454439  
**E-Mail:** Christopher.Mohtram @peterborough.gov.uk

**Recommendation:** **REFUSE**

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

### **Site and Surroundings**

The application site comprises a two storey semi-detached residential dwelling located on the northern side of Grange Road, close to the junction with Westfield Road within the urban area of Peterborough. The property is of red brick construction, with render to the first floor and architectural detailing in the form of a bay window to the principal elevation.

The property has been extended with a two storey extension to the side and rear and a single storey extension to the rear under planning permission 18/01167/HHFUL.

There is existing parking provision for two cars to the front of the site, with dropped kerb access from Grange Road.

### **Proposal**

The application seeks retrospective permission for the change of use of a recently built outbuilding from residential to mixed use. The outbuilding was constructed under 'Permitted Development' rights as a building incidental to the enjoyment of the dwellinghouse.

The material change in use that is being sought is for a mixed use of ordinary use incidental to the dwellinghouse and for the provision of religious instruction classes. The classes are already taking place within the building and as such this application is retrospective in nature. The applicant has indicated that the operating hours for the classes are Monday - Thursdays between 15.30 and 19.40, with 4 classes each day with between 4 and 10 children.

## **2 Planning History**

18/01167/HHFUL - Two storey side and rear and single storey rear extension – Permitted  
22.08.2018

### **3 Planning Policy**

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

#### **Peterborough Local Plan 2016 to 2036 (2019)**

##### **LP13 - Transport**

- a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.
- 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.
- c) 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.
- b) Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

### **4 Consultations/Représentations**

#### **Highways**

We recommend refusal on the grounds of Highway Safety under LP13 of the Peterborough Local Plan 2016-2036.

While there is enough parking space within the red boundary, this is for the residential element and there is insufficient parking provision to accommodate the traffic generated by the Prayer School which would result in parked vehicles blocking access to footways and other residential properties. It would also appear evident that the school is operating a business that operates outside the hours stated on the covering letter.

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

Initial consultations: 6  
Total number of responses: 2  
Total number of objections: 2  
Total number in support: 0

Two objections has been received from 85 and 91 Grange Road on the following basis:

- The proposed use is for business purposes not family and friends
- Increased traffic from use of outbuilding for teaching, blocking driveways and pavement from associated vehicles using classroom, considered hazard as drive is close to a junction.

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

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking and highway implications

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

The proposed outbuilding measures 9.7m in width, 4m in depth and 2.5m height with a flat roof. Its dimensions fall within the parameters of 'Permitted Development' for an incidental outbuilding. Though appearing cramped as the applicant is currently constructing the extension permitted under 18/01167/HHFUL, with minimal rear garden space being retained, the outbuilding appears large and appears as an overdevelopment. Taking into account the remaining available open land surrounding the property the outbuilding takes up less than 50% of the remaining land and could would meet that provision of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015. The building also meets additional limitations of Class E by virtue of its dimensions.

Nevertheless, the building appears to have been constructed with the intension of a mixed use, for both residential use and that of religious instruction. On this basis, the construction of the building would have required planning permission, not being incidental to the enjoyment of the dwellinghouse. On this basis, whilst the construction of the building does not fall to be determined as part of this application, the fact that the building supports an unauthorised use is a consideration should permission be refused, as technically, the building would also be unauthorised. The 'fallback position' of the building being used for a sole use incidental to the dwellinghouse would technically meet the parameters of permitted development.

The building cannot be seen from the public highway and as such does not impact on the character or appearance of the surrounding area.

On the basis of the above considerations of permitted development, it is considered that the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy LP16 of the Peterborough Local Plan (2019).

### **b) Impact on Neighbour amenity**

The outbuilding shares its boundaries with 91 Grange Road to the north and 87 Grange Road to the south, as well as sharing its rear boundary with 36 Westfield Road. As detailed above, as an incidental building, the outbuilding itself could have been constructed under 'Permitted Development Rights'. The consideration is whether the continued use for teaching/prayer classes would have an impact on the amenities of the occupiers of the adjoining properties.

The classes are held on 4 days, Monday - Thursday, between 15.30 and 19.40. There will be 4 classes containing between 4 and 10 children at any one time. With 4 classes a day, this could mean an additional 16-40 visitors to the property each day. As those that are being taught at the property are generally children, they would be likely to be brought to the property by an adult, either by foot or by car.

