



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 18 FEBRUARY 2020

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 17 December 2019** 5 - 10

To approve the minutes of the meeting held on Tuesday, 17 December 2019

5. **Development Control and Enforcement Matters**

- | | | |
|-----|--|----------------|
| 5.1 | 19/01757/HHFUL - 152 Garton End Road Peterborough PE1 4EZ | 11 - 16 |
| 5.2 | 19/01829/FUL - Unit D The Boulevard Retail Park Maskew Avenue New England | 17 - 24 |
| 5.3 | 19/01870/OUT - 2 Moggswell Lane Orton Longueville Peterborough PE2 7DS | 25 - 38 |



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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, M Jamil and Skibsted

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

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, 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, 17 DECEMBER 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

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

Officers Present: Louise Simmonds, Development Management Team Manager
Andrew Dudley, Group Manager
Julie Smith, Highway Control Team Manager
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor

Others Present:

36. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Jones and Bond. Councillor Jamil attended as substitute.

37. DECLARATIONS OF INTEREST

Councillor Amjad Iqbal declared a disclosable pecuniary interest in item 5.1 by virtue of being the applicant and would leave the room for the item

Councillor Hussain declared a disclosable pecuniary interest in item 5.2 by virtue of being the father of the applicant and would leave the room for the item.

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

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

39. MINUTES OF THE MEETING HELD ON:

39.1 5 NOVEMBER 2019

The minutes of the meeting held on 5 November 2019 were agreed as a true and accurate record.

39.2 26 NOVEMBER 2019

The minutes of the meeting held on 26 November 2019 were agreed as a true and accurate record.

At this point Councillor Iqbal left the room.

40. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

40.1 19/01469/HHFUL – 184 MAYORS WALK WEST TOWN, PETERBOROUGH PE3 6HQ

The Committee received a report in relation to permission being sought for 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 had already commenced in the form of footings having been dug and therefore the application was part-retrospective.

The Development Management Team Manager introduced the item and highlighted key information from the report and the update report. Objections had been received from two neighbours with regards to amenity and the overbearing nature of the proposal. Officers had recommended refusal on the grounds of loss of amenity to the neighbours of 184 Mayors Walk.

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

- The proposed extension was over the 3m allowed that could go out from the end of the property. In addition if the extension was over 6m and there were no objections then this would also be permissible. However in this instance the extension was 12.9m in length.
- The application was within permitted development in terms of height. The application was being refused mainly on the grounds of the impact to the neighbours at 182 Mayors Walk.
- Amendments were requested by officers to reduce the depth of the extension to 6m and to narrow the overall extension to 3m. This would have changed the recommendation and been acceptable to officers. However the applicant did not agree to the recommendations from officers and wished that the application be determined by the Committee.
- The extension at 186 Mayors Walk was almost to the same level as the proposal. Officers commented that the extension at 186 was as a result of an existing garage and carport that was already part of the property. In addition, the extension was granted by officers as it scaled down further than the garage and car port that was in place.
- Officers confirmed that the footings as on site were roughly level with that of no 186 Mayors Walk, however the drawings showed the extension going beyond that of the neighbouring property.
- The Committee were informed that they had to base their decision on the proposals as submitted by the applicant and that the drawings had shown the proposal extending out beyond that of the extension at 186 Mayors Walk.
- Some Members of the Committee commented that the extension was similar in size to that which was already next door and had set a precedent for what was acceptable on that street. However in turn the extension that replaced the garage and car port was smaller than what it originally in place.
- The complaint raised by the neighbours at 182 Mayors Walk on the basis of the drawings seemed justified in terms of the size and scale of the proposed extension.

- The suggestions made by planning officers seemed reasonable in light of the development.
- There was confusion over the footings that had currently been made and the drawings which showed the extension going out a further two metres. The Committee had to make a decision on what was submitted.
- The drawings provided by the architect confirmed that the extension was a further 2m beyond that of the extension of 186 Mayors Walk. Officers also confirmed that the architect had agreed that the drawings submitted were correct.
- Officers confirmed that the footings had been dug before the planning application had been submitted.

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, 2 abstain) to **REFUSE** the 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 set out in the Committee Report. The harm identified is not considered to be outweighed by the benefits of the proposal.

At this point Councillor Iqbal returned to the meeting.

Councillor Hussain left the meeting at this point

40.2 19/01363/FUL – 89 GRANGE ROAD, WEST TOWN, PETERBOROUGH PE3 9DZ

The Committee received a report in relation to permission seeking retrospective permission for the change of use of a recently built outbuilding from residential to mixed use. The outbuilding was not constructed under 'Permitted Development' rights as a building incidental to the enjoyment of the dwellinghouse and therefore also required planning permission.

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

The Development Management Team Manager introduced the item and highlighted key information from the report. There had been significant concerns over the use of the site, in particular the possibility of a large increase in traffic and footfall from visiting the premises in question. Noise from children could not be dealt with by any other means outside of planning regulation. The site had limited parking provision, parking for access to the premises would likely take place on public roads nearby.

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

- Most of the teaching would involve small classrooms of students. It was unlikely that the classroom would always be full and that most of the teaching was done on a one to one basis.

- Prior to the application being submitted a number of the local neighbours had expressed their support of the application.
- There was an awareness that parking was an issue, and this had been communicated to parents. Advice was given that parents needed to park away from the premises to prevent the build-up of traffic. In addition any students that lived within a mile were advised to walk to the premises or for their parents to walk them. Any parents who did not follow the advice given would have their children removed from the classes.
- There had been no complaints made from any of the neighbours. There had been conversations with the neighbours at number 91 and they had confirmed that they had not written any objections
- The school would only run from 3.30pm to 7.30pm and there would be no classes before or after this time.
- Teaching had already taken place from home six months before the application had been submitted. However this was only for 2 hours a week. Do have family who visit and can park no other classes than other mentioned times.
- The classes would run on an hourly basis and there would be 4 to 10 students on average per class.
- Most of the students were either family or friends who did not live far away from the premises.

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

- The applicant had submitted letters of support, however these were not able to be verified and therefore were unable to be treated as representations.
- The retrospective nature of application was not a grounds for refusing the application.
- Planning Officers had not been to the site to inspect the levels of traffic for this application, but had done so for other similar applications in the past. The Highway Officer had been to visit the site and observed significant parking issues.
- Two letters setting out objections had been received and verified by the planning team, however none in support had been able to be verified.
- The applicant was passionate about his teaching and trying to share knowledge to a younger generation, however this was the wrong site to be used for such purposes.
- There was the potential for up to 40 children being on site on any given day, this could cause issues with parking and traffic, along with increased noise levels from the premises.
- Highways had commented that the application would increase traffic next to a busy junction, which in turn could result in a serious accident.
- A survey report on traffic levels might have been useful for the committee to see.
- The committee were reminded that it was not possible to compare this to a public school as this was a residential dwelling being used for the purposes of teaching and there were only 2 off road parking spaces available.

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, 2 against) to **REFUSE** the 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 reason set out in the Committee Report.

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

At this point Councillor Hussain returned to the meeting.

