



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 26 JANUARY 2021

1.30 PM

VENUE: [Peterborough City Council Youtube Page](#)

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 24 November 2020 3 - 8
5. Development Control and Enforcement Matters
 - 5.1 20/01260/WCPP - Masjid Ghousia 406 Gladstone Street Millfield Peterborough 9 - 26
 - 5.2 20/01141/FUL - Land To The South Of Buntings Lane Stanground Peterborough PE7 3DN 27 - 48
 - 5.3 20/01543/HHFUL - 68 High Street Fletton Peterborough PE2 8DR 49 - 56



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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 E Murphy

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

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Sylvia Bland, 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,

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 24 NOVEMBER 2020
VIA ZOOM VIRTUAL CONFERENCE**

Committee Members Present: Harper (Chairman), Casey (Vice Chairman), Bond, Brown, Hiller, Hogg, Amjad Iqbal, Jamil, Jones, Rush and Simons.

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Sylvia Bland, Development Management Group Lead
Daniel Kalley, Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Warren. Councillor Simons was in attendance as substitute. Apologies were received from Councillor Hussian, Councillor Jamil was in attendance as a substitute

26. DECLARATIONS OF INTEREST

No declarations of interest were received.

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

There were no declarations to speak as ward Councillor.

28. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION MEETING HELD ON 20 OCTOBER 2020

The minutes of the meeting held on 20 October 2020 were agreed as a true and accurate record.

29. PLANNING AND ENFORCEMENT MATTERS

29.1 20/010205/FUL – THE SILVER JUBILEE, HELTWATE, BRETTON.

The Committee received a report, which sought permission for the 'Demolition of the former Silver Jubilee public house, construction of a detached two storey building for early years provision, provision of hard standing play area and change of use of public open space to school playing fields, including the provision of a new public footpath together with associated parking, access and landscaping'.

The proposal would provide a standalone building for the school's early years and improve the basic facilities available for children with special needs. It would allow Heltwate School

to teach its basic curriculum and would benefit children across the City and wider area. It would also allow opportunity to refurbish existing school buildings on the main school site. The number of children attending the school would not increase.

The proposed building would have a maximum floor area of 41.3m x 27.5m and be a mixture of single and two storeys. The two storey element proposed to stand at 8m in height and the single storey element proposed to stand at 5.6m in height.

Secure outdoor play areas were proposed to the north of the building at ground and first floor (balcony), with an outdoor dining area to the east. Materials proposed were buff brick, beige grey openings with sky blue detailing and cladding. The proposed hard standing play area would be a multiple use games area (MUGA), with an area of 18.5m x 31m. It would be enclosed by a 3m weld mesh fence and would not be illuminated. A new proposed pedestrian route was to be created linking Heltwate to Pyhill, east of Jubilee Court and west of the proposed car park.

The new site would be served by a dedicated in and out access arrangement, including a secure pick up and drop off area, as well as 25 times staff parking spaces. As part of the scheme, the public open space POS would be enclosed by a 2.4m high palisade fence.

The existing basketball was to be relocated within the immediate area of the application site. The existing pavement along the front of the site and the link to a bus stop on Bretton Way to the east of the site would remain and would be unaffected by the development proposed.

The Head of Planning introduced the item and highlighted key information from the report and the update report, the Officer recommendation was to **GRANT** planning permission subject to the imposition of conditions.

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

- The Ward Councillor welcomed the demolition of a dilapidated building namely, the Silver Jubilee pub.
- Special education needs required new and improved services for Peterborough.
- The Ward Councillor objected to the application and asked the Committee to consider alternative conditions.
- The basketball was installed by the Parish Council in 1990 and was a popular facility enjoyed by many. It had been hoped that it would be installed close to the current location.
- The size of the application was too big, and fencing would completely harm to open character.
- Revised plans were needed to reduce the amount of open space to be taken away.
- The MUGA should be accessible by all members of the public at non-school times to compensate for the loss of open space.
- Bretton had surplus open space it should be protected for Peterborough.
- The proposal included the replanting of trees that, however, the replacement scheme had not allowed for the total amount of trees that would be lost as a result of the development. A condition should be imposed to allow all trees to be replaced.
- The public footpath proposed was welcomed and should be safe, well lit, a cycle lane included and appropriately sign posted.
- The pavement along Heltwate needed to remain with no parking allowed.
- The pavement to the bus stop needed to be well maintained as a clear and safe walking route.

- There needed to be a clear traffic plan in place and users using the car parking spaces available.
- Clear traffic enforcement including a 20 mile an hour zone needed to be adopted.
- There was a lack of clear cycle parking near the entrance of the site and there should be cycle path on Jubilee Court path. There should also be cycle racks installed and electric car charging points.
- The school needed extra space, however, the points raised should be considered in relation to the concerns raised.

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

- The application was welcomed for all children in Peterborough with SEND requirements.
- People could not access their homes between 3-4pm because of the school buses and the proposals would help alleviate that issue.
- Heltwate school had lost a significant amount of open space due to the mobile classroom situation.
- The school operated well considering the tough demands. There was an issue with over subscription, which resulted in a lack of physical space in the school, therefore the proposal was welcomed.
- The plans would also help to alleviate the parking situation for residents.

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

- Members were advised that forty trees would be replaced and would be larger than the original trees, however the proposal would not mitigate the shortfall on the loss of trees.
- The original tree replanting scheme of replacing more trees, would have allowed for thinning out and removal of diseased trees.
- The tree planting proposed would be included within the Council's replacement programme as standard, as it mitigated the impact of the development.
- It was confirmed that only 13 objections had been received from the public following consultation.
- The basketball court would be a like for like replacement.
- The scheme was to provide a primary and secondary school next to each other, rather than create more open space once the mobile classrooms were removed.
- The Council's tree officer estimated a price of £600 per tree, which had not only included the cost of replacement, but the ongoing maintenance. The Education department had estimated double that cost per tree.
- The proposal represented an improvement on the current highways issues being experienced as a result of school traffic.
- Cycle parking had been included within the planning application.
- Members felt that the application was a difficult to consider in relation to the need of school places against the loss of open space. The application had gone against planning policy in terms of loss of trees and open spaces.
- Heltwate was a unique facility and the Committee needed to think further than what planning policies state.
- The school facility had been desperate to expand for many years. The officers had considered the pros and cons and the site was derelict.
- Although the Committee recognised Ward Councillors concerns about open space and trees, the estate had been designed well by the Development Corporation and

Bretton and had vast open spaces and trees, which would outweigh the loss as a result of the proposed development.

- Some Members were concerned about the loss of open space although recognised the need for the school expansion.
- Some Members felt that the school was taking more land than it needed and there was a particular area included within the plans in relation to the fencing, that could be made more publicly accessible.
- The open space provision at the back of the school could be halved.
- Some Members felt that the maintenance cost of the trees should transfer across to the ones that were being removed. In addition, there would need to be over 100 trees planted to ensure that 40 trees were successfully established.
- Heltwater school operated very well, and the proposed design should elevate the current highways issue, however the tree replanting proposal should be revisited.
- Members commented that the National Policy Framework had flexibility when considering an planning application that was in relation to the provision of education for children, which would justify loss of open space. In addition, the equality Act 2010 allowed planning authorities to make exception to special needs facilities.
- The aesthetics of the proposed site was a welcome alternative to the current state of the land.
- Members commented that the National Planning Policy Framework (NPPF) favoured school facilities. There had been five percent of land lost, however, the provision for a special education facility in the City outweighed the loss of open space and trees.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (9 For, 2 Against, 0 Abstentions) 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 development would improve and enhance an established SEN school serving the City, the benefits of improving this provision outweigh the loss of 0.6ha of open space in a ward identified with a surplus and would secure an off-site re-provision of an established basketball court. As such the proposal would accord with Policy LP23 of the Peterborough Local Plan and Paragraphs 94 and 97 of the NPPF (2019);
- The proposed development would not harm the character or appearance of the area, and would make provision for uncovering buried archaeology, and would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, and would accord with Policy LP17 of the Peterborough Local Plan (2019);
- The proposed development would preserve the biodiversity value of the site, and would secure an on and off-site tree planting scheme, in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019); and

- The proposed development would make provision for uncovering unsuspected contamination and would secure a satisfactory surface water drainage scheme for the site, in accordance with Policies LP32 and LP33 of the Peterborough Local Plan (2019); There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

Chairman
Start 1:30 - 2:35pm

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The Site

Planning Committee Location Plan 20/01260/WCPP-Masjid Ghousia 406 Gladstone Street Millfield

Scale 1:1,000
Print Date: 12/01/2021

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Application Ref: 20/01260/WCPP

Proposal: Variation of condition C8 (to allow the amplified call to prayer 3 times per day every day (early afternoon, late afternoon and sunset) pursuant to planning permission 03/01516/FUL (New mosque, extension to existing mosque and new brickwork facade - revised)

Site: Masjid Ghousia Mosque, 406 Gladstone Street, Millfield, Peterborough

Applicant: Mr N Khan

Agent: Mr Mohammed Iqbal

Referred by: Head of Development and Construction

Reason: The application is of wider public interest

Site visit: 06.11.2020

Case officer: Mrs J MacLennan

Telephone No. 01733 4501733 454438

E-Mail: janet.maclennan@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The site comprises the Masjid Ghousia Mosque and is located on the western side of Gladstone Street opposite the junction with Springfield Road and the junction with English Street.

The immediate surrounding area is predominantly residential in character with on street parking. The western side of the site is bounded by the rear gardens of properties within Clarence Road. To the north of the site there is a car parking area and access is served from English Street.

The building is locally listed due to its distinctive architecture which forms an important part of the street scene and serves as a local landmark building.

Planning permission was granted for the new Mosque in 2003 (ref. 03/01516/FUL). There had been two former approvals in 2000 (ref. 98/00494/FUL) and in 2002 (ref. 02/00469/FUL). The planning consent was subject to a number of planning conditions. Condition 8 restricted the amplification of music or voices projecting from the building.

Proposal

The application seeks to vary condition 8 to allow the amplified call to prayer (The Azan) 3 times per day, every day (early afternoon, late afternoon and sunset).

It is proposed that the duration of each call to prayer would be between 3 and 5 minutes.

4 no. loud speakers would be located on the top of the minaret (tower), at the balcony level at the Springfield Rd / Gladstone St junction end of the building. The speakers would be hidden from view.

2 Planning History

Reference	Proposal	Decision	Date
98/00494/FUL	New Mosque building (incorporating existing Mosque)	Permitted	18/01/2000
02/00469/FUL	Erection of mosque with associated parking	Permitted	30/10/2002
03/01516/FUL	New mosque , extension to existing mosque and new brickwork facade - revised	Permitted	15/12/2003
08/00260/FUL	Alterations to existing window to form new door	Permitted	08/04/2008
08/00453/FUL	Two storey extension, increased height and alterations to openings	Permitted	26/06/2008
09/00569/FUL	Two storey extension, increased height and alterations to openings	Permitted	07/07/2009
12/01185/FUL	Construction of two storey side extension (Part retrospective)	Permitted	06/09/2012
14/01319/FUL	Proposed first floor side extension	Permitted	11/09/2014
17/01464/NONMAT	Non-material amendment to: Include approved plans list 94/101. 94/105. 94/106. 94/205 and 94/206 pursuant to planning permission 14/01319/FUL Proposed first floor side extension	Determined	18/09/2017
17/01857/NONMAT	Non-material amendment (approved drawings) pursuant to planning permission 14/01319/FUL amended under previous non-material amendment application 17/01464/NONMAT	Determined	02/11/2017

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Paragraph 180 - Pollution

New development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life, identify and protect tranquil areas which have remained relatively undisturbed by noise and limit the impact of light pollution from artificial lighting on local amenity, intrinsically dark landscapes and nature conservation.