Objections have been received alleging that the classes are operating beyond the hours stated within the covering letter and that there is considerable disruption occurring to neighbouring dwellings because of its use. The additional comings and goings of users of the outbuilding for classes, as indicated by the objections that have been received, already cause noise disturbance to neighbouring dwellings.

The continued use of the outbuilding for the provision of education would be detrimental to the amenities of the local residents on the basis of the increase in visitors, the noise and disturbance that the comings and goings would create and the parking of visitors vehicles, with the noise from engines and closing doors. On this basis, it is considered that the proposal would result in an unacceptable degree of harm to the amenities of neighbouring occupants and is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

### **c) Parking and highway implications**

The main issue related to parking and highways is the increase in traffic associated with the educational use as the existing off street parking only accommodates a maximum of 2 vehicles. Objectors have noted that parents regularly park and drop off students in and around the site which has led to parking concerns curb side as well obstructions to neighbouring drives from vehicles. The application site is near to the junction with Westfield Road to the North and it has allegedly been observed that obstructions to neighbouring parking and the increased curb side parking is posing a dangerous hazard close to a busy junction, which is also subject to double yellow lined parking restrictions.

The Highways Officer has commented that whilst off street parking is considered adequate for the residential element of the proposal there is insufficient parking provision to accommodate the traffic generated by the Prayer School which would result in parked vehicles blocking access to footways and other residential properties. Furthermore the Highways Officer notes that it is evident that the school is operating as a business which operates outside the hours stated on the covering letter, this is attested by the objections received.

On the basis of the above the proposed development is considered to be detrimental to highway safety due to its proximity to the junction, and lack of parking provision contrary to the requirements of Policy LP13 of the Peterborough Local Plan (2016-2036) Adopted 2019.

## **6 Conclusions**

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

In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics.

## **7 Recommendation**

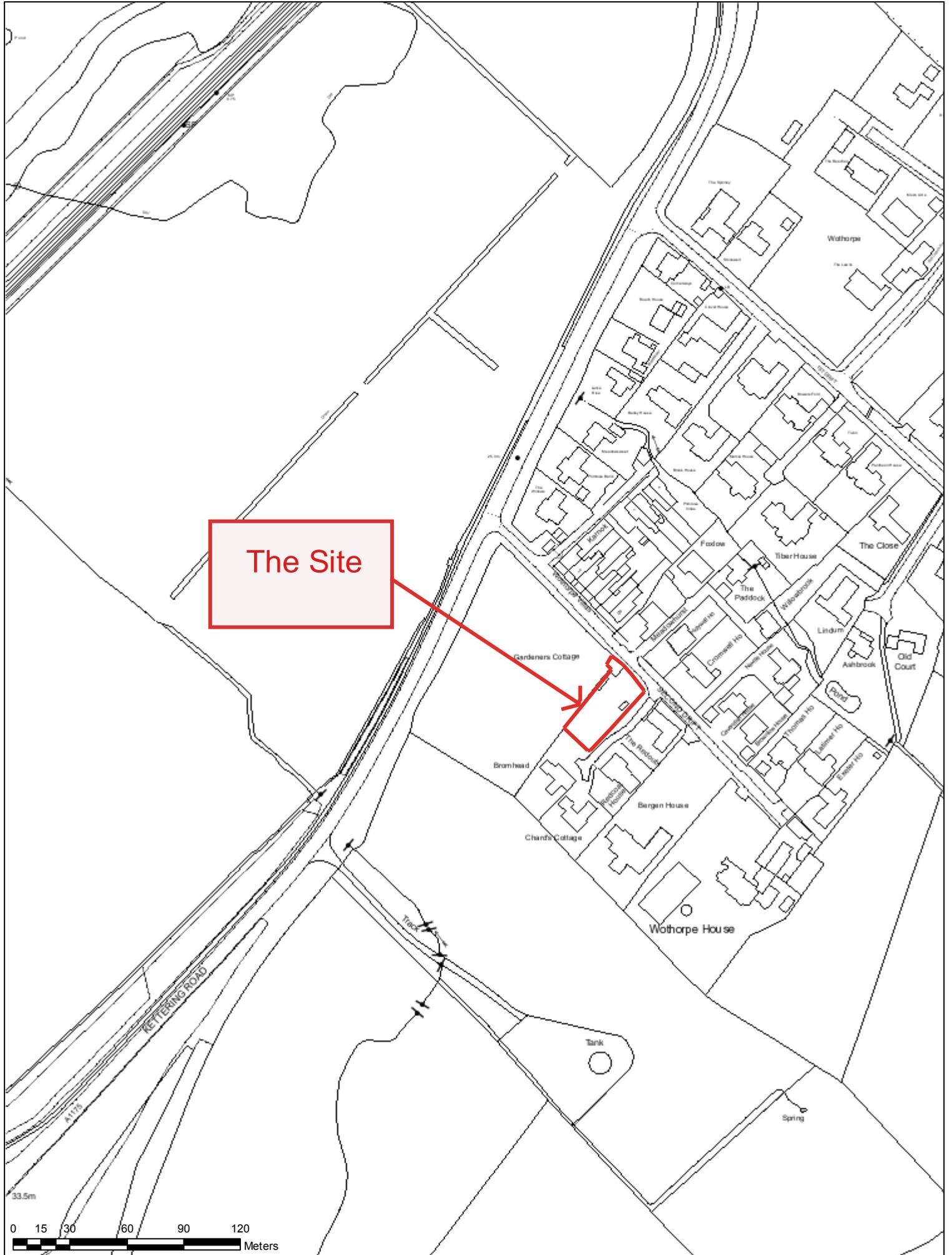
The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed change of use to the outbuilding would result in disturbance from those attending the premise by virtue of noise from attendees, parking and maneuvering of vehicles, banging car doors and running engines to the unacceptable detriment of the amenity of the occupiers of the neighbouring dwellings. This is contrary to Policies LP13 and LP17 of the Peterborough Local Plan (2016-2036) Adopted 2019.