40.3 19/01171/FUL – GARDENERS COTTAGE SECOND DRIFT, WOTHORPE, STAMFORD

The Committee received a report in relation to 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 was 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

The Group Manager introduced the item and highlighted key information from the report and the update report. Objections had been raised in relation to the size of the property. Overbearing nature and that it would dominate the landscape of the area.

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

- Everyone in the local supported the extension but not the proposal. It did not tie in with the cottage in the corner.
- The street scene ran nicely along the contours of the hill. The proposal would be more acceptable if the property was built further into the ground. The property would benefit from a half metre reduction in ridge height, this would bring the property into line with other properties in the street and would make the cottage feel less out of place.
- Residents had commented that the development would be overbearing in nature, however the style of the proposal was well liked.
- There was a general consensus that if the height of the proposal was lowered by half a metre this would create an even line of height across neighbouring

properties. In addition it would make the cottage look less remote than current plans.

- There were concerns over access to the site and the width of the road for large vehicles. This could in turn cause issues for general movement in and out of the street.
- By reducing the height of the development it would help the cottage blend in better with the rest of the street scene and allow for a better synergy with neighbouring properties.

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

- Looking at the plans it felt as if the new property fulfilled all the requirements of what was needed in the area and had been well thought through.
- The applicant had already reduced the height of the development and this now fitted the street scene well.
- The development did not interfere with any other properties on the street.

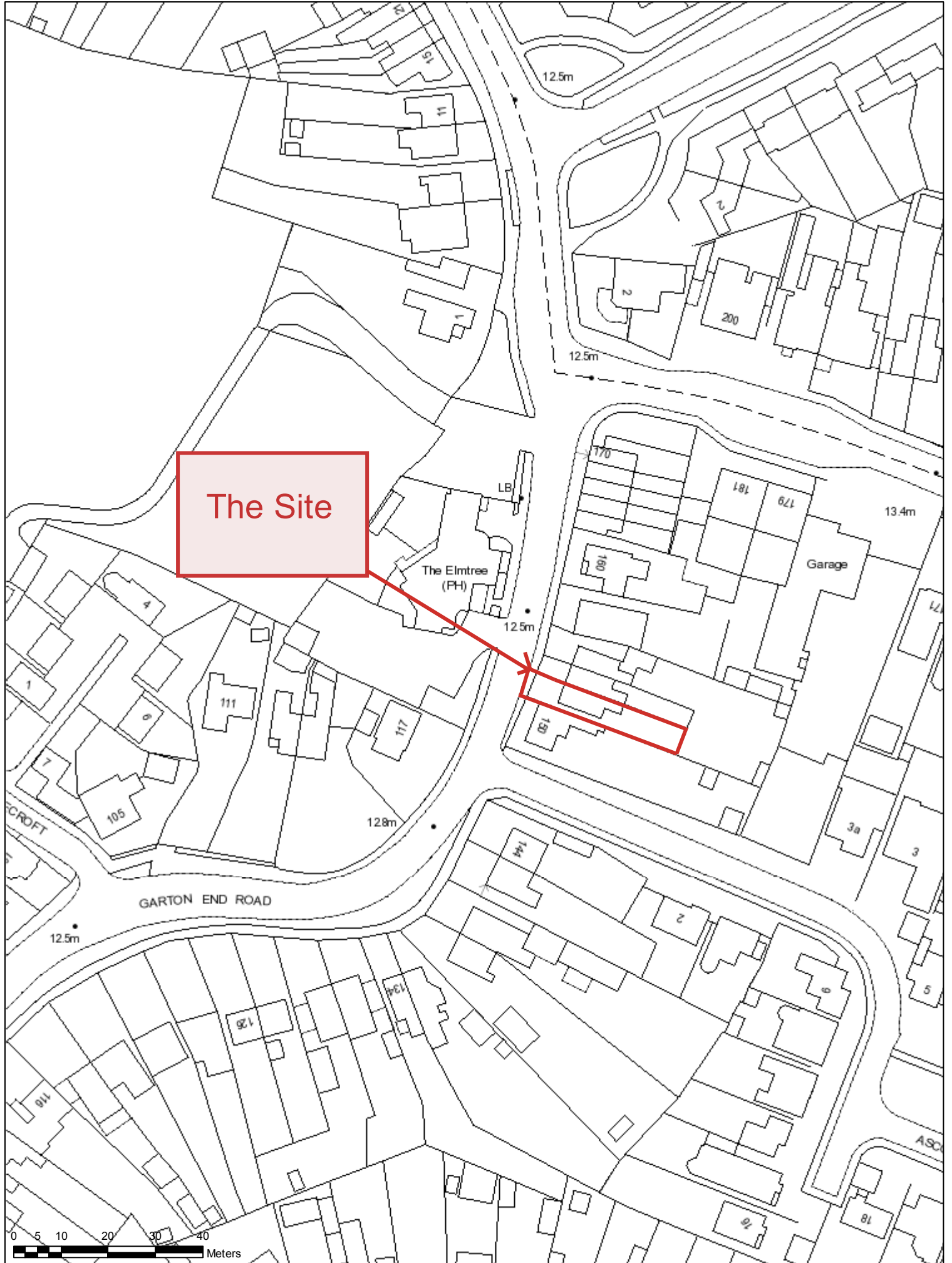
The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission.

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:

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.

Chairman
15.08pm



Planning Committee Location Plan-19/01757/HHFUL- 152 Garton End Road

Scale 1:1,000
 Print Date: 24/01/2020

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Item No. 1

Planning and EP Committee 18 February 2020

Application Ref: 19/01757/HHFUL

Proposal: Dropped kerb

Site: 152 Garton End Road, Peterborough, PE1 4EZ,
Applicant: Mr Gbolahan Somoye

Referred by: Councillor Joseph
Reason: The proposal would not pose an unacceptable danger to highway safety

Site visit: 11.12.2019

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

Recommendation: REFUSE

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

Site and Surroundings

The application site comprises a two storey semi-detached residential dwelling located on the eastern side of Garton End Road. The dwelling forms the northern-most of the pair and is situated just to the north of the junction of Garton End Road with Ascot Drive (to the south).

The surrounding area is predominantly residential, albeit the site sits opposite the Elm Tree Public House, with a cluster of retail/commercial units to the north. Properties within the street scene are set in close proximity to the highway, with small front gardens and little or no provision for off-street parking.

Proposal

The application seeks planning permission for the construction of a dropped kerb crossing into the front of the site from Garton End Road. Planning permission is required as this public highway is classified.

It should be noted that an identical application, under application reference 19/01327/HHFUL, was refused planning permission in November 2019 under Officer delegated authority.

2 Planning History

Reference	Proposal	Decision	Date
19/01327/HHFUL	Installation of a dropped kerb	Refused	04/11/2019

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

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.

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) 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.