Peterborough Local Plan 2016 to 2036 (2019)

LP13 - Transport

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

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

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

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

LP17 - Amenity Provision

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

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

LP19 - The Historic Environment

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

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

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

EQHR - Equality Duty and Human Rights

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

The Human Rights Act 1998, makes it unlawful for a public authority to act in a way which is incompatible with the European Convention on Human Rights. The human rights issues have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life), Article 9 (Freedom of thought, belief and religion) and Article 14 (Prohibition of discrimination) of the Convention.

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

4 Consultations/Representations

PCC Pollution Team – The information submitted is limited; no details of specification/exact location of speakers, details of or methods for compliance with an appropriate noise limit, etc. Therefore, at present there is insufficient detail to make a judgement on the acceptability of this proposal. The operation of a loudspeaker for the proposed purpose is primarily a political judgement rather than a technical consideration. A strategic consideration and policy would be necessary to prevent what may amount to unacceptable cumulative impacts from a number of similar facilities that may be

located in the same area. It may be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.

In relation to this development engaging a noise consultant at the application stage does not provide any additional confidence for the Local Planning Authority to be able to base their decisions upon. This is because there are no recognised standards or Codes of Practice to be able to relate assessments to. A noise limit could be imposed. Requiring the employment of a consultant, and the installation of a noise limiter, may be considered as unnecessary expenses for a trial period, except where complaints or unacceptable disturbance arises.

If a permanent permission is to be given from the outset, a noise consultant would not add great value to the consideration of the proposal. However one would be necessary for the setting and installation of a noise limiter that should be required to be installed before the use commences. The setting of noise limiters for this purpose is not something that the regulator should be involved in.

There is specific legislation governing the use of loud speakers in the street. Section 62 of the Control of Pollution Act 1974 regulates the use of speakers. Any operation of a loudspeaker in the street would have to comply with that legislation. Average sunset in June is 21.00hrs and later, and during school term times therefore times of calls may need to be limited to prevent nuisance complaints, and to ensure compliance with Section 62 of the Control of Pollution Act 1974.

To assist with this decision this response also includes advice on how to control the potential impacts which are based upon guidance used by Leicester City Council.

If the LPA is minded to give temporary approval the officer recommends conditions on the time, duration and frequency of the call, noise limit to not exceed 70dB(A) (Fast) 2m from any elevation of any dwelling or at a distance of 50m from the loudspeaker, whichever is the closer, and noise monitoring/Noise limiter.

PCC Peterborough Highways Services - No objection - It is the view of the LHA that the proposals shall not result in an adverse effect upon the nearby public highway.

PCC Conservation Officer – No objections. The proposals would not have any impact on the design or character of the mosque. In addition the proposal is in keeping with the use and tradition of the building. From a heritage consideration the proposed works can be supported.

Millfield & New England Residents Planning Sub Group - No comments received

Local Residents/Interested Parties

Initial consultations: 232
Total number of responses: 384
Total number of objections: 92
Total number in support: 288

Consultation has taken place with 232 neighbouring occupiers within a 100m radius of the site. In addition 2 no. site notices were erected and the application was advertised in the Peterborough Telegraph.

The following is a summary of representations received.

Comments in Support:

- I have no issues with the proposal.
- Both religions (Christian and Moslem) admit recognition of the same God – it seems understandable that an equality is desirable.
- It supports the rights of the religion and allows a healthy relationship to be maintained between everyone due to the respect shown towards our rights.
- Everyone should have religion freedom.
- I support this as this is in line with freedom of speech and freedom to exercise religion.
- Would love to hear this. I went to another country and heard this every day. It was peaceful.
- Having spent two brief periods in Asiatic countries I cannot claim the call to prayer is either unattractive or disruptive.
- I doubt I would find the call to prayer onerous to hear and listen to.
- The call for prayer will not be during anti-social hours.
- Due care will be taken not to cause nuisance to the neighbourhood.
- I don't think this will cause any nuisance noise.
- There is enough traffic noise to drown anything the mosque speaker will transmit, only people who will hear this call for prayers are the people who will attend the congregation.
- It would be after sunrise and before sunset - like other people used loud music in the cars on the streets and no one gets upset.
- As this is only during the day I don't think it will affect the public.
- This would only be for a few minutes only
- The call should be made by a live muezzin (prayer caller)
- I would like to hear the call to prayer 5 times a day
- Great idea to say the call to prayer on loudspeaker.
- This will be a good moral and spiritual boost for the surrounding community.
- The call to prayer should be embraced due to the peace it brings.
- It will help heal the area spiritually and physically.
- This will be amazing and will give peace and tranquillity.
- It will be beneficial in uplifting mental health especially during the isolation period.
- It is calming to hear and would bring much needed life into the area as well as uplift people in these hard times.
- During these unprecedented times of covid19, the call of prayer is spiritually soothing and comforting to hear.
- In view of the number of people affected by Covid 19 from the Muslim communities and that they are unable to attend prayers in the mosque this would serve as a welcome initiative to ease their anxieties in such challenging times.
- The community has been in a loss since the lockdown began. They have lost many beautiful people through this tough journey. I feel the call to prayer would enlighten them and cause peace within the hearts. They will feel content and happy.
- Although you have closed the mosque the least you can do is let us hear the call to prayer out loud.
- The community will benefit from this and it also will encourage more readers.
- A lot of the youngsters will realise the importance of it and come to pray and abstain from Sin.
- Good reminder for praying.
- The mosque is in a majority Muslim populated area.
- The Gladstone area of Peterborough has always been a rich cultural environment, communities of all religions and beliefs coming together, this will further enhance this.
- This would be a true reflection of how different communities work together in Peterborough and live peacefully and respectfully with each other.
- This would be so good for our community.
The Muslims have prayed in the local community for over 40 years peacefully.
- Peterborough have been blessed with amazing mosques which are fully funded by donations and purpose built.

- Many cities in the UK with the same size of Muslim population already granted this permission to their local mosques.
- This would be amazing for all the religious people and followers of Islam.
- This will make me more closer to my beautiful religion Islam.
- This would be so beautiful.
- This is long overdue and I feel it's something that would benefit Muslims and non Muslims alike.
- For Muslims this is a wonderful part of our religion, something that is imbedded in our hearts and for non Muslims this is a chance for them to hear such a beautiful sound that we have adored for over 1400 years.
- The Azaan is beautiful and will be unify our community.
- Very good initiative good for community interaction
- Alhamdullilah, SubhanAllah, Allah hu Akbar
- Call for prayer Azaan" on loud speaker is a great feeling and pleasure for Muslims.
- Most of the households don't have radios.
- Excellent Initiative to further build upon the community cohesion within Peterborough.
- It will help to understand each other's religions needs and understanding which is very important in a society.
- Overall it's a positive step forward.
- It's a great idea considering other religious buildings are granted similar permissions, such as, bell ringing for the church.
- The Christian religion has its bell ringing, with many church clocks tolling out of hours.
- I have received a leaflet; the wording I feel is contentious and prejudicial.
- Peterborough is full of different faiths and respecting one another brings peace.
- The call to prayer is a unique spectacle which will fascinate members of this diverse city.
- I am aware that several alt-right pages on social media are using this to promote hatred and division. However these people do not reflect the views of the majority; who are open minded and committed to promoting equality both in life and worship.
- This would certainly further build upon the unity and community cohesion of the residents of the Peterborough community.
- It will definitely help to strengthen our Islamic beliefs and is especially vital for our younger generation.
- In turn the call to prayer is not just a calling to prayer but also a soothing aspect to individuals, regardless of denomination of religion.
- This would open many doors and dialogue between people of many backgrounds and faith
- It will help local communities to understand more about Islam and call payer
- 4.8% Muslims live in this country and they have right to hear the voice of Adaan.
- The mosque is a hub for our community which has helped many people over the years. The azan is a reminder to pray and get closer to God
- This will be beneficial and enhance further education.
- As long as this is a temporary permission, say for 4 months with a review, and that volume is kept to a necessary minimum level, I think it would be very good for a community spirit.

Cllr Shabina Qayyum – Support. In view of the number of people affected by Covid 19 from the Muslim communities and that they are unable to attend prayers in the mosque this would serve as a welcome initiative to ease their anxieties in such challenging times.

Comments Objecting:

Principle

- This is completely wrong and needs to be stopped.
- A call to prayer is an outdated ritual.
- The Christian church restricts the bell ringing to weddings and some church service; it has been scaled down over the years in the interests of community cohesion.

- There is an argument given the ringing of church bells, but this is mainly seen as part of UK culture, not religious, and has been a tradition for hundreds of years. They ring out once a week and not three times a day, every day.
- My objection would be the same if the Cathedral for instance were to apply for amplified bells three times a day.
- I remember complaints were made about St Jude's church bells disturbing people on a Sunday and subsequently they stopped.
- There isn't much bell ringing
- The Salvation Army are not around with their band anymore.
- A compromise might be for the call to be broadcast once a day, as requested in Harrow.
- I also think it would be more sensitive if the call was not broadcast on a Sunday.
- The only day it should be allowed is Fridays, similar to church bells on Sundays.
- Once is enough but not early morning.
- It is inconsiderate to expect others in the community hear this 3 times a day.
- I do not want to be subjected to noise 3 to even 5 times a day EVERY day for something I do not practice or believe in.
- Will the 3 times a day then go to 5? Will the call be longer on a Friday?
- The majority will be at work at the times stated.
- This would be a retrograde step because this is a multi-faith and multi-cultural city, the call to prayer raises the profile of the Islamic community where other faiths are unable to reciprocate in this same manner - not in the interests of religious equality and harmony.
- I believe the call to prayer would be intrusive and divisive. I appreciate this could be considered soothing to many who hear the mantra " Allahu Akhbar " , but to many this is aggressive sounding.
- My understanding is that Muslim teaching accepts this practise can be varied or suspended in non-Muslim countries where the custom of the non-Muslim majority should be respected.
- It's not fair on Christians, Buddhists, Jewish, Sikhs, Hindus who live in the surrounding area.
- If the council allows this then it will truly be a biased decision against its other residents.
- The Qur'an teaches us to be gracious to our hosts.
- I am livid that this minority would impose their religious beliefs on the vast majority of the Peterborough population who are either Christian or Catholic.
- The call to prayer singles out one faith above all the others.
- No one has any objection to anyone following what religion they choose but to encroach their beliefs via loud speaker onto people's personal space is completely selfish and unfair and has no place being allowed in this country.
- We are not a Muslim country and this practice has no place anywhere in multinational countries out of respect for others and should strongly remain a practice of Islamic countries only!
- No more than I would endorse a synagogue, Sikh Temple or Church for that matter to vocalise their religious agenda through loud speakers over a city population.
- Upon research into this, its purpose is widely understood around the world to be regarded as a symbol of 'dominance' by Islam over a surrounding area to do this. Which casts an even more sinister possibility to the whole thing.
- Although Peterborough supports multiple religions they are all followed with discretion and not forced onto others.
- The application is insensitive to other faiths and non-believers and does not feel inclusive and community spirited.
- This could cause friction with other religious groups
- These frequent calls resonating around the neighbourhood could actually cause racial unrest and have a negative impact on community relations in a multi-cultural city.
- We must respect the quiet privacy of each other's faith not enforce an intrusive and vocal call to prayer across the city.
- We are Christians and do not impose our way of life on to others and they should not be imposing their way of life on us.
- As an atheist I object to all forms of organised brainwashing but respect the right of every individual to believe in whatever fairytale they wish to.