R2 There is a lack of sufficient off street car parking available at the property to serve the proposed change of use which would be likely result in on road parking, close to a junction on a residential street and blocking footways as such that it would result in highway dangers to the detriment of the safety of other highway users including neighbouring properties. This is contrary to policy LP13 of the Peterborough Local Plan (2016-2036) Adopted 2019.

Copies to Cllrs. Murphy, Nawaz. Robinson

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Planning Committee Location Plan- 19/01171/FUL Gardeners Cottage Second Drift Woithorpe

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 Print Date: 28/11/2019

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## Item No 5.3

### Planning and EP Committee 17 December 2019

<b>Application Ref:</b>	19/01171/FUL
<b>Proposal:</b>	New Detached Dwelling with Existing Dwelling Retained as Garage and Annexe.
<b>Site:</b>	Gardeners Cottage, Second Drift, Wothorpe, Stamford
<b>Applicant:</b>	Mr Justin Wilson
<b>Agent:</b>	Mr John Trotter, Wythe Holland Limited
<b>Referred by:</b>	Wothorpe Parish Council
<b>Reason:</b>	Residents have concerns about the height and scale of development in relation to surrounding buildings. Wothorpe residents would like to present their concerns to the Committee.
<b>Site visit:</b>	26.09.2019
<b>Case officer:</b>	Andrew Dudley
<b>Telephone No.</b>	01733 453457
<b>E-Mail:</b>	andrew.dudley@peterborough.gov.uk
<b>Recommendation:</b>	<b>GRANT</b> 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 located within the village of Wothorpe, and it's Special Character Area. The site is an existing large residential plot containing one residential cottage, in its northwest corner. The site sits within a group of five residential plots. The four surrounding plots adjacent the application site have all been fully developed with large detached dwellings. The existing dwelling which occupies the northern corner of the application site is far smaller than those on the other surrounding plots. The existing dwellinghouse is seen as part of the street scene of Second Drift. Agricultural fields lie to the north-west of the site and beyond that the A43 Kettering Road.

Second Drift rises from the A43 and at the point where the application site lies is characterised by large residential properties detached dwellings of various sizes. To the north west of Gardener's Cottage, to the opposite side of the road, there is a group of Victorian terraced properties of local historic interest.