4 Consultations/Representations

PCC Peterborough Highways Services (03.01.20)

Objection - The applicant has not provided a suitable plan showing the width of the access or any information on vehicle-to-vehicle or pedestrian visibility splays. It's the LHA's opinion that these would not be achievable due to the access being hard against the neighbouring properties, and the applicant would have no control over their neighbour's boundary treatment. Moreover, the applicant does not have sufficient space within their property to allow vehicles to turn, meaning vehicles would drive in and then need to reverse out onto a busy classified road, which is not acceptable on highway safety grounds.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 1

Total number of objections: 0

Total number in support: 1

Councillor Joseph has expressed support for the proposal, raising the following matters:

- 1) There is double yellow line in front of the property and nowhere to park within the vicinity of the property.
- 2) There is a measured 6 meters length from the house perimeter to the public pathway margin. This is more than enough requisite parking space length.
- 3) The house is not on a bend or a corner and vision is clear enough for entry or egress from the property in either direction.
- 4) The house is the right hand end terrace of three dwellings within the terrace block. The left hand end terrace already has an existing drop kerb and off road parking.
- 5) Only few house's would have enough space to turn around in the front garden. If that is an existing criteria, that would exclude most off road parking already permitted.
- 6) There are also multiple house on the same road and particularly further on, in Elmfield Road with similar off road parking space as my property with existing dropped kerb and hard standing off road parking installed.

5 Assessment of the planning issues

The main consideration are:

- Highway safety
- Impact upon the character and appearance of the surrounding area

a) Highway safety

Garton End Road is a classified road, with a role of connecting the surrounding unclassified roads to the surrounding A roads (A15, A47 & A1139). In allowing new dropped kerb accesses onto classified roads, the Local Highway Authority (LHA) has advised that there is a requirement for area within the boundary of the property for vehicles to be able to turn and exit in a forward gear. This is to ensure that vehicles do not reverse out, a manoeuvre which impedes the free flow of traffic on these key routes and which poses an unacceptable highway safety danger.

The curtilage of the application site to the front of the dwelling, is of an insufficient width to provide the necessary parking and turning space. As such, any vehicular access would result in reversing manoeuvres onto the public highway which would pose a direct danger to all users.

Furthermore, the LHA requires that adequate vehicle-to-pedestrian visibility splays (1.5 metres x 1.5 metres) be provided to both sides of the vehicular access, as well as vehicle-to-vehicle splays (measuring 2.4 metres x 47 metres). Whilst the applicant has not provided a suitable plan showing the width of the access, or any information relating to these visibility splays, it is the LHA's opinion that they would not be achievable due to the access being hard against the neighbouring properties - the applicant would have no control over neighbouring boundary treatments such that the splays could be kept clear. This would be further compounded with the 12 metre separation distance with the junction with Ascot Drive, such that any visibility to the south would be impeded.

Accordingly, the proposed access would not enable vehicles to safely view oncoming traffic travelling at speed, or pedestrians coming from both northerly and southerly directions in the required amount of time and would therefore pose a direct danger to highway safety.

Accordingly, the proposed access would not have sufficient visibility of oncoming vehicles or pedestrians, posing a further danger to users of the public highway.

In light of the above, given the siting of the proposed dropped kerb and its unacceptable impact to the adjacent highway, Officers do not consider it to be in accordance Policy LP13 of the Peterborough Local Plan (2019).

b) Impact upon the character and appearance of the surrounding area

It is acknowledged that the dropped kerb and subsequent access would result in the loss of an established hedgerow which forms a part of the character of the street scene. This loss would be somewhat detrimental to the character of the area. However, the hedgerow is not substantial in scale and not formally protected, and this could be removed at any time without the benefit of planning permission. Furthermore, there are numerous examples of such crossings within the general locality of the site and accordingly, it is not considered that a significant degree of harm would result to the visual amenity of the area.

On this basis, it is considered that the impact to the wider character of the streetscene is acceptable, in accordance with Policy LP16 of the Peterborough Local Plan (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 reasons given below.

7 **Recommendation**

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

- R 1 The proposed dropped kerb is considered to be unsafe and detrimental to the safety of users of the adjacent public highway network. The dropped kerb would not provide the necessary vehicle-to-vehicle visibility splays which would prevent drivers exiting the site from having adequate visibility of oncoming traffic. In addition, the site is not capable of providing the necessary parking and turning areas which would result in vehicles leaving the site backwards and reversing into oncoming traffic, impeding its free flow and posing an unacceptable safety danger. The dropped kerb would therefore result in unacceptable harm to the safety of users of the public highway and is considered to be contrary to Policy LP13 of the Peterborough Local Plan (2019).

Copy to Councillors Joseph, Nawaz and Yasin



Planning Committee Location Plan- 19/01829/FUL Unit D The Boulevard Retail Park, Maskew Avenue

Scale 1:2,500
Print Date: 07/02/2020

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Application Ref: 19/01829/FUL

Proposal: Installation of mezzanine floor level (700sqm) and associated works

Site: Unit D, The Boulevard Retail Park, Maskew Avenue, New England
Applicant: C/O Agent

Agent: Mr Jonathan Ordidge
 Knight Frank

Referred by: Head of Development and Construction

Reason: Departure

Site visit: 17.01.2020

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

Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

The application site is located within the Boulevard Retail Park, which contains 8 retail units (non food bulky goods) positioned in an 'L' shape formation, around a car park with approximately 490 spaces. Some but not all of these other retail units have mezzanine floors. The Retail Park is located to the south of Stoke Parkway (A47) and to the west of Bourges Boulevard (A15). Vehicular access is taken from Bourges Boulevard via Maskew Avenue. To the south of the retail park are the B&Q, Matalan and Argos stores.

The application site is Unit D located at the northern end of the Retail Park with 1073 sqm Gross Internal Area (GIA) of retail floorspace. The unit is currently vacant and has been since June 2019. It was previously occupied by Office Outlet.

Proposal

The application seeks permission for the addition of a mezzanine floor to Unit D, with a coverage of approximately 700 sqm.

There are no changes proposed to the external elevations of the unit.

2 Planning History

Reference	Proposal	Decision	Date
93/P0602	Erection of non-food retail warehouse park including garden centre associated car parking, retention of three tennis courts and bowling green and relocation of social club within site (outline) as amended by agent's letter dated 7.9.93, 13.9.93, 21.9.93 and plan numbers 2300/01 sketch site analysis, plans E827/6A, E827/3, E827/4A, E827/2A, E827/5A	Permitted	20/10/1994
95/P0300	Erection of non-food retail warehouse park and associated car parking (approval of reserved matters for 93/P0602)	Permitted	09/06/1995
17/01119/FUL	Facade refurbishment for all 8 units	Permitted	03/08/2017
18/01596/FUL	Facade refurbishment for all 8 units	Permitted	21/11/2018

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Paragraphs 86/87 - Sequential Test

A sequential test should be applied to applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available) should out of centre locations be considered. When considering edge of centre or out of centre locations preference should be given to accessible sites which are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale.

Peterborough Local Plan (2019)

LP12 - Retail and Other Town Centre Uses

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

LP13 - Transport

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

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

mitigation.

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

4 Consultations/Representations

PCC Pollution Team

No objections – This is unlikely to have any adverse effect on the local noise climate.

PCC Peterborough Highways Services

No Objections - Previous research carried out by the Local Highway Authority (LHA) has shown that mezzanine floor areas added to additional units do not generate as much traffic as that of a completely new unit. A new mezzanine floor would generate approximately 20% of the trips expected of a completely new unit. As a result of the additional internal GFA of 700sqm created by the new mezzanine floor the additional traffic generated would be approximately 4 vehicles entering and leaving the retail park in the Friday PM peak hour which would not result in a significant impact upon the adjacent highway network. It is also the view of the LHA that given the current usage of the car park and the significant 'under trading' of this particular retail park that car parking shall also not be an issue.