- This would be alien and I do not need this to tell me the time.
- What next - Sharia Law for Peterborough?
- I am worried about this issues dividing people into two camps – this can lead to violence
- I believe hate crime and racism will increase towards one another.
- No one religion should dominate society.
- Other faiths in the city and vicinity stick to the rule about noise and interact with their followers without acting as if they have superiority over others.
- Worship is a private decision and all other faiths would be affected by this intrusion.
- Any emotional or spiritual benefit will only be felt by those of the same religion, to everyone else still an intrusion into the British way of life.
- The use of Adhan for the majority would feel oppressive one in the language used Arabic which is not in the vernacular of the wider community.
- There are many others living the neighbourhood who follow other faiths to whom this will be very disturbing and denying a freedom living peacefully
- Azaan is a way of proclaiming that the area is an Islamic area the call to prayer proclaims in Arabic that Allah is greater than any other Gods.
- One should try to make the society religion agnostic. Instead of this reach out to the vulnerable, poor and needy.
- When planning permission was granted it was on condition that there would be no amplified music or voices.
- Enforce the rules as set out in 2003.
- The rights of the residents have not changed and no explanation has been given as to why the mosque needs to have a call to prayer.
- Almost 20 years have passed since the mosque was expanded and there has been no call required for prayers.
- The current restrictions should be sufficient.
- The local mosque leaders are going back on their words and hoping that residents have forgotten their original promise.
- The Mosque had been extended with the knowledge that amplified sound would not be permitted.
- The current cantillation of prayer, routine and ritual has worked for all these years, so why are even louder reminders necessary?
- Ghousia mosque seems to have generated a large and faithful congregation without the need for any amplified calls to prayer.
- The mosque is already dominating in the area and this would disturb the character even more.
- Use of modern electric instrument is forbidden in Islam and banned by them.
- Having a Islamic call could impact on Peterborough achievements and investments for the future.
- Increased expenditure in policing it which will no doubt increase taxes and nobody likes paying more taxes.
- Covid is not an excuse to bypass such conditions.

Noise

- Object on grounds of noise disturbance in the local area for residents, particularly those who do not share the Muslim faith.
- This unnecessary noise, especially in a built up residential area would only cause discomfort and anger amongst the residents that are not of that religion.
- The minority would spoil the tranquillity of the majority.
- This would create noise pollution for the whole area and could distract people driving.
- The noise would be heard in the city centre –not good for community relations as people feel overpowered by a religious call like this.
- The noise will go beyond the intended area.
- The area it would cover is unknown?
- There is absolutely no need whatsoever for loud speakers to be billowing out this noise across

the city and effecting other people as they go about their daily business.

- Out of respect for others, city shoppers, businesses and all that is non-Muslim in the city of Peterborough, I urge you to reject this application.
- For people to hear it in their homes the volume would be such that the sound travels to areas where there is not a Muslim majority. This would be insensitive.
- I live a short distance away and have had many noise issues in the past few years i.e. announcements at the Railway station and noise from the embankment when there are concerts.
- As the mosque is so tall the sound would be heard far and wide and would cause disturbance to people.
- It is totally unnecessary to have extra volume from the mosque. Any mosque.
- No consideration for people who work nights i.e. NHS staff, Care homes, manufacturing and security.
- I work shifts and this would ruin my sleep pattern
- Small children go to bed early
- Parents with babies will be disturb by the increased volume morning, noon and night.
- As a pensioner I do not want to hear this.
- I do not wish to be awakened by the call or have my sleep disturbed at any time of night.
- An amplified call to prayer from a high minaret three times a day is not controllable and would cause noise nuisance to the majority rather than benefit the few.
- Amplification from a tower is likely to be louder
- This would affect myself and my family.
- It is unfair to expect other residents of Peterborough to have to hear the call 3 times a day, every day. Particularly as there cannot be specified broadcast times, volume, or length of call.
- It would be unbearable for those living in the Gladstone Street area.
- This would really shatter my peace and quiet; I also have rights!
- Noise pollution is an ongoing problem in our busy cities, and this would be yet another unnecessary and unwelcome addition.
- Having lived and worked in a Muslim country for 2 years I know how far the noise of the loudspeakers travel and I do not want to go through that again!!!
- Each "call" can be heard up to 3 miles and can be so "pollutant" that even countries, such as Saudi Arabia, are curbing the use of public calls.
- The volume of sound is unknown – who would be in charge of this?
- What restrictions are there on amplification/volume?
- The times would be varied?
- As we are in our 80's we do not wish to be disturbed by both music or voices emanating from the high point of the mosque at various times of the day.
- It could be loud enough to resonate across the whole City affecting quality of life.
- I would not object so much should there be some reassurance that volume would be limited to simply serve its immediate vicinity.
- I should not be forced to hear this especially as in the summer months the first call would be very early and the last very late.
- Religion is not grounds to increase noise annoyance.
- It will create a statutory nuisance - Local authorities have a duty to deal with statutory nuisances under the Environmental Protection Act 1990.
- If someone played a loud rock song three times a day every day, loud enough that it could be heard by houses in the surrounding area because the listener finds it therapeutic, the public would be within their right to complain and the council would intervene.
- On what moral grounds can you deal with those who make excessive noise that disturbs their neighbours when it has been sanctioned by the council themselves?
- What happened to the noise pollution law?
- World is having enough of noise pollution and the use of loud speakers by mosques will further adds to it?
- I am a former neighbour of a mosque that had this, the noise is neither melodious nor soothing.

Other Means

- During the lockdown Muslims are not able to meet and gather for prayer and can only do their private prayer at home.
- There are quieter ways of contacting people via phone app
- If people need reminding when prayers are, then they can use an app.
- I think most know when to pray.
- Calls are unnecessary as everyone know the times services are held.
- There are alternatives already in place, Adhan does not need to be over an amplified speaker system and therefore the proposal should be non starter.
- The use of a loudspeaker is very unusual in Britain. My understanding is that Muslim teaching accepts this practise can be varied or suspended in non-Muslim countries where the custom of the non-Muslim majority should be respected.
- It is already broadcast on local radio so those who wish to hear it can do so, and those who do not, do not have it imposed on them.
- Smart devices, like speakers, can also be used to broadcast the call to prayer within people's homes. So broadcasting via loudspeakers would serve little practical purpose other than cause a nuisance.
- The Muslim community can be informed by a text message, or via a 'whatsapp' message, or other personal means, for their call to pray.
- I'm sure that most Muslim's have a phone which can be programmed to alert at the times of prayer and a watches are fairly cheap in this day and age.
- To have the call to prayer over loudspeaker is not necessary in this day and age as technology has advanced to the point where you can find out yourself when to go to prayer.
- Why can they not use Zoom in their own homes?
- For a number of years there has been an Azaan Broadcast Call to Prayer system using dedicated Azaan two way radios on 20 official channels issued by Ofcom and other simple light licence frequencies. Follow the u-tube link: - <https://www.youtube.com/watch?v=D0BVtQ6y5Rc>

Precedent

- It will set a precedent and a green light for other mosques to do the same.
- There are 3 other mosques in the area – others will seek the same, resulting in continuous calls throughout the day. Quiet enjoyment of our neighbourhood would be lost.
- We give allowances and then where does it stop, it then becomes steadily pervasive and intrusive into everyone's daily lives.
- It is not right that we concede now, for it to mean this idea becomes more ubiquitous across the entire country.
- Allowing Adhan now in smaller regions could result in wider adoption elsewhere.

Amenity

- Residents already deal with cars illegally parked - this is a step too far for those who live in the area.
- We are already faced with fireworks going off on a regular basis during the day and late into the night without any consideration to the feelings of the elderly, children and pets.
- It will have a negative impact on those others wishing to quietly carry on with their own lives and beliefs.
- I trust common sense will prevail in the interests of residential amenity and limitation of noise disturbance to the wider community.
- It will prevent me from enjoying my garden and opening the window on warm days.
- My space of enjoyment will be infringed by this.
- This is not what all residents bought houses and reside in this area or want to be amplified every day.
- We are OAPS and we need quiet.

- Living close by we all need the peace and quiet to enjoy recreational activities and relaxation time, inside and out, without disruption every day; three times a day.
- The elderly and those suffering from ill health need to rest. And workers need their evenings to recuperate after a hard day's work.
- Where I live the traffic is noisy – this will add to the current noise pollution and infringe my own personal air space.
- On warm days/evenings I can't have the window open to provide me with fresh air due to the current noise levels, having this approved will add to the problem.
- I work from home and I cannot have the noise disturbing my working day, what do I say to my colleagues and stakeholders which includes the council! and MP's? ' sorry but can we stop discussing an important project or to the MP sorry but I need to put your resident complaint on hold for 5mins whilst the local mosque calls people to prayer'?
- The call to prayer will not enlighten my day. I will be invaded by something which is not relevant to me and I haven't asked for.
- Condition C8 was put in for a purpose...to protect the interests of residential amenity.
- I have holidayed in various countries that allow the use of mega phones and I found it very disturbing.
- I need to take a nap more frequently as I don't sleep well as it is I would find this would make life even more difficult than it is already!
- I am concerned that my health may be affected by the noise due to being woken earlier in the mornings and then being unable to go to sleep at my chosen time because the call to prayer was being done, therefore my sleeping hours would be reduced and my peace and quiet being interrupted.
- Unwanted sound (where someone else chooses the frequency of the noise, the duration, volume and type of noise itself) can illicit stress responses in people, even without them being aware of it. To someone who has a strong physiological response to unwanted sound it will be unbearable. The importance of peace and quiet is undervalued in our busy world, we do not need to add to it. The claim in a press statement that it is of a spiritual nature and therefore soothing is disingenuous as musical tastes are a cultural phenomenon and musical arrangements that are pleasing to the ear of some is uncomfortable to another, which I fear would be the case in this instance.
- As a regular visitor to Peterborough town centre and parks I would find this call to prayer very intrusive, one thing about going to Central Park is the peace and quiet that we find here along with other parks.
- Not just the noise pollution, it will also create traffic chaos as people will gather to listen to whatever noise this is.
- It bad enough the area is a cesspit, dumping ground of litter/people.
- It would have a significant detrimental effect on my mental and physical health.