### **Proposal**

The applicant seeks planning permission to construct a large detached dwelling centrally on the plot, retaining the existing dwelling as an ancillary annexe for the new property. The existing dwelling would be converted from a two storey dwelling into an ancillary studio flat on the first floor and a garage and storeroom accommodation on the ground floor. The new dwellinghouse would be of two and a half storey design with dual pitched dormer windows in the roof slope, stone wall detailing with stone lintels, timber sash windows and stone quoins. The front would have 5 bays with a stone string course between the ground floor and first floor windows. The side elevation facing north-west would have a balustrade above the level of the existing retaining wall, with a terraced area behind to enjoy the views of the open space which exists between the plot and the A43.

A single storey side extension is also proposed to the existing dwellinghouse with lean-to roof to allow a ground floor room to be converted into a garage for the parking of 2 cars. The existing garden gate at the side of the dwelling which exits onto Second Drift would be incorporated into the building as a doorway into the garage rather than directly into the garden.

## **2 Planning History**

No relevant planning history

## **3 Planning Policy**

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

### **National Planning Policy Framework 2019**

#### **Paragraph 11: Sustainable development**

Plans and decisions should apply a presumption in favour of sustainable development, and approving development proposals that accord with an up-to-date development plan without delay

#### **Paragraph 47: Planning Law**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise

#### **Paragraph 120 and 121: Alternative uses**

Planning policies and decisions need to reflect changes in the demand for land and take a positive approach to applications for alternative uses

#### **Paragraph 130 - Poor Design**

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an areas and the way it functions. Conversely where the design accords with clear expectations in plan policies, design should not be used by the decision marker as a valid reason to object to development. Local Authorities should seek to ensure that the quality of the development approved is not materially diminished between permission and completion.

### **Peterborough Local Plan (2016 - 2036) Adopted 2019**

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

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

#### **LP02 - The Settle Hierarchy and the Countryside**

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

#### **LP03 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

#### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs

that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

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

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

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

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

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

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

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

### **LP20 - Special Character Areas**

To preserve the character of Wothorpe, Thorpe Road and Ashton proposals will be assessed against specific criteria in respect of garden sub-division, extensions and alterations, design including site analysis and trees. Proposals for Wothorpe will also be considered against an additional criterion in respect of landscape character.

### **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.

### **LP29 - Trees and Woodland**

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

### **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.

## **Peterborough Design and Development in Selected Villages – Supplementary Planning Document (2011)**

- VDS1 – Architectural Character
- VDS2 – Scale
- VDS3 – Relationships between buildings
- VDS5 – Location of new development
- VDS6 – Buildings lines
- VDS7 – Building heights

## **4 Consultations/Representations**

### **PCC Conservation Officer**

No Objection – The site falls within Wothorpe Special Character Area. The existing cottage is considered to be a non-designated heritage asset due to its late C19 character and modest proportions, deep bracketed eaves and simple stone elevations. The appearance of the historic cottage is particularly diminished from the west due to a poor late C20 brick extension. This harms the idyllic rural views over the paddock between the site and Kettering Road.

The principle of a new dwelling on the site and using the existing Cottage as ancillary accommodation is generally supported subject to appropriate scale, massing and treatment of the site. Adjacent to this site there are a number of large modern executive style dwellings, to the east.

Consideration should be given to removing the poor extension to Gardners Cottage, and so returning it to its original character. If retained its modern character together with the new modern house could give a cramped appearance to its curtilage and appear overdeveloped and imbalanced in terms of scale and massing.

The dwelling is sited on a significant slope, with buildings of lowering in height and massing towards the edge of the development. This very large two storey dwelling will command a great level of prominence within its surroundings and be made to look even more out of scale with the small existing dwelling on the site. I strongly feel that rather than building up the ground, the ground should be excavated to sit the property on lower ground, thus reducing this impact.

When travelling up Second Drift the appearance is that of rural character. The boundary wall, whilst modern in sections has a character that suits its setting. Removing large sections of this wall to install

a glass balustrade is entirely out of character and the glare from it on sunny days makes it even more inappropriate. The wall should be treated with modesty to befit the surrounding landscape.

The boundary wall fronting onto Second Drift is a historic stone wall and should be retained as it exists.

Any permission should require samples of all external materials to be submitted to and approved.