Local Residents/Interested Parties

Initial consultations: 2

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representation received.

5 Assessment of the planning issues

Planning history

Planning permission was originally granted for the non-food retail park in Oct 1994 (ref: 93/P0602). The Park extends to circa 10,400 sqm and included a garden centre and car parking. A number of conditions were appended to the original consent which sought to restrict the use of the floor space within the units. Of particular relevance to the application are conditions 6 and 8 which state:

Condition 6:

"Except where provided for by Condition 08, the premises hereby approved shall be used for the purpose of storage, display and sale of: a) building and DIY materials and tools b) motor parts and cycles; c) camping equipment and boats; d) furniture and carpets; e) large domestic appliances; f) other goods that are ancillary to or directly associated with items a) to e), and for no other purpose (including any other purpose) of use Class A1 as specified in the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or any provision equivalent to that class in any statutory instrument revoking or re-enacting the Order without the prior permission of the Local Planning Authority."

Condition 8:

"With reference and subject to condition 07 of this consent, in addition, one unit of not more than 10,000 (ten thousand) square feet only may be constructed for the purpose of sales of goods normally found on a retail warehouse park and for no other purpose (including any other purpose) of Use Class A1 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 and any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order."

Retail impacts

The application site lies outside of a designated centre, hence the addition of the conditions on the original consent to restrict the goods which could be sold from the units. The proposal is considered against Policy LP12 of the Local Plan and para 86/87 of the NPPF. These policies seek to ensure that retail development is located within designated centres. Applications for retail development outside of a centre would be subject to a sequential test which demonstrates that there are no suitable sites higher in the retail hierarchy.

The 2016 Peterborough Retail Study which underpins policy LP12 identifies that there is no comparison goods expenditure capacity in the short term until 2021 to support any future floorspace. The study identifies that with strong population and expenditure growth, from 2022 onwards there may scope to accommodate some additional floorspace. It is likely that this future expenditure capacity would arise and be accommodated within the City Centre and Hampton District Centre. In addition some may be accommodated as part of the regeneration of the Orton District Centre. The study recognises the importance of the delivery of in centre comparison retail schemes to contribute to the vitality and viability of these existing centres, rather than this additional retail capacity being accommodated in less sequentially preferable edge of centre or out of centre sites. The study goes on to state 'that the growth in the sale of non-bulky comparison goods from out of centre shopping destinations needs to be carefully monitored to ensure that the future growth and expansion of the city centre is not compromised'.

There is no specific distinction between non-bulky goods and bulky goods comparison retail in both the Local Plan Policy LP12 and supporting retail study, in terms of the capacity for additional floor space and its impact on designated retail centres. However, it is generally accepted that due to nature, size, and scale of bulky goods being sold (e.g. furniture, DIY etc.) that these units cannot usually be accommodated within the designated city and district retail centres. They tend to be found within out of centre retail parks or industrial locations. As such it could not be argued that new bulky goods floorspace outside of Peterborough's designated retail centres would affect their vitality and viability, by drawing retail expenditure away from them that would otherwise be spent there, and as a result cause shop closures and decline.

In this instance, the proposed bulky goods mezzanine floorspace would be accommodated within an existing bulky goods unit, within an existing bulky goods retail park, therefore the principle of this use in this location has already been established. Linked trips are likely to occur between the different units within the retail park, offering a more sustainable bulky goods retail offer than other out of centre locations. This proposal would help bring back into use a vacant unit, and whilst the specific end occupier does not form part of this application, it is indicated that the occupier could be Wren Kitchens. The lack of comparison retail floorspace is not specifically quantified into bulky goods and non-bulky goods retail, and the limit on new floorspace is mainly in place to protect the designated retail centres, therefore it is not considered this proposal could be resisted on the basis that Policy LP12 states that there is currently no general comparison retail capacity in the city. In addition bulky goods cannot be accommodated within these centres. Therefore, so long as the sequential test has been passed, there would be no retail harm to the vitality and viability of retail centres. In addition the scale of bulky goods floorspace proposed in this instance 700sqm is not of such a scale as to undermine the retail strategy of the City.

Therefore, despite the current lack of comparison goods retail capacity in accordance with Policy LP12, it is not considered that this proposed 700sqm of bulky goods retail floorspace within an existing vacant retail unit on an existing retail park would undermine the retail strategy of the City or unacceptable harm the vitality or viability of any designated retail centres. The proposal would therefore not result in unacceptable conflict with Policy LP12 of the NPPF.

Highway Implications

A Transport Statement supports the application. The statement concludes that the additional trips generated by this new mezzanine floorspace would be of such a low level in comparison to the

existing trip generation of the Retail Park, so as to have no noticeable traffic impact on the existing local highway network. Officers agree that the additional trips would be minimal and so would not have any adverse impact on the adjacent highway network. Therefore there would be no unacceptable or harmful impacts on the adjacent highway network resulting from additional traffic movements, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

The access to the site along Maskew Avenue off Bourges Boulevard would be remain unchanged. The site benefits from a large communal car park comprising approximately 453 car parking spaces and 32 accessible parking spaces which are available for all customers within the wider retail park. Officers are in agreement with the Statement's conclusion that the existing parking provision would be sufficient to serve the additional mezzanine floorspace and would accord with policy LP13 of the Local Plan (2019).

6 Conclusions

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

- The addition of this bulky goods retail floorspace within this existing unit, is considered to be acceptable and would not affect the vitality and viability of designated retail centres, or undermine the Council retail strategy in terms of retail capacity and growth. The proposal would therefore not represent an unacceptable conflict with LP12 of the Local Plan and the NPPF.
- The access arrangements and traffic impacts are considered to be acceptable. There are no highway safety concerns with the proposal. The development is therefore in accordance with Policy LP13 of the Local Plan.

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 shall be implemented in accordance with the following plans:

- Location and Block Plan - BNY-Z1-08-0020 BOO
- Existing floor plan - BNY-Z1-08-0021 BOO
- Proposed ground floor plan - BNY-Z1-08-0022 BOO
- Proposed mezzanine floor plan - BNY-Z1-08-0023 BOO
- Proposed section - BNY-Z1-08-AL20 BOO