Misc

- This will go through as it is being push by Muslim councillors, and as its a Muslim application it will go through.
- The general assumption is that it's not worth objecting to this application as the council will not object to it they will just let it be approved.
- The council has a duty of care to the whole area, and not to a favoured sector always asking for concessions.
- This will cause noise pollution as well as lower property prices in the area.
- There are duplicate copies of representations on the file.
- Reference has been made to an article (12th November by Joel Lamy) in the PT headed "Mosque wants to make daily calls to prayer with loudspeaker" and the Nigel Thornton column in the same edition discussing the proposal. Following this there has been nothing in the PT letters column concerning the application. Is it the usual Peterborough apathy or is it the fear of being classed as belonging to one or both of the categories in Mr Thornton's column?
- Leaflets have been posted through our letter box telling us about the application and tells us we can make our views known by email or the postcards provided.

- In 2016 the Express reported thousands signed a petition to allow the call for prayer in the UK. It was saying with over three million Muslims living in the UK and some areas with more than 50% Muslim population the Government should allow the call to prayer in those areas. Adhan is allowed in some Mosques in the UK, in 1986, East London Mosque was one the first in the UK to be allowed to use loudspeakers to broadcast the prayer.
- This year birminghammail.co.uk reported "Call to prayer played by Mosques for the first time in Birmingham". It said at 1.30pm 22nd May prayer was played through external speakers by Mosques to mark the last Friday of Ramadan. At that time all faith institutions were closed to worshippers under lockdown so the prayers were broadcast to worshippers at home via social media. It was said it would happen again on the day of Eid. The Daily Mail reported in its 24th May edition some 25 Mosques in London and dozens more across the country calling the Adhan during Ramadan with concert-style speakers on their front doors. One of the biggest Mosques in the borough of Waltham Forest, the Waltham Forest Islamic Association sounded the Adhan loud enough for it to be heard within a one mile radius.
- Amplified speakers on top of a high minaret will be heard much further across the city. In order for the PCC Planning to make a decision an accredited sound survey using NAMAS certificated instruments giving the area coverage of sound, at what dB sound level and speaker sound wattage has to be supplied with the application. Once coverage area is identified then all electoral roll residents living within it are balloted for its approval.

Cllr Terri Haynes – Objects. This application should not be approved on the grounds that it will create a statutory nuisance. As the PCC website says "A Statutory Nuisance is where the actions of another are unreasonable and cause a substantial interference to the use and enjoyment of a resident's property or are prejudicial to health", with the definition of health including mental health as well as physical health.

In other circumstances, if someone played a loud rock song three times a day every day, loud enough that it could be heard by houses in the surrounding area because the listener finds it therapeutic, the public would be within their right to complain and the council would intervene. Although the approval of this application it will not affect the day-to-day function of dealing with noise complaints, on what moral grounds can you deal with those who make excessive noise that disturbs their neighbours when other noise pollution it has been sanctioned by the council themselves?

As Muslims have attended prayers at this mosque for years, it is not necessary for the practicing of the religion and is therefore unnecessary noise.

Unwanted sound (where someone else choses the frequency of the noise, the duration, volume and type of noise itself) can illicit stress responses in people, even without them being aware of it. To someone who has a strong physiological response to unwanted sound it will be unbearable. The importance of peace and quiet is undervalued in our busy world, we do not need to add to it. The claim in a press statement that it is of a spiritual nature and therefore soothing is disingenuous as musical tastes are a cultural phenomenon and musical arrangements that are pleasing to the ear of some is uncomfortable to another, which I fear would be the case in this instance.

The relations between the mosque and the non-Muslim community will be negatively affected as many residents will not want to be disturbed 3 times a day by the call to prayer. Any emotional or spiritual benefit will only be felt by those of the same religion, to everyone else it will simply be noise pollution and add to unnecessary stress and discomfort at this time and at any time in the future.

5 Assessment of the planning issues

The main planning considerations are:

- Impact on the Amenity of the Area

- Impact on the Locally Listed Building
- Highway Implications

a) Impact on the Amenity of the Area

The main planning consideration for the proposal is the impact on the amenity of the area due to noise disturbance resulting from the amplification of the call to prayer.

The timing of calls to prayer are linked to sunrise and sunset and so the timings change throughout the year. No amplified call to prayer is proposed at sunrise, however, the amplified call to prayer for sunset at certain times of the year, would be late into the evening, for example, the average sunset time in June is 9pm and later. The Pollution Team refer to Section 62 of the Control of Pollution Act 1974 which regulates the use of loud speakers in the street between the hours of nine in the evening and eight the following morning. Whilst the speakers may not actually be in the street, the existence of this legislation is of some relevance.

The Pollution Team advises that engaging a noise consultant would not provide any additional confidence for the Local Planning Authority to be able to base their decisions upon. This is because there are no recognised standards or Codes of Practice to be able to relate assessments to. The Pollution Team recommends that if the Local Planning Authority is minded to grant permission this should be of a temporary nature in order to give the development a trial run. In addition, a noise limit should be imposed by the use of a noise limiter.

The Pollution Team has previously provided guidance in relation to Call to Prayer which was based on guidance from Leicester City Council. In consideration of this application, contact with Leicester City Council has confirmed that they continue to use this guidance, and associated planning conditions. In Leicester it is generally regarded that if the guidance is adhered to there is unlikely to be problems, although experience has shown widespread complaints if this activity is not controlled.

In summary, the guidance states Azan can only be made on 4 occasions at the most, with the morning call always being omitted; The Azan is not to be made before 07:30 or after 20:00 hours on any day; The Azan is not to be made more than 4 times per day; each call should not last more than 2 minutes; the sound level should not exceed 70dB(A) (Fast) 2m from any elevation of any dwelling or at a distance of 50m from the loudspeaker, whichever is the closer; a compressor shall be fitted to the amplifier circuit such that the level of 70dB(A) cannot be exceeded, even with increased microphone input.

The above requirements would generally apply in connection with Mosques that are situated in residential areas where a significant proportion of the residents are of the Islamic faith. For Mosques situated in areas where this is not the case, the symbolic nature of the Azan must be recognised, and no amplified Call to Prayer will be permitted.

The Pollution Team advise that in relation to noise compressors (noise limiter) the difficulty is in determining the appropriate setting on the limiter. There is a unique relationship between the proximity of residential premises, the sensor location of the limiter and the location/amplitude of the sound source. The calibration setting is lost if there are any changes to the predetermined relationship. For example, the distance from the sound source to the sensor can be reduced, and speaker locations can be altered.

The sensor can be interfered with, for example by muffling. The device may also be bypassed by unscrupulous persons. Therefore noise limiters will require confidence in the management of the system. The noise limiter should be regarded as a management tool for the control of noise levels, rather than a device that limits noise per se.

Any setting will need to take into account the time of events, the duration of events, the frequency of events and the locality. Clearly the proximity of residential premises will be a significant factor in the considerations.

Experience with noise limiters has also found that it may be tempting to always amplify to the maximum allowable setting at all times. In some circumstances this may worsen the disturbance.

The setting of noise limiters for this purpose is not something that the regulator should be involved in. As indicated, the device is a management tool and not for enforcement purposes. There would be a considerable cost to the Local Authority to be involved in the setting and management of such devices in the numerous venues where they may be installed. Furthermore, the involvement of the Local Authority in such an activity would potentially compromise any enforcement measures that may be required.

There have been comments both supporting and objecting to the proposal. This is because the issue is subjective and for many the proposal would be welcomed while for others it would be an unwanted intrusion that would adversely impact on their quality of life, affecting their health and well-being.

It is acknowledged that the Azan is an essential and integral part of the Islamic faith and that the Mosque is located within an area of the City with a large Muslim community to whom the amplified call to prayer would be spiritually and mentally uplifting, particularly during this pandemic. It is also accepted that similar calls to prayer are practiced within Christianity in the form of bell ringing, which although part of tradition is not a welcome feature to all members of the community.

Proposals which have the potential to introduce noise and disturbance to an area which has hitherto been afforded a good level of amenity are assessed against policy LP17 of the Adopted Peterborough Local Plan which advises that development should not result in an unacceptable impact on the amenity of existing occupiers or nearby properties; and para. 180 of the NPPF which advises that decisions ensure that development is appropriate for its location taking into account, amongst other matters, the likely effects of pollution on health and living conditions and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The application is supported with limited information on the specification of the speakers, noise levels, and so on, however, whilst the noise level from the speakers would be capable of being limited in order that it operates within acceptable noise limits from a technical perspective, it is considered that the amplified call to prayer would introduce a source of noise which is sudden, unfamiliar and alien to the general thrum of urban background noise which would cause an unacceptable impact on the amenity of the area.

The amplification of music and voices was a material planning consideration during the assessment of the original application for the Mosque where it was considered appropriate to append condition 8, in the interest of residential amenity. It is not considered that there have been any material changes or compelling reasons why the amplification of noises and voices would be acceptable now.

It is also considered that there are various alternative means available in respect of the call to prayer, including text messaging, radio transmission and so on.

Furthermore, there is a need to be mindful of the number of Mosques and similar facilities within the area and that to approve the amplified call to prayer would set an undesirable precedent whereby subsequent applications would be difficult to resist. This would also result in unacceptable cumulative impacts of noise and disturbance within the area.

It has been stated that many cities in the UK have been granted permission for calls to prayer at their local Mosques and this is accepted. However, each case is judged on its merits taking account of the local circumstances.

The proposal would result in an adverse impact on the amenity of the area, contrary to policy LP17 of the Adopted Peterborough Local Plan (2019) and para. 180 of the NPPF (2019).

b) Impact on the Locally Listed building

Although no details have been provided for the speakers through which the call to prayer would be made, it is advised that these would be positioned within the minaret and would not be visible. The Conservation Officer considers that the proposal therefore would not have any impact on the design or character of the mosque. In addition the officer considers that the proposal is in keeping with the use and tradition of the building. From a heritage consideration the proposed works can be supported.

The proposal would therefore accord with policy LP19 of the Adopted Peterborough Local Plan (2019).

c) Highway implications

The site lies within an area with limited on-site parking provision and hence parking is predominantly on street. There are yellow lines on the adjacent roads around the Mosque building preventing on street parking in the immediate vicinity.

It is not considered that the proposal would generate significant levels of traffic, given that the facility predominantly serves the surrounding local community. The Local Highways Authority raise no object to the proposal.

It is not considered that the proposal would result in any adverse impact on the adjacent highway and would therefore accord with policy LP13 of the Adopted Peterborough Local Plan (2019).

d) Equality Duty and Human Rights

Consideration has been given to the Equalities Act in reaching this recommendation and although the Muslim community can be said to be a minority group, the absence of an amplified call to prayer is not considered to be detrimental to the community not least given the alternative means available in respect of the call to prayer. An amplified call to prayer may well benefit the community but that benefit is not considered to be so great, given the alternative means of call to prayer available, so as to outweigh the dis-benefits of the scheme.