#### **PCC Tree Officer**

No Objection - No Arboricultural Implications Assessment and Arboricultural Method Statement including Tree Protection Plan were submitted within the application. Therefore suggested conditions be imposed to include a full landscaping scheme to ensure the plot is enhanced by the development and to include replacement tree planting, and to produce the Arboricultural Assessments to ensure trees close to and on land owned by The Redoubt are not adversely affected by the demolition of existing structures, a change of levels adjacent the new entrance, driveway, dwelling and the installation of new services, etc.

#### **PCC Wildlife Officer**

No Objection - Subject to a condition relating to the provision bird boxes. There would be no net loss to biodiversity subject to the condition being implemented.

Nesting Birds: The proposal is likely to involve the removal of vegetation which may support nesting birds. I would therefore recommend that a standard bird nesting Informative be attached should the scheme be approved.

To mitigate for the loss of potential nesting habitat, I would recommend that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which may be secured via a suitably worded condition.

#### **PCC Archaeological Officer**

No Objection – No condition is suggested as the archaeological watching brief carried out in 2014 in advance of the construction of a replacement dwelling on land at Bergen House, Wothorpe did not uncover any artefacts, features or deposits of archaeological significance, and was only 50 metres to the south of this site

#### **PCC Peterborough Highways Services**

No Objection - Second Drift is a privately maintained road, and not part of the public highway. Kettering Road would not be significantly affected by the proposals.

#### **PCC Pollution Team**

No Objection -Advises a condition should be added which addresses unsuspected contamination found during development

#### **PCC Waste Management**

No Objection

#### **Cambridgeshire Fire & Rescue Service**

No comments received

## Wothorpe Parish Council

The issues of concern centre on the scale of the development, in particular the height with regard to the surrounding buildings. In this respect, we should like you to consider VDS2 Scale, VDS6 Building Lines and VDS7 Building Heights given in the Peterborough CC SPD Policy for Wothorpe. Also these are mirrored in Guidelines 2,6 and 7 of the Council's Village Design Statement. I attach copies of these for your reference.

Should Officers be minded to approve this application in its entirety, we should request that the matter is determined by your Development Control Committee and Wothorpe residents would seek to be represented at the particular meeting.

(Comments on Revised Plans) The recent changes to the application, whilst welcome do not appear to have satisfied the local residents, which have lodged further representations. I request that you review the latest plans in accordance with PCC's SPD policy for Wothorpe and with particular consideration to the Village Design Statement VDS2, VDS6 and VDS7. Should the proposed property be lowered by a further 1m, then it may be that the residents concerns will have been satisfactorily dealt with.

### Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

Letters of objection have been received from 5 neighbouring properties raising the following issues:

- The height is 5 metres higher than the existing dwelling, and does not step down due to being on lower land, being only marginally lower than The Redoubt;
- It is not a replacement dwelling;
- Does not comply with the adopted SPD policies for Wothorpe which expects careful consideration of the scale, height and bulk of any development and building heights should relate to the forms and proportions of surrounding buildings;
- Three storey properties sit further back from the Drift with immediately adjacent properties being only two storeys. Height and scale of the proposal would make it overbearing;
- The height will dominate the skyline and landscape when travelling up The Drift.
- Distances on the plans of 33 and 35 metres are misleading;
- No tree survey, and a good specimen Copper Beech would be lost;
- Second floor dormer windows overlook the property Meadowhurst;
  - It will be overbearing and dominate the immediate landscape, due to its height and scale;
  - A further reduction of 2m in height would be appropriate;
  - The 1m reduction in height is not sufficient and it will remain overbearing and will dwarf the original house.

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

- **The Principle of Development**
- **Character and appearance**
- **Residential Amenity**
- **Wildlife, Landscaping and trees**
- **Parking**

### a) **The principle of development**

The Peterborough Local Plan 2019 defines Wothorpe as a small village. As such, sustainable development can be supported so long as it is within the village envelope boundary, and is limited to infill or the redevelopment of sites of a scale appropriate to the village.

The erection of the new dwelling on this site is not to subdivide the existing plot and create a new additional independent dwelling. Nor is it proposed that the existing dwelling is to be demolished and the new dwelling would replace it. The redevelopment proposal is for the erection of a new dwelling and the retention and reconfiguration of the existing Cottage to provide ancillary annexe accommodation and garaging. By utilising the existing site in this way, the resulting plot would have a new property of a similar size and scale to other nearby properties whilst retaining the original much smaller Cottage as an associated curtilage building.