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

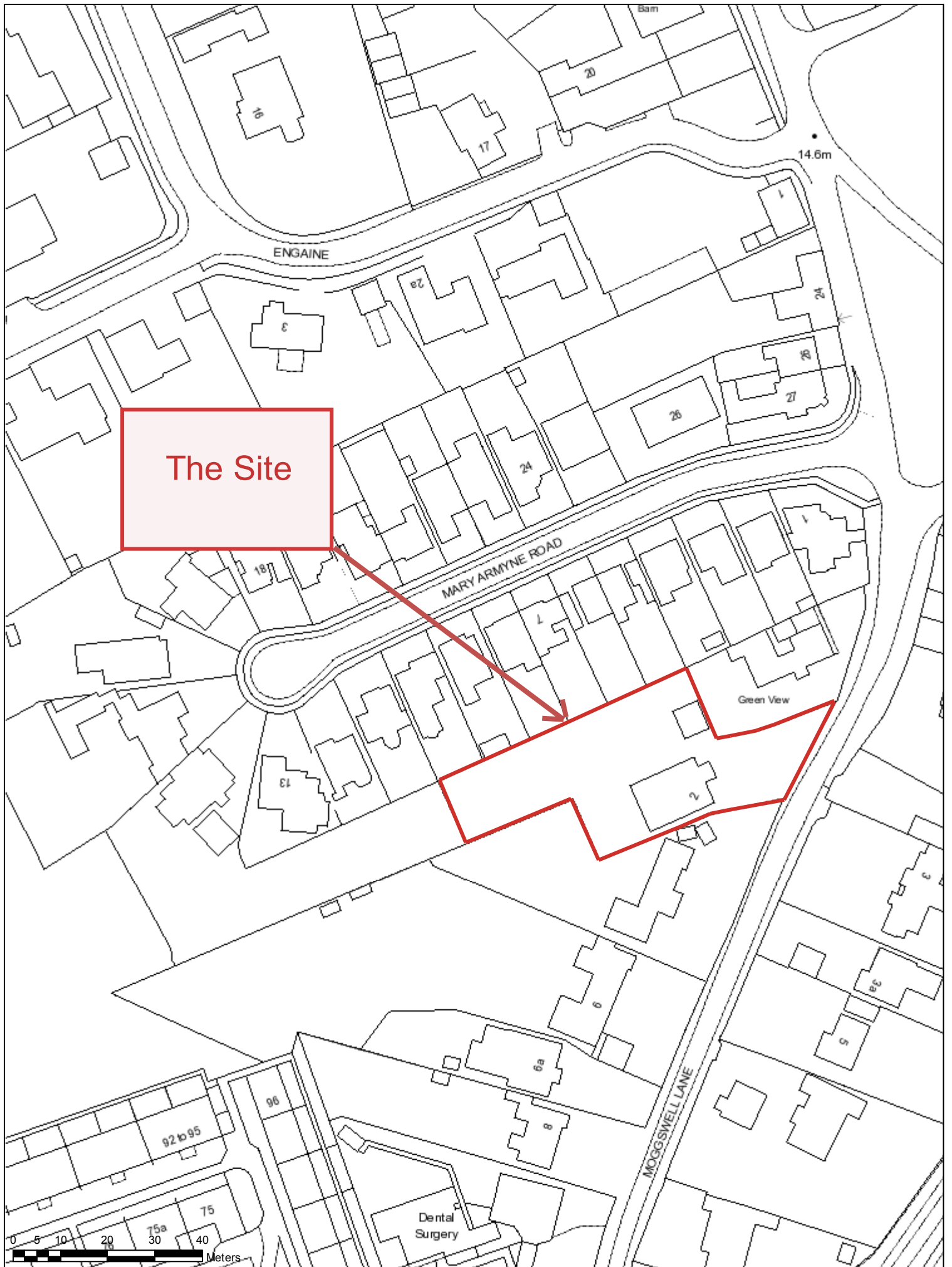
- C 3 The unit shall not be sub-divided to form separate units unless planning permission for such works has been granted on application to the Local Planning Authority.

Reason: This consent is based on the operating parameters of the Retail Assessment, to ensure that the development does not affect the vitality or viability of nearby retail centres in accordance with Policy LP12 of the Peterborough Local Plan (2019).

- C 4 The resulting unit hereby permitted shall be used for the purpose of storage, display and sale of: a) building and DIY materials and tools b) motor parts and cycles; c) camping equipment and boats; d) furniture and carpets; e) large domestic appliances; f) other goods that are ancillary to or directly associated with items a) to e), and for no other purpose (including any other purpose) of use Class A1 as specified in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended or any provision equivalent to that class in any statutory instrument revoking or re-enacting the Order) without the prior permission of the Local Planning Authority.

Reason: To ensure that the development does not affect the vitality or viability of nearby retail centres in accordance with Policy LP12 of the Peterborough Local Plan (2019).

Copies to Councillors Ansar Ali, Shazia Bashir, and Mohammed Nadeem



Planning Committee Location Plan-19/01870/OUT- 2 Moggs Well Lane

Scale 1:1,000
Print Date: 24/01/2020

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Item No. 3

Planning and EP Committee 18 February 2020

Application Ref: 19/01870/OUT

Proposal: Outline application for proposed bungalow with all matters reserved

Site: 2 Moggswell Lane, Orton Longueville, Peterborough, PE2 7DS
Applicant: Mrs Deidre Hardy

Agent: Mr John Hartley
J J & J Hartley

Referred by: Councillor Walsh
Reason: It is considered that a bungalow can be accommodated on the site without an adverse effect upon the local community

Site visit: 29.01.2020

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

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises a portion of the plot that serves No. 2 Moggswell Lane, which comprises a two storey detached property served with a large rear garden and on-site parking provision. The rear gardens of semi-detached dwellings, served by Mary Armyne Road, abut to the north boundary of the application site within this predominantly residential area.

Proposal

Outline planning permission is sought for a detached bungalow with all matters reserved (access, appearance, landscaping, layout and scale).

A site plan has been submitted with the application however this is indicative only and should not be used in the detailed consideration of this proposal.

Background

Outline planning permission (with siting secured and all other matters reserved) for a single storey dwelling was granted planning permission on appeal (appeal reference: APP/J0540/A/1170969) in June 2005. This planning permission was never implemented and has since expired.

Prior to the submission of the current application, an identical outline planning application for a bungalow was submitted for consideration under planning application reference 19/01625/OUT. This application was subsequently withdrawn following advice from Officers that the proposal was unacceptable and was to be refused under delegated powers.

2 Planning History

Reference	Proposal	Decision	Date
19/01625/OUT	Outline application for proposed bungalow with all matters reserved	Withdrawn by Applicant	10/12/2019
04/00888/OUT	Erection of dwelling and two garages (one to serve existing dwelling including demolition of existing garage)	Refused (Appeal Allowed)	21/06/2005

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

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.

LP08 - Meeting Housing Needs

Dwellings with Higher Access Standards - Housing should be adaptable to meet the changing needs of people over time. All dwellings should meet Building Regulations Part M4(2), unless there are exceptional design reasons for not being able to do so (for example, listed building constraints or site specific factors such as vulnerability to flooding or site topography).

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.

LP16 - Urban Design and the Public Realm

Development proposals should 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) 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) Amenity of Future Occupiers - Proposals for new residential development should be

designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

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

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

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

LP28 - Biodiversity and Geological Conservation

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.

LP32 – Flood and Water Management

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

4 Consultations/Representations

PCC Archaeological Officer (06.01.20)

No objections: The proposed development site is located in an area of known archaeological interest, with particular reference to the prehistoric and Roman periods, as indicated by archaeological work in the surrounding area. If present, potential buried remains are expected to survive in reasonably good conditions of preservation, as the site has witnessed limited development. Given the small scale of the proposal, an archaeological watching brief of all groundwork should be secured by condition.

PCC Pollution Team (03.01.20)

No objections: The property is not on land identified as potentially contaminated and the location is unlikely to be affected by excessive noise.