Article 9 of the Human Rights Act (freedom of thoughts, belief and religion) protects the rights to freedom of worship. However, this right is not absolute and amenity issues such as noise implications need to be taken into account. Members therefore need to balance the worshippers' rights to practice their religion together with that of the public interest.

e) Misc

It has been brought to the attention of the Local Planning Authority that leaflets regarding the proposal have been distributed to occupiers. *Officer response: This has not been initiated by the Local Planning Authority.*

Comments have been made regarding duplicate copies of representations on the file. *Officer response: It is acknowledged that there was a problem with the City Council Portal system during the consultation period. This resulted in a duplication of representations which have now been deleted.*

Comments have been made regarding the application being supported by Muslim Councillors and that as it is a Muslim application it will just go through. *Officer response: the application is considered on its merits and assessed in accordance with planning policy regardless of who has submitted the application.*

Comments have been made regarding the impact property prices in the area. *Officer response:*

This is not a material planning consideration.

6 Conclusions

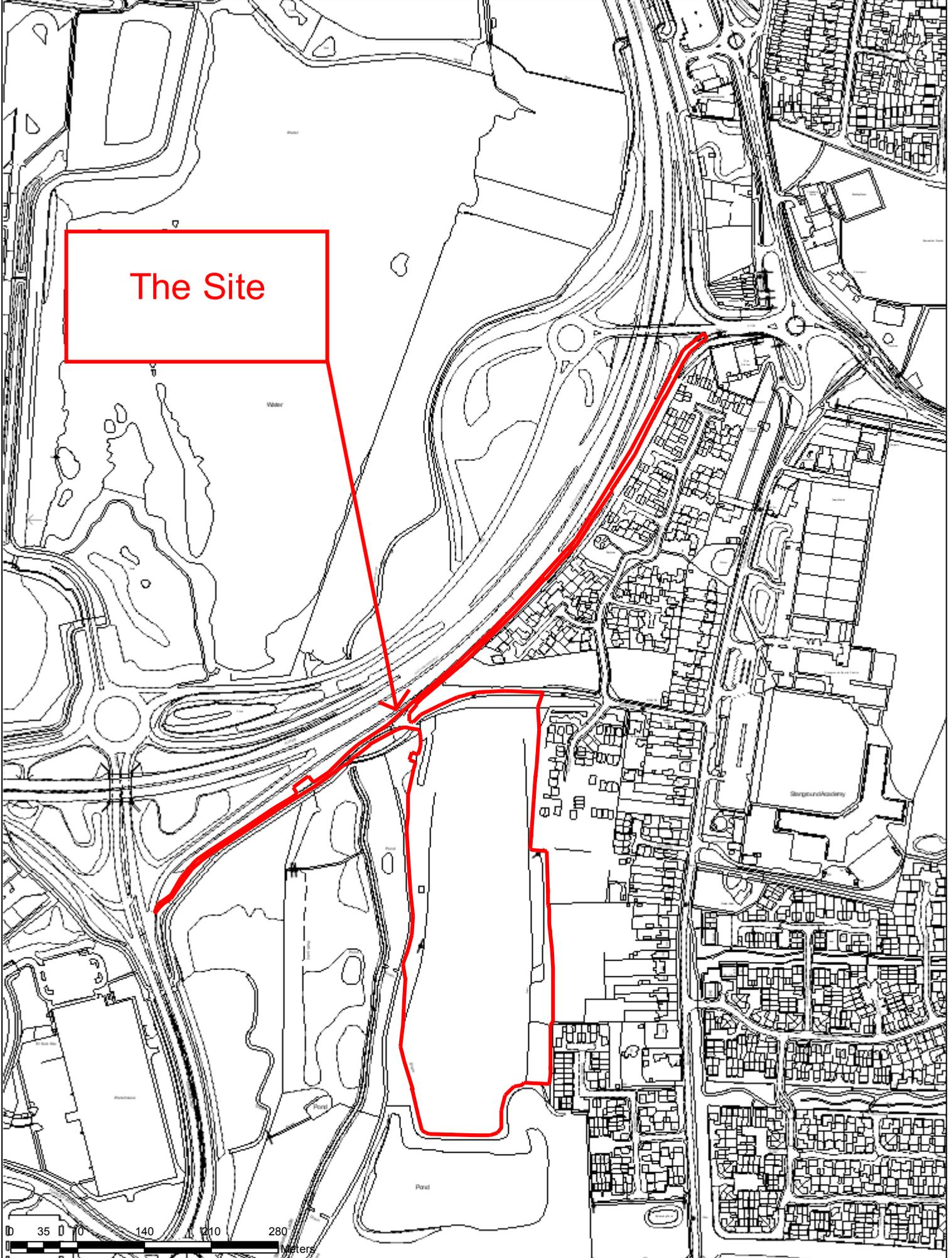
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that Amendment to an existing Planning Permission is **REFUSED**

The frequency, times and duration of the amplified call to prayer would introduce a source of noise which is sudden, unfamiliar and alien to the general thrum of urban background noise which would cause an unacceptable impact on the amenity of the area. The proposal is therefore contrary to policy LP17 of the Adopted Peterborough Local Plan (2019) and para. 180 of the NPPF (2019).

Copies to: Cllr Ansar Ali. Cllr Shazia Bashir. Cllr Mohammed Nadeem



Planning Committee Location Plan 20/01141/FUL Land to South of Buntings Lane, Stanground

Scale 1:5,000
Print Date: 13/01/2021

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Application Ref: 20/01141/FUL

Proposal: Solar Farm and Battery Energy Storage System, landscaping and associated infrastructure

Site: Land To The South Of Buntings Lane, Stanground, Peterborough, PE7 3DN

Applicant: .
Cambridgeshire County Council

Agent: Mr Tom Woof
Prospus Group Limited

Referred by: Head of Planning

Reason: Public interest

Site visit: 28.03.2019

Case officer: Mr A O Jones

Telephone No. 01733 4501733 454440

E-Mail: alan.jones@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Proposal

The proposal is for a photovoltaic solar farm with a generating capacity of 2.93MW and a 25-30 year lifespan, including energy storage containers (for 3 batteries) and ancillary facilities on approximately 4.98ha of the 12.3ha former Stanground landfill site. The energy generation is equivalent to generating sufficient electricity to power approximately 700 homes.

The panels, of 'freestanding, weighted' design to ensure non-penetration of the underlying landfill cap, will be arranged in rows to face south, along an east-west axis. The racks will be a maximum of 2.5m above ground floor level, with no earthworks required to facilitate construction. Battery storage, inverters and other ancillary equipment will be located at the northern end of the site behind a 3.2m acoustic fence set back a minimum of approximately 14m from the nearest dwelling, to provide noise mitigation. Security fencing and a CCTV system will also be provided. A 2.0 - 2.2m high livestock fence will be provided to enclose the panels and ancillary equipment, with no alterations to existing site boundary fencing.

The proposals also include ecological surveys and monitoring to inform appropriate mitigation, and a comprehensive landscaping scheme. The construction period is estimated to take around 24 weeks, requiring a total of 116 HGV deliveries, with HGV traffic generation peaking at around 2 deliveries per day.

Access to the site will be from the redundant A605 off slip to the north, with egress provided to the A605 Stanham way to the southwest.

Site and Surroundings

The proposal site, which extends to some 4.98ha, lies within the former Stanground Landfill site off Buntings Lane. The pond to the south of the landfill site forms the southern boundary, although it is not included within the application site. Beyond the pond lies the A605, and a small number of fields that sit between the village of Farcet and the Amazon depot. The eastern boundary runs parallel with the B1091, between which residential development has recently been built up to the

site boundary. A Grade 11 windmill sits between the site and housing to the southeast. Buntings Lane, which is a multi-use path, forms the northern boundary to the site, beyond which lies a County Wildlife Site and residential development off Hoylake Drive. The A1139 Fletton Parkway lies beyond Buntings Lane, to the north and north west, beyond the redundant slip roads which are also included within the application area. The land falls away to the west of the site boundary down towards Stanground Lode where the Green Wedge continues until it meets the A605, beyond which lies the Hampton General Employment Area (Local Plan policies LP4, GEA4).

The site itself is largely comprised of gently undulating open grazing land contained behind palisade fencing and hedging to the north, west and east boundaries. Access is provided at the north western edge of the landfill site where the former slip roads cross the pathway of Buntings Lane.

2 Planning History

Reference	Proposal	Decision	Date
03/01522/MMFUL	Erection of metal kiosk containing gas monitoring cabinet	Permitted	22/01/2004
03/00034/MMFUL	Palisade security fencing around gas monitoring compound	Permitted	19/03/2003
93/P0696	Removal of material from flood plain to compensate for new embankments in flood plain (revised plan SK100C) (as elaborated by letters of 11.10.93 and 6.12.93 and amended by revised plan received 15.12.93)	Permitted	04/01/1994

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)

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.

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.

LP14 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development. Developers will be expected to contribute toward the delivery of relevant infrastructure.

LP16 - Urban Design and the Public Realm

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

LP17 - Amenity Provision

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

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

LP19 - The Historic Environment

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

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

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

LP22 - Green Infrastructure Network

The council in partnership with others will seek to maintain and improve the existing green infrastructure. Strategic and major development proposals should incorporate opportunities for green infrastructure. Proposals will be expected to provide clear arrangements for long term maintenance and management. Development must protect existing linear features of the green infrastructure network. Proposals which would cause harm will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts.

LP26 - Green Wedges

Green wedges have been identified to fulfil specific functions and aims. Permission for development within these area will only be granted where it can be demonstrated that this would not be contrary or detrimental to the objectives. Development adjacent to them will only be granted where there would be no adverse impact on their function.

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.

LP31 - Renewable and Low Carbon Energy

Development proposals will be considered more favourably where they include measures to reduce energy demand and consumption, incorporate sustainable materials, incorporate decentralised or renewable energy or carbon off setting. Proposals for non-wind renewable energy will be considered taking account of the impact of the landscape including heritage assets, amenity, highways and aviation. Wind proposals will also only be considered if in addition to these factors the site is in an adoptable Neighbourhood Plan and the proposal has local support.

LP32 - Flood and Water Management

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

LP33 - Development on Land Affected by Contamination

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

4 Consultations/Representations

PCC Rights of Way Officer (19.10.20)

No objections subject to the bridleway (which crosses the site entrance) remaining open and unobstructed during construction works, with appropriate pre-cautions taken for visibility splays and equestrian users.

PCC Pollution Team (09.10.20)

No objections. It is clear from the application that the need to avoid any pollution linkages that may affect local residents or the environment is understood. With regards to the noise report, the proposed acoustic fence is appropriate mitigation and should be controlled by condition.

PCC Ecologist (12.11.20)

The proposals have the potential to impact protected species (Great Crested Newts), so any works will be subject to GCN license. The recommendations from the Biodiversity Strategy report are acceptable, however, detailed landscape and ecological management plans (LEMP) and landscaping proposals should be secured by condition.