The size and scale of the proposed dwelling is considered to be appropriate to this location. The retention of the existing dwellinghouse as an ancillary outbuilding within its curtilage would be of a subservient size and scale to the new main dwelling and as such would be appropriate and not out of keeping with a property of this size and scale. The principle of the proposed development is therefore considered to meet with the provisions of policies LP01, LP02, LP03 of the Peterborough Local Plan (2016-2036) Adopted 2019.

## **b) Character and appearance**

Presently, the site sits within a group of five plots off Second Drift. The existing site appears slightly unbalanced as the existing dwelling on the application site is of a far smaller size and scale than the other four neighbouring dwellings to the south and east. It appears to be a much older building and it has a smaller footprint in relation to other detached properties along Second Drift. In contrast, the proposed dwelling, which is to be built would be sited more centrally within the plot to match the other 4 surrounding dwellings and would be of a more comparable size and scale to its neighbours.

Objections have been received regarding the height of the proposed dwellinghouse at more than two storey (the proposal is for a two and a half storey dwelling). Three of the existing dwellings within this group of five plots are also of two and a half storey height, while 'The Redoubt' opposite is one and a half storeys with a slightly lower roof height. The hill slope can therefore benefit such proposals so that the roof heights of taller buildings are no taller than the surrounding dwellings. It is not essential for roof tops to follow the level of the road in order to be considered of an appropriate scale or height, or to be considered proportionate to surrounding dwellings.

The Conservation Officer expressed concerns regarding the impact of the proposal within the Special Character Area. When viewing the north western elevation from Second Drift 'this very large two storey dwelling will command a great level of prominence within its surroundings and be made to look even more out of scale with the small existing dwelling on the site. He strongly feels that rather than building up the ground, the ground should be excavated to sit the property on lower ground, thus reducing this impact'. The applicant's agent has submitted amended plans on this basis and this has the effect of reducing the overall height of the development against the backdrop of existing buildings and has improved the scale of the development in relation to surrounding buildings, including the existing cottage on the site. The overall height of the proposal has been reduced from the original proposed ridge height of 20.9m as taken from a nearby datum to 19.9m a reduction in the ridge height of 1.0m

The Conservation Officer has commented that the existing Gardeners Cottage is 'a non-designated heritage asset due to its late C19 character and modest proportions, deep bracketed eaves and simple stone elevations. The appearance of the historic cottage is particularly diminished from the west due to a poor late C20 brick extension. This harms the idyllic rural views over the paddock between the site and Kettering Road'. The agent was contacted to see if the 20<sup>th</sup> century extension could be removed as part of the proposal in order to address the Conservation Officer's concerns and improve the visual appearance of the site from the north west. The agent was unwilling to do so, as this would reduce the space within the annexe and would make it less viable as an annexe

while providing 2 car parking spaces. Although it may have improved the visual appearance of this non-designated heritage asset to remove the extension, it could not be a reason to refuse the application, and is an existing feature of the site. The proposal would add another extension to the opposite side to provide sufficient space for a garage. However, it would not be as visually dominant, as it would be located to the rear of the front boundary stone wall, and would therefore not have such a detrimental visual impact. The re-use and adaptation of the Gardener's Cottage is seen as an appropriate use of the building and retains the cottage and the boundary wall within the street-scene.

The Conservation Officer was also concerned that the proposed glass balustrade would be out of character to the area, unlike the existing boundary wall which, 'whilst modern in sections has a character that suits its setting'. The agent has agreed to alter this detail for something more appropriate. The agent has again complied with this request by replacing part of the boundary wall with a more appropriate metal balustrade which would complement the appearance of the proposed dwelling which is built to a traditional style.