PCC Peterborough Highways Services (31.01.20)

Objection: The Local Highway Authority object to the proposal for the following reason:

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

result, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway. This is contrary to Policy LP13 of the Peterborough Local Plan (2019).

The proposed access is substandard in terms of dimensions and visibility. The access would be a shared access for the host and proposed dwelling and therefore should have a minimum width of 5.5 metres for a distance of 10 metres from the edge of the carriageway and 5 metres thereafter, to allow for the safe access and egress of vehicles and pedestrians into and out of the site.

The current access width scales at just under 3m and would not permit 2 vehicles to access/egress the site simultaneously. This would result in vehicles being forced to wait on the public highway whilst another vehicle exits the site.

Pedestrian visibility splays (measuring 2m x 2m) are also required on both sides of the access. Pedestrians walking along the street should not be hidden from the view of drivers existing the driveway. The absence of splays on both sides of the access would result in motorists being unable to see pedestrians crossing the access.

PCC Peterborough Highways Services (updated comments) (09.02.20)

Objection: This is an outline planning application with all matters reserved therefore the plans submitted are for indicative purposes only.

Notwithstanding the above as the proposals shall result in an additional dwelling occupying the site a shared access shall be required. The required access width shall be 5.5m for the first 10m into the site to allow 2 vehicles and pedestrians to safely access and egress the site. Vehicle to pedestrian splays measuring 2m x 2m are also required on both sides of the access.

Vehicle to vehicle visibility splays measuring 2.4m x 43m in both directions of the new shared access are also required. Both vehicle to vehicle visibility splays, to the north and south of the site access, shall encroach onto third party land and cannot therefore be maintained free in perpetuity of any obstruction above 600mm in height. This is not acceptable.

It is possible that the 'Y' distance of 43m may be reduced if it could be demonstrated that vehicles travel along Moggswell Road at a lower speed however it is very unlikely that adequate vehicle to vehicle splays can be provided from the site access without crossing/encroaching onto third party land.

In view of the above it is the view of the LHA that a safe and acceptable shared access arrangement cannot be achieved from the site and would therefore recommend refusal for the proposals for the following reason;

In addition, the proposed development does not provide adequate space within the red line boundary area to provide the required 2.4m x 43m vehicle to vehicle visibility splays on both sides of the access which is a detriment to the safety of vehicles on the adjoining public highway

PCC Waste Management (23.12.19)

No objections.

PCC Wildlife Officer (30.01.20)

No objections: The Wildlife Officer raises the following matters:

- For the loss of trees, which may support nesting birds, the Wildlife Officer recommends a standard bird nesting Informative if the proposal is approved. To mitigate for the loss of potential nesting habitat, it is suggested that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow and Starling. Full details regarding numbers, designs and locations should be provided by the applicant which could be secured via a planning condition.

- It is recommended that the existing trees are retained along the northern site boundary where possible. With regard to any additional planting, it is recommended a range of native tree and shrub species are used, which full details could be secured via through a planning conditions.

PCC Tree Officer (14.01.20)

No objections: The Tree Officer has no further comments given that all matters are reserved, but writes to confirm that there are existing trees on site which are protected. There are two Oak trees within the front garden are protected by a Tree Preservation Order (TPO).

There is no objection to this proposal, subject to Conditions 6 and 7 of the Appeal Decision being repeated to ensure the existing trees on the site are protected and suitable and appropriate new tree planting and landscaping secured as a part of any future full application to develop the site. Condition 6 also alludes to the submission of an arboricultural impact assessment.

A condition is required such that the position of the Heras Fencing (Tree Protection Fencing) is altered to enclose the entire Root Protection Area (RPA) of the two protected Oak trees within the garden area to the north of the existing Drive.

PCC Conservation Officer (17.01.20)

No objections: It is noted that the existing application is, for conservation purposes, the same as the previous withdrawn 19/01625/OUT application.

The proposed new dwelling is set behind the existing No. 2 Moggswell Lane, further away from the conservation area. As such the principle concern is regarding the retention of the positive character of the boundary treatment on to Moggswell Lane.

At this stage the proposal is for the principle of development, which is not considered to be materially impactful to the setting of the conservation area. This is due to its set back position which not be appreciated in direct connection with the conservation area.

It should be noted that within the subsequent application, it will be expected that attention be paid to ensuring that the insertion of the new dwelling does not detrimentally impact upon the positive boundary treatment on to Moggswell Lane.

It is considered that if there is an impact on the heritage significance of the conservation area then this may be of a minor degree, not of a scale that would materially affect its heritage significance.

It is considered that the work will preserve the character and appearance of the Orton Longueville Conservation Area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is in accordance with the Peterborough Local Plan (2019), and the National Planning Policy Framework (Heritage considerations).

Orton Longueville Parish Council (03.01.20)

No objections: Orton Longueville Parish Council has no material observations to make on this application.

Local Residents/Interested Parties

Initial consultations: 15

Total number of responses: 8 (including the Parish Council)

Total number of objections: 7

Total number in support: 0

Eight letters of representation have been received. Seven letters object to the proposal and one letter has a neutral stance. The following matters are raised:

- This proposal will result in a bungalow been built directly behind neighbouring properties. The mature trees provide residents a high level of privacy, character and a haven for various wildlife. The felling of trees would be detrimental to wildlife that use and live with them.
- The removal of the trees would also have a detrimental impact on the village itself and the views and character would be detrimentally changed.
- The building would not be in the keeping with the village.
- Constant disruption at the back of our property during building works.
- The proximity of the proposed building to the boundary of No. 7 Mary Armyne Road will impact the levels of natural sunlight enjoyed in the home and garden.
- The building will also reduce the privacy of the back garden and will significantly impact the outlook from the rear rooms of Mary Armyne properties.
- The current view is pleasant with several trees. If the development is approved, these trees will be removed and replaced with a much more unsightly building.
- The proposed plan will make the area feel overcrowded and reduce the overall character of our property and those of our neighbours.
- The Village is made up of green spaces and houses that are not tightly packed together or overlooking one another. If an additional building, especially one of this size, is built in a home owners garden this would fundamentally change the overall feel of the area and landscape.
- Increased noise pollution to the rear of the property with vehicles accessing and parking very close to the garden.
- The driveway of the new property and garages would be directly opposite the rear of my property and there is potential for car noise to disturb the amenity value of my garden.
- Concerns about the change in the character of the area and loss of green space.
- The reduction in grass area and soil could increase surface run-off in the area during times of heavy rain and could pose the threat of surface flooding in the surrounding areas and houses. The removal of the two large trees would reduce ground infiltration capacity.
- This property is being squeezed into a plot that is not suitable for its size and pays little consideration to existing neighbouring properties.
- Building work would cause excessive noise impacts to all neighbours.
- The highway The Village is already very busy with traffic. Additional lorries, various building vehicles and their equipment would cause distress to surrounding residents.
- Property devaluation.
- The proposed dwelling would dominate the view from the rear of Nos 7, 8 and 9 Mary Armyne Road from both the first floor windows and from the ground floor and within the garden.
- The proposed dwelling would be overlooked by Nos 7, 8 and 9 Mary Armyne Road.
- The trees between No. 2 Moggswell Lane and Mary Armyne Road properties currently provide privacy between No. 2 Moggswell Lane and Mary Armyne Road properties. They have a sense of scale that offsets the relatively small size of our garden and form a prominent part of the view for residents along the southern side of Mary Armyne Road, giving them significant public amenity value.
- There seems to be insufficient space to reasonably accommodate the proposed dwelling which is situated extremely close to the boundary fence.
- Construction of the dwelling would fundamentally change the character of the area to the rear of our property, and those of our neighbours, replacing green space with development. This would have a direct impact on the value and appeal of our property.
- There is no objection to the proposed development subject to a condition being applied that no extension (under permitted development) would have north-facing windows that overlook properties.
- The location plan does not show the extension to No. 10 Mary Armyne Road, which contains a principal living space. Any such rooflight or window would impact upon their privacy.
- The proposed bungalow appears to be overly large given the width of the plot.
- It appears to be unreasonably close to the boundaries of Nos. 6, 7, 8 and 9 Mary Armyne Road, especially given the fact that those properties have small rear gardens.
- The proposed property will dominate the view of the occupants, even though it is a single storey building. From their upstairs room, they will now see little more than a vast roof. It is both too much and too close, out of keeping with nearby properties and unsympathetic to the overall aspect of the area.