PCC Peterborough Highways Services (30.11.20)

No objections further to the receipt of clarifications around issues including the use of the 'customer cabin' as a shelter / store for maintenance staff (ie not a 'public-facing' unit) and the

suitability of the site access to provide sufficient safety and width for larger vehicles. A number of issues have also been highlighted for the applicant to address when seeking separate consent to undertake works affecting the highway through the S278 process, however, the principle of the proposal is acceptable subject to a number of conditions being imposed, including restricted hours for deliveries due to the peak traffic flows. The Local Highways Authority is content that the Glint and Glare Assessment has not identified significant impact on the surrounding public highways.

Lead Local Drainage Authority (17.11.20)

Further to the initial submission, additional details have been provided to demonstrate the suitability of the proposed surface water drainage proposals. Subject to appropriate control of the drainage scheme, the Drainage Team have no objections.

Archaeological Officer (05.11.20)

No objections. The applicant has demonstrated that there has been widespread disturbance to the ground, and there is no requirement for an archaeological programme of work.

PCC Conservation Officer (30.10.20)

No objections. The proposal will not have an adverse impact on the character and appearance of the nearby listed windmill due to the intervening residential development. However, due to the elevated nature of the site, careful consideration should be given to the landscaping around the perimeter of the site to ensure the visual impact is contained as far as possible.

Peterborough Cycling Forum (21.10.20)

No objections. The cycle forum were pleased to note that signage where the access route crosses the shared pedestrian / cycle path will state that pedestrians and cyclists have priority as is recommended best practice.

Environment Agency (12.10.20)

No objections. The integrity of the landfill cap will not be compromised as the design is considered not to be likely to penetrate the cap at any point. The site is outside of Flood zone 3 so the Environment Agency have no comment on flood risk.

Natural England - Consultation Service (19.10.20)

No objections. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Local Residents/Interested Parties

Initial consultations: 311
Total number of responses: 27
Total number of objections: 25
Total number in support: 2

27 representations were received, of which 25 were objections.

Objections

The objections can be considered under the following broad issues; health, amenity, ecology and transport. Although within these broad areas there was considerable crossover between how the impacts of the proposal would be felt. There were also a number of matters that do not constitute material planning considerations.

Health

With regards to health, a number of general health concerns for nearby residents. Amongst the

specific health concerns raised where concerns that any reflections may have a strobing effect causing epileptic fits, and concerns with the release of Hydrogen Fluoride resulting from the danger of fires with lithium ion batteries (the latter pointing to concerns raised with regards to the Cleve Hill solar scheme, which proposed a 350MW solar power station with 700MWh battery energy storage). A concern was also raised with regard to the impact of electromagnetic interference and / or radiation to the environment and public health.

Amenity

With regards to amenity impacts, the main concerns raised related to noise and visual impact, during both the construction and operation phases, with views of horses, wildlife and open space being considered important, and views of solar panels considered to be 'ugly', an 'eyesore' and ruining the surrounding countryside. Views onto and across the open land at the proposal site were considered important from both residential and public locations (ie the path to the north of the site), and concern was expressed that such impacts were only assessed from first, not second floor windows.

The proposed siting of the inverter, identified as the noisiest element of the proposal, being located close to residential dwellings was questioned. As was the cumulative impact of the intermittent night time noise from the dual carriageway set against the inverter noise. It was also queried as to whether the replacement of vegetation with solar panels would increase noise and air pollution from the dual carriageway, and amplify carbon emissions, as well as an assertion that the loss of vegetation would definitely affect air quality.

Unspecified concerns were raised about the general proximity of the proposal to residential dwellings. Reflection and glare were also raised as general impacts of concern.

The concern related to electromagnetic interference (as described above), also queried if there would be an impact on wi-fi or speaker signals which were presented as 'standard of life' issues. Odour and smell was also raised, although it was not clear if this related to concerns about the impact of developing on the existing landfill site or construction and operation of a solar array per se.

Ecology

The proposal site was noted as being a home for horses, and a haven for wildlife, including foxes, badgers, rabbits, deer, bugs butterflies and birds (including Red Kites); all of which were considered to also contribute to the beauty of the landscape (as noted above). General concerns were raised that too much green land for wildlife is being destroyed and that natural eco-systems needed to be supported; a sentiment repeated throughout multiple representations was that there was a need to maintain open land for wildlife. Concern was also raised with regard to the impact on wildlife with setting up the site (ie the construction phase) in conjunction with the extent of other building work nearby (which would also impact on the 'peace' of the locality).

Concerns were also raised about the impact on the nearby Great Crested Newt population at the nearby County Wildlife Site, and how they would be affected by the proposal.

Traffic

Concerns was also raised with regards to the increases traffic to and from the site, the access, and the potential use of the bridleway for access purposes.

Other points (non-material considerations)

The proposal was described as not necessary. Alternative locations, including land surrounding the Amazon depot and by the sides of roads were suggested. It was queried why new buildings were given permission without solar power. There were also concerns raised about a negative impact on

house prices.

Support

2 representations were received in support of the proposal, with one stating that it was 'much needed.

The second letter of support came from the CPRE, although this was qualified with the following questions being raised;

- Has there been a proper risk assessment for electrical discharge to cause explosion of any escaping landfill gas (methane)?
- Has provision been made for a contribution to recycling research costs and / or a site clearance and disposal fund (due to the lack of facilities for recycling old solar panels)?
- How will stands be protected from the effects of shifting ground as the landfill subsides?
- Will there be a genuine bio-diversity gain and will it add to the Bug Life projects?

5 Assessment of the planning issues

The main considerations are;

Suitability of the proposal
Safety and Technical Issues
Ecology
Landscape
Visual Impact
Glint and Glare
Noise and Disturbance
Conservation
Traffic and Transport
Water Environment

Suitability of the proposal

The proposal site is located within a designated Green Wedge under Local Plan policy LP26. The Green Wedge, being a former landfill site, does not provide an accessible recreational resource, rather, it helps to protect the separate identity, local and historic character of the area. The proposed solar array is not considered to adversely impact on the function of the Green Wedge in this location

The remainder of this report will demonstrate how issues around the landscape character and visual impact, as well as ecology are considered, and why the proposal retains the open and undeveloped character of the Green Wedge and the physical separation between settlements, improves the quality of green infrastructure, and ensure that the nearby path network, for all users, will be maintained. Although there is scope to provide a viewing area and information boards within the site, due to the on-going requirements of safely maintaining the landfill site, no public access can be, or is expected to be, provided at the proposal site other than by appointment with the site landowner which can be controlled and is not expected to be of a significant scale. As such, the proposal is considered to accord with policy LP26.

Through the expected production of 2.93MW of electricity, the proposal is also considered to contribute positively to the infrastructure required to support growth in the city, as set out in Local Plan policy LP14.

The Local Plan also sets out specific criteria against which to consider proposals for non-wind renewable energy development under policy LP31. As a former landfill site being used for pastoral purposes (ie grazing pasture for horses), it has not been considered necessary to consider the Agricultural Land Classification (ie the soil quality and suitability for farming). However, the

remainder of this report will demonstrate how the impacts on heritage assets, residential amenity, highways and aviation have been considered against the benefits of the scheme, which primarily are considered to be the production of 2.93MW of renewable energy from a site which, as a former landfill site, has limited development potential.

As a former landfill site, there are significant limitations as to how it can be developed at all whilst maintaining the function of the Green Wedge. In this regard, the renewable energy generated from the site is considered to be a suitable means of fulfilling the function of the Green Wedge designation through the limitations of what can be developed at this location. The remainder of this report will demonstrate how the benefits of the scheme can be weighed against the impacts on the criteria set out in Peterborough Local Plan policy LP31 with regards proposals for non-wind renewable energy development.

Safety & Technical Issues

With regards to the concerns raised about the danger of fires with lithium batteries, the applicant has confirmed that the scheme will comply with relevant legislation, namely:

- i) the Electromagnetic Compatibility Directive (2014/30/EU) (The electromagnetic compatibility (EMC) Directive 2014/30/EU ensures that electrical and electronic equipment does not generate, or is not affected by, electromagnetic disturbance);
- ii) 'Electrical energy storage (EES) systems - Part 5-2: Safety requirements for grid-integrated EES systems - Electrochemical-based systems (IEC 62933 5 2:2020)', and will be designed and operated in accordance with a detailed risk assessment and risk mitigation strategy, to include risks relating to fire.

The following link provides further details on the IEC 62933 5 2:2020.
<https://webstore.iec.ch/publication/32177>

It is also noted that the Cleve Hill scheme which has been referred to in the representation is of a significantly different scale, comprising as it does over 120 battery containers, in comparison with the 3 proposed with this scheme. Notwithstanding the difference in scale, the proposal would also be subject to other regulations and controls, including those listed above. As such, the concerns with regards safety are considered to be adequately controlled by alternative legislation, and there is no reason to seek to replicate such controls through the planning system.

Another concern related to electromagnetic interference, and whether this would impact on wi-fi or speaker signals. Although this could be considered an amenity impact, due to its technical nature it is considered more appropriate to consider it in this section of the report. It is understood that electromagnetic radiation exists on a broad spectrum from radar waves to x-ray and gamma rays including light. It is possible that various electronic equipment can produce electromagnetic radiation and it can also be picked up by other electronic equipment. Where this is unwanted, it is known as Electromagnetic Interference (EMI). The applicant has confirmed that all standard electronic equipment is tested for EM compatibility both for the component emissions and the components when exposed to emissions, and gains a CE mark in Europe (ie compliance with all relevant European health, safety, performance and environmental requirements). All equipment used will be CE marked and comply with the Electromagnetic Compatibility Directive (2014/30/EU)

The application is accompanied by a GeoEnvironmental Appraisal; this establishes that the landfill cap (ie the compressed layer of bentonite clay that contains the waste) lies approximately 5m below ground level. The integrity of the landfill cap being by the minimal foundation design is therefore considered to be extremely low. The racking system, covering the majority of the site, is designed to be free standing, with no foundations. The foundations for the ancillary equipment, which is to be located to the north of the site, off the landfill cap, include depths of approximately 600mm for the battery housing, and up to 1500mm for the transformer station housing equipment. Cabling is expected to be no deeper than 850mm. Neither the Environmental Control Officer, nor the Environment Agency, who are responsible for the licensing of the landfill site have raised any

concerns with regards this aspect of the design.

The GA also recommends further trial boreholes before work commences; as the landholder remains responsible for the safety and integrity of the landfill site, there is no need or requirement to control (by condition) any further such work. As such, there are no concerns with regard to odour (escaping from the landfill site due to the design), or safety, with regards to escaping gases from the landfill site. Additionally, the GA notes the open-air nature of the site and considers the risk from escaping hazardous gases to be low. Landfill settlement is typically related to loading, compression and chemical factors (including the expulsion of gas), the majority of which will happen during immediate and primary periods of consolidation. Secondary settlement is a long-term phenomenon, and is generally far less pronounced; notwithstanding this, the proposal incorporates an element of redundancy in cabling to accommodate further uneven settlement, and will be subject to maintenance checks to ensure any out of tolerance settlement will be addressed as required. The proposals are considered to accord with Peterborough Local Plan policies LP16, LP17 and LP33.