The Parish Council has highlighted that the development ought to also seek to comply with the specific Wothorpe policies within the Design and Development in Selected villages SPD (2011), in particular VDS2, VDS6 and VDS7. Taking into account the relationship of the proposed dwelling with the existing properties that neighbour the site in relation to the position, roof height, design and scale and also taking into account the character of the village of Wothorpe, which has a marked number of large detached dwellings of both traditional appearance and modern contemporary design, the amendments that have been made to the proposal are considered to be acceptable. Whilst objections have been maintained from local residents and the Parish Council to the development of the site despite these changes to the height, it is considered that the proposed dwelling which would now sit lower down on the plot would limit its impact of the site and when viewed with the existing two and a half storey buildings which neighbour the plot would retain the character and appearance of the area. The traditional design that the applicant has submitted also respects the appearance of the nearby existing dwellings and the Gardeners Cottage on the site. It is considered that the proposal is compliant with the provisions of Policy LP16 of the Peterborough Local Plan (2016-2036) adopted 2019.

### **c) Residential Amenity**

The positioning of the new dwelling on the site ensures that there is a reasonable separation distance from other neighbouring dwellings. The rear elevation would be over 30m from the dwellings to the rear. The side/rear elevations that are closest to Redcoat House to the South would be approximately 20m from any facing window proposed at an angle. The side of proposed dwelling would be approximately twelve metres from the nearest side elevation The Redoubt, but this elevation is devoid of windows. The only side windows facing the site from The Redoubt are within the rear wing of the building which is located approximately 24m from the side windows of the proposed dwelling. Any facing windows belonging to a neighbouring property are therefore too far away to cause any overlooking between windows, especially as the facing elevation of the proposed property is of a one and a half storey height due to the slope of the hill. The rear of the dwelling would be 16m from the rear boundary, and over 30m from the dwelling located to the rear.

An objection has been made to say that these distances are misleading and therefore incorrect, with distances much closer than suggested. There is nothing to suggest that the submitted drawings have not been drawn accurately, indeed there has been submitted a full topographical survey of the site which further suggest that the dimension shown are accurate.

An objection was also made which mentioned that the dormer windows of the proposed dwelling would overlook the front of Meadowhurst which lies on the opposite side of Second Drift, opposite Gardeners Cottage. The windows within the front elevation of the proposed dwellinghouse would be around 37m from the windows on the front elevation of Meadowhurst. Similarly, the front elevations of Holywell House and Cromwell House will be around 36-37m from the proposed dwellinghouse. The front gardens of dwellings, whilst closer, are not considered to be private amenity areas as they are seen from the road and public vantage points.

There is considered to be sufficient distance between the proposed dwellinghouse and the surrounding properties to prevent any overlooking concerns. In addition, the amended plans that have been submitted have reduced the overall height of the proposed dwelling, which would reduce its impact when viewed from those properties on the opposite side of Second Drift.

The only dwelling that would be overlooked by the proposed new dwelling would be Gardeners Cottage itself. As this property is to be an ancillary annexe to the main dwelling on the site the considerations of overlooking and over dominance are not factors that need to be taken into consideration. A condition should be attached to a grant of planning permission for the development to ensure the property remains ancillary to the use of the proposed dwellinghouse. It is considered that the proposal complies with the provisions of Policy LP17 of the Peterborough Local Plan (2016-2036) adopted 2019.

#### **d) Wildlife, Landscaping and trees:**

The Wildlife Officer has suggested the need for conditions relating to the loss of potential nesting habitats, suggesting that bird boxes are provided and an informative about nesting birds be placed on any decision notice. This would ensure there is no net loss to biodiversity.

The Council's Tree Officer has commented that there has been insufficient information provided regarding trees on the site and the likely impact of development. It has been suggested by the Tree Officer that a basic Arboricultural Implications Assessment (AIA) including an Arboricultural Method Statement (AMS) with a Tree Protection Plan should be provided either before the decision is made, or as a condition to be implemented prior to development.

A landscaping scheme has also not been provided and which is required to ensure the site is adequately enhanced as would be expected for a house and garden of this size and potential. It is not considered necessary or reasonable to condition how the gardens of the proposed property are laid out and developed, and as such thereafter maintained, but a condition that seeks to control the type of boundary treatments ought to be attached.