Councillor Walsh has expressed her support for the proposal on the basis that she considers that a bungalow can be accommodated on the site in question without an adverse impact upon the local community. She has advised that Councillor Skibsted concurs with this view albeit no formal comments have been submitted by Councillor Skibsted directly.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area, including designated heritage assets
- Highway safety and parking provision
- Neighbour amenity
- Lifetime homes
- Trees
- Ecology
- Archaeology

a) Principle of development

The application site is located within the identified urban area and settlement boundary of Peterborough. The proposal constitutes backland development and there are no national or local planning policies that specifically preclude such development. However, for the detailed reasons set out below and notwithstanding the previous appeal decision, it is not considered that the site is capable of accommodating a further dwelling and therefore the principle of development is not acceptable.

For the avoidance of doubt, whilst the earlier appeal decision is noted, the planning policy context has been fundamentally altered in the intervening 14 years through the replacement of Planning Policy Guidance/Statements with the National Planning Policy Framework and 2no. revisions to the Peterborough Local Plan. As such, whilst the appeal decision is a material consideration, officers advise that only very limited weight should be attached to it. Notwithstanding this position, a copy of the appeal decision is attached to this report for information.

b) Design and impact to the character and appearance of the site and the surrounding area, including designated heritage assets

The application site is not within, but adjacent, to the Orton Longueville Conservation Area (CA), which is located to the east of the application site. In addition to this, there are a number of Listed Buildings which surround the application site. Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) require that special regard be paid to ensuring that development preserves or enhances the character, appearance and fabric of Listed Buildings, and the character and appearance of Conservation Areas. This is further emphasised within the National Planning Policy Framework (2019) which requires that significant weight be placed upon the need to preserve heritage assets.

Moggs Well Lane is comprised predominantly of detached dwellings situated upon large plots. The principal elevations of dwellings are predominantly street-facing and are set back to allow for both front gardens and off-street parking provision. To the north of the application site is the cul-de-sac Mary Armyne Close, where dwellings vary in form and include two storey detached, semi-detached and bungalows, situated within smaller plots.

Officers consider that any dwelling situated within the curtilage of No. 2 Moggs Well Lane would effectively subdivide the plot into two smaller plots which would not reflect the development pattern and layout character of Moggs Well Lane. The proposal would also not be keeping with the layout patterns to either Mary Armyne Road given the plots form, shape and orientation.

Furthermore, as many of the dwellings to Moggswell Lane have principal elevations which face to the public highway, it is considered that the curtilage of Green View, along with the limited space adjacent to the north-facing side elevation of No. 2 Moggswell Lane, would not allow an acceptable street-facing elevation to be produced. The proposal would therefore be contrary to the character of this area.

Officers recognise the appeal that has granted previously for outline consent for one dwelling. However, the development allowed, over 14 years ago, is no longer extant and was permitted under now superseded local planning policies. The adopted Policy LP16 is clear in stating that *"development proposals will be required to demonstrate to a degree proportionate to the proposal, that they:*

- a) Respect the context of the site and surrounding area and respond appropriately to:
- the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments; and*
- b) Make effective and efficient use of land and buildings, through the arrangement of development plots and the design, layout and orientation of buildings on site."*

The development proposed is not considered to appropriately respect the layout pattern of dwellings within this area and the limited opportunity to achieve a street facing frontage is not considered to be in keeping with the properties to Moggswell Lane. Officers do not consider that any dwelling could be sited in a manner that is appropriate to the layout of the surrounding area.

Finally, the front of site is adjacent to, but not within the Orton Longueville Conservation Area. The City Council's Conservation Officer has advised that, in their view, the proposal would not materially impact upon the character of the CA or the setting of surrounding Listed Buildings. Officers do not disagree with this view.

Notwithstanding the heritage impact, in light of the above, the proposal would result in unacceptable harm to the character of the surrounding area and is not considered to accord with Policy LP16 of the Peterborough Local Plan (2019).

c) Highway safety and parking provision

Whilst all matters are reserved at this time, including access, the red line boundary of the application site is such that access to the proposed dwelling would have to be shared with that of the host dwelling.

The Local Highway Authority (LHA) initially advised that the existing access onto Moggswell Lane measures less than 5 metres in width and therefore, two vehicles would not be able to enter/exit the site simultaneously, resulting in vehicles wanting to enter the site waiting on the highway when another leaves. This therefore would pose an unacceptable highway safety danger particularly as Moggswell Lane is not a cul-de-sac but instead provides access for a number of other dwellings within the locality.

However, as detailed above, the matter of access is reserved at this time and therefore the Local Planning Authority can only consider whether the site is capable of accommodating safe access. Accordingly, the LHA has revised their comments on this basis. They do still maintain an objection however.

Given the width of the site frontage (including the land edged in blue which is within the ownership and therefore control of the Applicant), the LHA considers that there is sufficient space to accommodate a 5.5 metre wide access with the required 2 metre x 2 metre vehicle-to-pedestrian visibility splays. However, there does not appear to be sufficient space to accommodate the necessary 2.4 metre x 25 metre vehicle-to-vehicle visibility splays to the southern side of the access. This, in their view, poses an unacceptable highway safety danger for which the proposal

should be resisted.

Whilst the position of the LHA is noted, Officers do not consider that this matter is one that could reasonably be sustained at appeal. Almost in line with the southern boundary of the application site, Moggswell Lane becomes a private unadopted road of relatively narrow width. Therefore, any vehicles travelling along it would be driving at low speeds and therefore, users of any widened shared access to the application site would have clear visibility of oncoming vehicles. Officers do not consider that the danger posed is therefore significant, and any reason for refusal on this basis would unlikely be sustained at appeal.

In terms of parking provision, this would be a matter for consideration at reserved matters stage in the event that outline permission were granted. However it is considered that there is adequate space within the site to accommodate parking for both dwellings which meets with the Council's minimum adopted parking standards.

d) Neighbour amenity

The application site is adjacent to the rear boundaries of properties serving Mary Armyne Road to the north, as well as No. 4 Moggswell Lane to the south and Green View to the east.