Ecology

The proposal site is a restored landfill site that has been used for horse grazing. A County Wildlife Site, noted for its population of Great Crested Newts (GCN), lies to the north east of the site. The A1139 Frank Perkins Parkway lies to the north and northwest of the site, beyond the bridleway, foot and cycle path. The eastern flank of the site is adjacent to residential development. A pond sits at the southern extent of the site, beyond which lies the A605 dual carriageway. Undeveloped land falls away to the west of the site, through which the Stanground Lode flows.

The particular layout and location of the site have therefore allowed a distinct local habitat to develop. As well as potentially providing habitat for GCN, it has allowed the local community to engage with the natural sites of assorted species, including rabbits, foxes, deer, butterflies and birds. The proposal sites location within a 'Green Wedge' has also contributed to the character and perception of the site. A strength of feeling has been expressed through representations about the value of maintaining the site for the intrinsic value of its openness, concerns about the potentially negative impacts directly on wildlife as a result of the development, and more generally about wider environmental issues of impacting on carbon release through the loss of vegetation, and how such a loss may otherwise affect amenity (as discussed further in the 'Amenity' section of this report).

Development proposals must be assessed against Local Plan policy LP28 (Biodiversity and Geodiversity Conservation), which seeks to address the issues set out above. The policy states that proposals;

- must conserve and enhance the network of habitats, species and sites (both statutory and non-statutory) of international, national and local importance commensurate with their status and give appropriate weight to their importance.
- avoid negative impacts on biodiversity and geodiversity;
- deliver a net gain in biodiversity, where possible, by creating, restoring and enhancing habitats and enhancing them for the benefit of species, and;
- where necessary, protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.

The application is accompanied by a GCN Survey and Mitigation Strategy, a Biodiversity Impact Assessment (BIA), and detailed landscape proposals, all of which have been assessed by the Councils ecologist. The BIA uses a system that allows quantification of impact. This demonstrates a net gain of 1.16 biodiversity units, achieved primarily through the promotion of grassland and woodland habitats.

With regards to protected species, the GCN survey established that despite the presence of breeding GCN in a number of nearby waterbodies, none are expected on the site itself, although it

is possible that GCN may 'commute' or forage across the site. Although no direct impact on GCN is expected, additional survey prior to any works will be required, and should any direct mitigation be required this can be achieved under appropriate license through Natural England. The overall landscape proposals are considered likely to provide suitable additional habitat for GCN.

In broad terms, the landscape proposals for the site include the creation of high value habitat creation, including buffers of new native woodland and scrub habitats at northern, western and eastern boundaries, enhancement of two currently dry ditches to potentially seasonally wet features, and creation of species-rich long grassland between each solar panel.

The proposed Biodiversity Strategy is satisfactory, and the landscaping proposals will deliver a net gain in biodiversity. Any temporary loss of habitat during the construction period is therefore considered to be adequately recompensed, and enhanced subject to appropriate control by condition of the landscape proposals. Impacts on protected species will also be suitably controlled. The proposals are therefore considered to accord with Local Plan policies LP23 and LP28.

Landscape

The proposal site falls just outside the urban area boundary in the South Peterborough Brickfields landscape character sub-area 6b (Peterborough Landscape Strategy; Landscape Character Assessment for PCC, 2007).

The visual impact of the proposal was cited as a concern in representations, with some expressing the opinion that views of solar panels would be 'ugly' and an 'eyesore'. Views onto and across the open land of the proposal site were considered to be important from both residential and public locations (ie the path to the north of the site).

The application is accompanied by a Landscape and Visual Assessment which follows the "Guidelines for landscape and Visual Impact assessment, Third Edition, and landscape character guidance published by Natural England. This sets out to establish a summary of both the landscape sensitivity, and sensitivity of visual receptors, and the magnitude of change (as a result of the proposals) on landscape features and visual receptors. The study covers an area within 1km of the proposal site.

With regards to the landscape impact, it is accepted that the landscape sensitivity of the site is low, that the development will not result in the loss of features which have a high landscape or ecological value, and that the mitigation measures (ie hedgerows, tree and species rich grassland as described elsewhere) will have what is described as a 'medium beneficial' (ie positive) impact on landscape features. There may be a slight perceived loss of green space, but the underlying landscape characteristics and features, such as the grassland, open character and topography, would not be altered, and any effects are reversible following decommissioning of the development. The proposed development would not be in conflict with the aims of the Green Wedge designation; the urban fringe in this location is dominated by major highway corridors and large scale commercial / industrial buildings, and local settlement identity and character will not be adversely affected.

Visual Impact

The Landscape and Visual Impact Assessment also incorporates a 'Visual Appraisal' (VA). This has assessed views from an appropriate range (a 1km study area) of proposed and existing dwellings, and views experienced by users of surrounding Public Rights of Ways and highways. The VA articulates how such views will not be devalued in terms of experiential value and visual aesthetics, and identifies the significance of such impacts, at both construction and operational stages, as is required by best practice guidance.

Representations received that highlighted visual impact as an issue raised concerns with regards to the visual impact at both construction and operational stages, with views of horses, wildlife and

open space being considered to be important, with views of solar panels considered to be 'ugly', and an 'eyesore' and ruining the surrounding countryside. Views onto and across the open land at the proposal site were considered important from both residential and public locations, and concern was expressed that such views were only assessed from ground, not first floor, windows.

The VA identified that there are no views across the site from principal habitable rooms (i.e. those rooms used frequently for general daytime living purposes), and as such, there has been no assessment from second floor dwelling windows that may look out over the site. The ground floor of properties to the east of the proposal site are bounded by a combination of fencing, generally at a height of 1.8m and an established hawthorn hedge, up to 6m in height, within the boundary of the proposal site. It is noted that no properties (existing or proposed) have been designed to have a view across the application site from gardens or principal windows. The development would be visible from first floor windows in views of the foreground, but is not considered to be uncharacteristic or incongruous in wider views of this urban fringe landscape comprising major road corridors and large scale commercial / industrial buildings.

Views from the path to the north of the site, into the site, are available from a section of approximately 50m, which may be extended during winter without leaf cover from intervening vegetation, through the palisade fence which bounds the site. The development will be visible from the path, however such views are not considered to be uncharacteristic or incongruous within this urban fringe setting characterised by major road corridors and large scale commercial / industrial buildings.

In total, 10 discrete viewpoints, have been assessed, with those summarised above representative of the most sensitive receptors and impacts. As such, the proposal is considered to respect the context of the site and surrounding area, and the visual impact of the development will not result in an unacceptable impact to the amenity of existing or future occupiers of nearby properties. The proposal therefore accords with policies LP16 and LP17 of the Local Plan.

Glint and glare

The application is accompanied by a "Solar Photovoltaic Glint and Glare Study". The study informs assessment for a range of issues, including some dealt with separately throughout this report. As such, it is therefore appropriate to consider the impacts, be they on highways, aviation, landscape and visual impact or Rights of Way in a discrete section.

The effects of glint and glare are based mainly on the orientation and materials of the panels themselves, and the trajectory of the sun over the course of a single day, and how this varies throughout the year. Previous studies indicate that in general terms reflections from solar photovoltaic panels are of an intensity similar to, or less than, than those produced from still water, and significantly less than reflections from glass and steel.

The site is designed such that the panels will face to the south, and be positioned at an angle of approximately 25 degrees. South facing panels do not reflect to the south because the sun is never positioned directly overhead. Reflections to the north are rarely possible because of the steep angle of reflection in this direction and as such, have been discounted from the study.

The report sets out the significance of glint and glare impacts for all potential receptors. There are no significant reflections towards users of the surrounding public rights of ways, and therefore no safety hazards for users. The nearest licensed aerodrome is Peterborough / Connington approximately 8km to the south; due to the separation distance and relative location, no significant glint and glare impacts are predicted.

Reflections are considered to be possible towards a section of the A139 exit lane to the west; this is not considered to be significant in practice because a driver on the exit lane would be facing away from any reflections. Without mitigation (discussed below) it is estimated that reflections may be visible towards dwellings to the east for approximately 20 minutes per day for more than 3

months per year; this is considered to be a moderate impact (without mitigation).

As discussed in the Landscape and Visual Impact Assessment, there are no views from private gardens or principal (ground floor) rooms, due to existing fencing and vegetation. Additionally, the proposed landscaping includes reinforcing and additional screening planting alongside the hedgerow on the eastern boundary.

The potential glint and glare impacts have been considered, and the proposal is in accordance with policy LP31 (with regards to impacts on residential amenity, highways and aviation) of the Local Plan.

Noise and disturbance

The application is accompanied by a Noise Impact Assessment which demonstrates that noise associated with the operation of the development would exceed the lowest typical background sound levels both during the day and night times. As such, an acoustic fence has been proposed as mitigation, and is expected to reduce noise levels by 7.5dB, such that the level of noise produced at the site accords with the 'No Observed Effect Level' at the nearest residential receptor as detailed in planning guidance.

It was noted in representations that the Inverter units were the loudest component of the proposal, and the siting of this close to dwellings was questioned. The NIA demonstrates that mitigation is required to ensure that noise levels are acceptable; the proposed acoustic fence will adequately reduce both day, and night time noise levels in the closest residential gardens, and at first floor window below the background sound levels.

The Pollution Control Officer has assessed the report, and confirms that subject to the mitigation (ie the acoustic fence) being installed and maintained for the lifetime of the development, there will be no adverse noise impact. The proposals will not have an unacceptable impact on the amenity of existing (or future) occupiers of any nearby properties, and is therefore in accordance with policy LP17 of the Local Plan.

With regards to concerns raised about disturbance during the construction phase, the developer will be advised to notify all residential properties within 50m of the site boundary, before the commencement of any site works, of the nature and duration of works to be undertaken. The notification should also include contact details required in the event of complaint. Disturbance should also be reduced through controlling start and finish times for working and deliveries. Statutory nuisance procedures can be enforced where building sites operate outside normal and reasonable working hours.

Conservation

The nearest designated heritage asset is the Grade II listed windmill to the southeast of the site. The Conservation Officer acknowledges that the setting of the windmill has been substantially changed by residential development which now surrounds it (and which lies between the proposal site and the windmill). As such there is little opportunity for both the windmill and the proposed solar array to be viewed simultaneously.

The Conservation Officer did note that the site is elevated when viewed from its surroundings to the north and west, and recommended that consideration was given to perimeter planting to contain the visual impact as far as possible. This has been considered in the ecology / landscape section.

The proposal has been considered against Section 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and will not have an adverse impact on the character and appearance of the listed building. The proposal is therefore considered to accord with policy LP19 of the Local Plan.

Traffic and transport

The proposal site is located off Buntings Lane, which, in front of the site is a combined bridleway, foot and cycle path. As such, vehicular access is provided via the old slip road from the A605 (to the north) onto the Fletton Parkway (A1139) which crosses the path directly in front of the site access point. The development, when constructed, will require occasional routine maintenance and inspection visits in the order of 2-4 light vehicle visits per month. Which is considered to be of a similar magnitude to the current site access requirements. As such, the primary traffic and transport considerations relate to the construction phase of the development.