#### **e) Parking:**

Policy LP13 and Appendix C of the Peterborough Local Plan (2016-2036) adopted 2019 requires two parking spaces to be provided within this site. The ground floor of the proposed annexe, formerly Gardeners Cottage, is proposed to provide a double garage with a store behind, as can be seen within drawing number 1948-102. There would also be sufficient hardstanding space within the site for additional vehicles to be parked off the highway. Accordingly, the proposed development is considered to meet with parking standards and is in accord with Policy LP13 and Appendix C of the Peterborough Local Plan (2016-2036) adopted 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:

It is not considered that the dwelling would unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings, highway safety, biodiversity, or the landscape character; and as such is considered to be in accordance with policies LP13, LP16, LP17, LP20, LP28 and LP29 of the Peterborough Local Plan (2016-2036) Adopted 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 drawings:

- drawing no. 1948-100 - Site location plan
- drawing no. 1948-101A - Site block plan
- drawing no. 1948-102A - Ground floor plan
- drawing no. 1948-103A - First floor and attic - floor plans
- drawing no. 1948-104A - North east elevation
- drawing no. 1948-105 - North west elevation (received 14<sup>th</sup> August 2019)
- drawing no. 1948-106A - South east and south west elevations
- drawing no. 1948-107A - Annexe garage section, south west elevation and south east elevation
- drawing no. 1948-108 - Annexe existing floor plan and elevations
- drawing no. 1948-109 - Site survey

Reason: For the avoidance of doubt.

C 3 No development shall take place on the site until an Arboricultural Implications Assessment including an Arboricultural Method Statement and an Arboricultural Protection Scheme has been submitted to and agreed in writing by the Local Planning Authority. The Arboricultural Protection Scheme shall include:

a. The location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the site;

b. The details of all Root Protection Area infringement during the demolition, construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);

c. The details of facilitation pruning; and

d. The location for access, material storage, site office, mixing of cement, welfare facilities etc.

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

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP20 and LP29 of the Peterborough Local Plan (2016-2036) Adopted 2019.

C 4 Notwithstanding the submitted details, no development shall take place above foundation level until a scheme that includes the following requirements for the development of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

a. Details of retained and replacement trees, including species, numbers, size and density of planting;

b. Details of any boundary treatment, particularly planting enhancement measures to the north west boundary; and

c. Bin storage areas.

The development shall be carried out in accordance with the approved scheme prior to the occupation of the dwelling, and retained thereafter.

Any replacement trees and/or hedging proposed shall be carried out during the first available planting season following first occupation or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Any replacement trees or hedgerows dying or damaged within five years of planting shall themselves be replaced with a tree or hedgerow of an equivalent size, number and species within the following planting season.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP20 and LP29 of the Peterborough Local Plan (2016-2036) Adopted 2019.

- C 5 No development shall take place above foundation level until a scheme for the provision of nesting boxes for House Sparrow, Starling & Swift has 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, number and position of the nest boxes. The development shall not be carried out except in accordance with the approved details and the nesting boxes shall be provided prior to occupation of the dwelling, and shall thereafter be so retained.

Reason: In order to ensure that replacement nesting facilities are provided to off-set the loss of vegetation as a result of the development in accordance with Policy LP28 of the Peterborough Local Plan (2016-2036) Adopted 2019.

- C 6 No development other than groundworks and foundations shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

The required details are:

External wall and roofing materials and finishes;  
Mortar mix;  
Windows and external doors;  
Cills, lintels and external steps;  
Rainwater goods;  
Any external vents and ducting; and  
Ballustrade;

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2016-2036) Adopted 2019.

- C 7 The buildings shall not be occupied until the vehicular access has been constructed in accordance with drawing numbers 1948-101, 1948-102 and 1948-103.

Reason: In the interest of highway safety in accordance with policy LP13 of the Peterborough Local Plan 2019.

- C 8 The original dwelling on the site known as Gardeners Cottage, Second Drift, Wothorpe shall not be occupied or used at any time other than for purposes ancillary to the residential use

of the dwelling hereby approved, and shall not be occupied, leased or rented as a separate dwelling.

Reason: The site of Gardeners Cottage, Second Drift Wothorpe is not adequate to support a separate dwelling because of the substandard level of residential amenity which would be achieved and therefore the original dwelling known as Gardeners Cottage is only acceptable as ancillary accommodation in accordance with Policies LP3 and LP17 of the Peterborough Local Plan (2016-2036) Adopted 2019.

- C 9 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 117 and 118 and Policy LP33 of the Peterborough Local Plan (2016-2036) Adopted 2019.

Copies to Cllrs. Over