Whilst the submitted layout drawing is indicative only, the shape of the application site, along with the previous appeal decision, indicates the likelihood that any dwelling to be proposed on site would be in close proximity to the northern boundary. The appeal decision states that a bungalow would be visible from the properties on Mary Armyne Road, but it would not be overbearing or visually intrusive and nor would it cause unacceptable noise disturbances.

In terms of noise, the City Council's Pollution Control Officer has advised that a single additional dwelling is unlikely to generate excessive noise and therefore, no undue harm would result to neighbour amenity in this regard.

However, Officers do disagree with the position of the Inspector and consider that adverse overbearing impacts would result to neighbours if a dwelling (even only single storey in height) was sited anywhere within the application site. If sited as per the indicative plans, the proposed bungalow would be readily visible from the rear gardens and primary habitable rooms of Nos. 7, 8 and 9 Moggswell Lane. The proposed roof would appear prominent across the rear garden, especially to No. 8 Moggswell Lane, given that the dwelling would be wider than the wider of this neighbouring plot.

Any dwelling sited further southwards, to avoid the aforementioned amenity issues, would result in similar neighbour amenity issues to the host dwelling, No. 2 Moggswell Lane. A single storey dwelling would appear prominent across any part of the remaining garden serving this host dwelling, and would gain views into the proposed dwelling, to the detriment of privacy of occupiers. As such, Officers do not consider the principle of any dwelling (even as a bungalow proposed) could be accommodated within the site without unacceptable harm to surrounding neighbours.

In light of the above, the proposal is adversely harmful to the amenity of surrounding neighbours and it is contrary to Policy LP17 (Part A) of the Peterborough Local Plan (2019).

e) Lifetime Homes and water efficiency

Policy LP8 of the Peterborough Local Plan (2019) requires that all new dwellings comply with Part M4(2) of the Building Regulations. As all matters relating to the proposal are reserved at this time, there is no requirement for the Applicant to demonstrate compliance at outline stage. However, a condition would need to be imposed that required any future reserved matters submission demonstrate compliance.

Similarly, Policy LP32 requires that all new dwellings ensure a limit of 110 litres per person per day

of water usage is achieved. This could again be imposed by way of a condition.

f) Trees

There are two oak trees to the front garden of No. 2 Moggswell Lane that are protected by a TPO (Tree Preservation Order). The indicative site layout drawing submitted, indicates that it is proposed to erect heras fencing to protect these trees during development.

The City Council's Tree Officer has raised no objection to the proposed development subject to a scheme being submitted to retain and protect trees, shrubs and hedges across the site (Condition 6 of the previous allowed appeal) as well as scheme for the replanting of trees (Condition 7). The former would require the submission of an Arboricultural Impact Assessment (AIA), method statement and tree protection plan. In addition, it is advised that the area enclosed by heras fencing is increased to cover the entire root protection area. Both are considered reasonable and necessary to secure by condition to be submitted alongside a future reserved matters application if outline permission is granted.

With regards to the other trees across the site, notably those trees adjacent to the boundary abutting to the rear gardens of properties along Mary Armyne Road, these do not have any planning protections. Therefore, whilst these trees may be enjoyed by local residents, the landowners of where the trees grow can remove these trees without consent. However, if a scheme comes forward to protect these trees under a reserved matters application, protection measures during construction can be applied, but it is not considered necessary or reasonable to secure this now given that this proposal is for outline consent only.

In terms of accommodating a widened access, this may result in incursion within the RPA of the protected trees within the site frontage. However no dig construction methods could be utilised to ensure no undue harm results, and this could be dealt with through the submission of an AIA as set out above.

In light of the above, the proposal is considered in principle to accord with Policy LP29 of the Peterborough Local Plan (2019).

g) Ecology

The City Council's Wildlife Officer has raised no objections to the proposed development. The Officer advises that the removal of any of the unprotected trees adjacent to the north boundary of the site should be replaced with native tree and shrub species to ensure no net loss in biodiversity results, and such a matter could be secured by condition.

In addition, to ensure that there is no net loss in bird nesting habitat from any trees removed on site, it is considered reasonable to secure details for appropriate nesting boxes, including design, location and quantity. This matter can also be secured through a planning condition.

On the basis of the above, the proposal is considered in principle to accord with Policy LP28 of the Peterborough Local Plan (2019).

h) Archaeology

The City Council's Archaeologist has advised that the application site is within a known area of archaeological significance given previous archaeological work within the surrounding area. As the area upon which the proposed dwelling would be sited has had limited development upon it (other than works directly to the dwellinghouse of No. 2 Moggswell Road), it is likely that any buried remains would be in reasonably good condition. The Archaeologist therefore suggests a written scheme of investigation (watching brief) to be secured under a reserved matters application, which given previous finds within the surrounding area, this is considered to be reasonable to secure under a planning condition.

On the basis of the above, the proposal is considered to be in accordance with Policy LP19 of the Peterborough Local Plan (2019).

i) Other matters

In relation to those neighbour objections received and not discussed above:

- *Comments relating to the proposed bungalow's design:* The plans are indicative and therefore they should not be used in the detailed consideration of this proposal. The final design of the dwelling would be subject to further consideration at reserved matters stage, in the event that outline permission was granted.

- *Loss of view:* This is not a material planning consideration and therefore cannot be afforded any weight when determining a proposal.

- *Removal of permitted development for windows:* Such rights can be removed at outline or reserved matters stage if considered appropriate. However, given that the detailed design of the dwelling is a reserved matter, any such condition at this time would not be necessary and therefore could not be imposed.

- *Removal of trees:* At the time of writing, the trees that abut to the rear boundaries of Mary Armyne Road properties are not protected and therefore can be felled without planning permission. Officers however are aware that there is ongoing consideration by the Tree Officer whether to designate further tree protection orders on site.

- *Noise:* Works relating to development will produce noise. It would be up to the City Council's Pollution Control Team to determine whether noise levels during development reach excessive levels and what actions must be taken. This is outside the remit of the planning system.

- *Property devaluation:* This is not a material planning consideration and therefore cannot be afforded any weight when determining a proposal.

6 Conclusions

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

7 Recommendation

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

R 1 The proposed subdivision of the plot serving No. 2 Moggswell Lane to enable the construction of 1no. detached bungalow, would unacceptably impact upon the layout character of the surrounding area. The character to Moggswell Road consists of detached, street-facing properties situated upon large plots of land. No dwelling could be acceptably sited within the application site without appearing cramped and contrived between No. 2 Moggswell Lane, Green View and the dwellings to the north that are served by Mary Armyne Road. Accordingly, the proposal is contrary to Policy LP16 of the Peterborough Local Plan (2019).

R 2 Notwithstanding that layout, appearance and scale are reserved matters, it is considered that the siting of a bungalow would adversely impact upon the amenity of occupiers of Nos.

7, 8 and 9 Mary Armyne Road and No. 2 Moggswell Lane. Any siting of a dwelling within the application site would result in unacceptable overbearing impact to at least one or more of the surrounding residential properties and their adjacent residential gardens. This is unacceptable to the amenity of surrounding neighbours. Accordingly, the proposal is contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to Ward Councillors Casey, Skibsted and Walsh.