The Traffic Management Plan accompanying the application sets out how construction traffic will access the site from the redundant A605-A1139 slip road to the north (as described above) crossing the path before entering the site. Upon exiting the site, construction vehicles will cross the path, and re-join the old slip road (which runs alongside the path, with egress provided to the southwest of the site on to the A605 at Stanham Way).

The construction period is expected to last for up to 24 weeks, with a peak between weeks 9-15 of an estimated 1-2 HGV deliveries per day (an estimated 1-3 deliveries per week are expected for the remainder of the construction period). Staff movements during the construction period, in light vehicles, are estimated to number around 10 vehicle per day.

Further to the initial submission, the applicant has provided clarifications to the Local Highways Authority on a number of issues, including the types of signage to be used and technical drawings (swept path analysis) to demonstrate the suitability of access and egress points onto the public highway. In principle, the proposed Traffic Management Plan is acceptable, however, it is acknowledged that the applicant will have to resolve a number of technical issues to secure Highways approval (ie with regards to a Section 278 and TRO).

With regard to issues specific to the planning regime, measures to control the siting of gates, parking and turning requirements, site access and visibility splays and other issues can be adequately covered by condition. The Local Highway Authority have also highlighted that control needs to be exercised over the timing of deliveries due to the high volume of traffic on nearby roads at peak times; this can be controlled by condition.

The Public Rights Of Way Officer has drawn attention to the bridleway that runs across the site to the north (and parallel with the construction exit point), and has requested that it should remain open and unobstructed during construction works. Although horses can be unsettled by large noisy vehicles, careful management of construction traffic, particularly around the area where the site access crosses the bridleway, can ensure that this temporary impact can be accommodated successfully. Upon completion of construction, access to the site will be limited to that required for maintenance purposes. Such visits are likely to be undertaken by light vehicles, as is currently the case for routine inspections and visits to the former landfill site.

The Peterborough Cycle Forum also acknowledge the potential impact of the crossing point for the site access during the construction period, and have highlighted that the proposed signage, providing priority for pedestrians and cyclists, is recommended best practice and welcome the approach to construction traffic crossing the path.

The application is also accompanied by a Glint and Glare Study; in addition to the impact on residential development and aviation considerations (as discussed elsewhere), this has also assessed the impact of the development on surrounding road users. Consideration has been given to the site elevation and surrounding roads, the angles of reflection, the orientation of the site and panels, and the direction in which vehicles are travelling.

The report (with regard to road users), identifies limited reflections impacting on users of the A1139 (off) slip to the A605, which is located to the north west of the site. It is accepted that the

significance of these reflections will be limited both by the presence of vegetation between the panels and the slip road, and the direction of travel of users of the slip road (ie away from any reflection).

With regards to the construction and operation of the proposed solar array, it is considered that appropriate provision can be made for safe, convenient and sustainable access to, from and within the site. There will not be any adverse impact, including the reflections considered in the Glint and Glare Study, on users of the surrounding highway network. As such, the proposal is considered to accord with policy LP13 of the Local Plan.

Water Environment

The proposal site is located entirely within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment and Drainage Strategy. The proposal should be considered a 'less vulnerable' use, and the development is therefore appropriate with regards to the sequential test.

With the site previously being used as a landfill it can be reasonably assumed that there is an impervious cap above the waste no less than 600mm below ground level, allowing for some infiltration of surface water through the top soils. The design of the landfill also incorporated drainage ditches located on both the eastern and western site boundaries that lead to a pond to the south of the site (outwith the application area, but within the applicants control).

The proposal will not have a significant footprint as the panels will drain to the existing ground, and the impact of the ancillary buildings and equipment is insignificant from a drainage perspective. However, to assist with drainage a series of shallow swales and grassland will be installed and maintained between the panels. The Councils Drainage Officer has assessed the application, and, further to clarifications regarding the design and purpose of the proposed swales, has confirmed that the drainage and surface water management proposals are appropriate. The implementation, management and maintenance of the drainage system can be controlled by condition and the proposal is in accordance with policy LP32 of the Local Plan.

Other issues

A number of additional issues were raised through the consultation. Although they are not material planning considerations they are included here for completeness.

The proposal was described as not necessary. Alternative locations, including land surrounding the Amazon depot and by the sides of roads were suggested. It was queried why new buildings were given permission without solar power. There were also concerns raised about a negative impact on house prices.

It was also queried whether provision will be made for a contribution to recycling research costs and / or a site clearance and disposal fund (due to the lack of facilities for recycling old solar panels).

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The application has been considered in light of the Peterborough Local Plan, the NPPF and accompanying Planning Practice Guidance.

The proposal is not considered to adversely impact upon the function of the Green Wedge within which it is sited, and makes a positive contribution to infrastructure provision through the generation of 2.25MW of renewable energy; the proposal complies with policies LP14, LP26 and LP31 of the Local Plan.

The planning application was accompanied by a comprehensive set of detailed reports including a Design and Access Report, Landscape and Visual Impact, a Glint and Glare Study, Ecological surveys and mitigation strategies, a Noise Impact Assessment, a Traffic Management Plan, a Flood Risk Assessment, a GeoEnvironmental Appraisal, and a Statement of Community Involvement. Detailed topic areas have been assessed and considered

With particular regard to safety and technical issues, ecology, landscape and visual impact, noise, conservation, traffic and transport (including rights of way) and the water environment; design, safety and amenity impacts have been considered and the proposal is in accordance with policies LP16, LP17 and LP33 of the Local Plan; the proposal can be accommodated onto the existing open space without significant detrimental impact and will ensure the safety of protected species and enhance the biodiversity value of the area in accordance with policies LP23 and LP28; the character of the landscape and the visual impact of the proposals have been considered and the proposal accords with policies LP27 and LP17; noise impacts on nearby residential dwellings has been considered and the proposal is in compliance with policy LP17; consideration has been given to the transport (including rights of way) implications of the development, and the proposal is in accordance with policy LP13; and consideration has been given to impacts on the water environment and the proposal is in accordance with policy LP32.

Comments of consultees and representations have been taken into account and suitable conditions attached to address any issues raised and in all other respects the proposals is acceptable. As such, there is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

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 of a Photovoltaic Solar Array shall be carried out in complete accordance with the following approved plans;

Location Plan, Ref. CCC-STAN-PROS-DR-T-1001 Rev B

Temporary Compound Layout, Drawing No. CCC-STAN-DETR-DR-S-2103 Rev 2, dated 13/07/20

General PV Layout, Drawing No. CCC-STAN-DETR-DR-S-2101 Rev 6, dated 13/07/20

PV Mounting Elevations, Drawing No. CCC-STAN-DETR-DR-S-4101, dated 01/07/20

BESS Compound Elevations, Drawing No. CCC-STAN-BYES-DR-E-5202, dated 20/07/20

Customer Cabin Details, Drawing No. CCC-STAN-DETR-DR-S-3102 Rev 1, dated 07/07/20

Transformer Station and Switchgear, Drawing No. CCC-STAN-DETR-DR-S-3103 Rev 2, dated 13/07/20

Weather Station Detail, Drawing No. CCC-STAN-DETR-DR-S-3107 Rev 1, dated 07/07/20

Communication Unit Details, Drawing No. CCC-STAN-PROS-DR-Y-311 Rev A, dated 04/12/2015

DNO Substation, Drawing No's. CCC-NASF-PROS-DR-S-3105 Rev A and CCC-STAN-PROS-DR-Y-1021 Rev A
Battery Inverter Substation, Drawing No. CCC-STAN-DETR-DR-S-3108 Rev 01, dated 13/07/20
CCTV Details, Drawing NO. CCC-STAN-DETR-DR-Y-3105 Rev 1, dated 13/07/20
Fence and Gate Details, Drawing No. CCC-STAN-DETR-DR-S-3101, dated 01/07/20
Detailed Landscape Proposals, Drawing No. c-1731-01 Rev G, dated Jan 2020

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

- C 3 The "solid timber screening fence to height of 3.2m", as depicted on the "Detailed Landscape Proposals" Drawing No. c-1731-01 Rev G, dated Jan2020 shall be constructed prior to the first use of the development for the production of electricity. Thereafter it shall be maintained in a condition appropriate to its purpose as an acoustic (mitigation) fence for the duration of the development.

Reason: To safeguard the noise environment of the surrounding locality, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 180 of the National Planning Policy Framework (2019).

- C 4 No development shall take place until either:
a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the proposed development will require a licence has been submitted to and approved in writing by the Local Planning Authority

Reason: To conserve and enhance the network of habitats, species and sites of ecological importance in accordance with Peterborough Local Plan policy LP28. This is a pre-commencement condition because any on-site works could adversely impact protected species unless adequate controls are in place.

- C 5 No development shall take place until and unless a Landscape and Ecological Management Plan, based on the recommendations of the Biodiversity Strategy, has been submitted to and approved in writing by the Local Authority.

Reason: To conserve and enhance the network of habitats, species and sites of ecological importance in accordance with Peterborough Local Plan policy LP28.

- C 6 The development shall take place in complete accordance with the proposed landscaping, as set out on Drawing No. c-1371-01 Rev G Dated Jan 2020. All initial landscaping, seeding and planting must be completed no less than 12 months after completion of the construction of the development. Should any trees, shrubs or other planting die, become diseased or be removed within 5 years from its planting, they shall be replaced in the first available planting season with a plant / plants of a similar size and species to that removed.

Reason: To protect the amenity of the surrounding area and to provide biodiversity enhancements in accordance with Peterborough Local Plan policies LP17 and LP28.

- C 7 The drainage and surface water management of the development shall be carried out in complete accordance with the letter from Nick Drewett dated 29/10/2020, and the "SuDS

Management and Maintenance" schedule at Appendix 4 of the "Flood Risk Assessment and Surface Water Drainage Strategy" document, ref. 5005_FRA_SWDS, dated 27/01/2020

Reason: In order to protect the water environment in accordance with Peterborough Local Plan policy LP32.

- C 8 No works can take place until and unless a pre-condition public highway survey has been undertaken. The extent of the survey should be agreed with the Highway Control Team and undertaken as a joint inspection before site traffic uses the roads. A further survey to establish the extent of remedial works, to be agreed with the Highways Control Team, should be undertaken upon completion of construction works. Any requisite remedial works shall thereafter be undertaken by the applicant / developer in accordance with the requirements of the Highways Control Team.

The highways surveys, and any requisite remedial works, must be repeated when the site is de-commissioned.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C 9 A scheme of off-site highway works to provide a safe and suitable access and egress to and from the Parkway System for all vehicles visiting the site shall be submitted to and approved by the Local Planning Authority, and implemented in full, prior to commencement of development.

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

- C10 Weekday HGV deliveries to the site may only take place except between the hours of 0900 - 1500 during term time, and 0900 - 1645 during school holidays.

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

- C11 The car parking, lorry parking/loading/unloading and associated turning areas hereby approved shall be laid out and ready for use prior to the commissioning of the photovoltaic array in accordance with the "General PV Layout", Drawing No. CCC-STAN-DETR-DR-S-2101 Rev 6, dated 13/07/20. The parking and turning areas shall thereafter be retained and shall not be used for any purpose other than parking and turning of vehicles.

Reason: In order to ensure that sufficient parking and turning space is available in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C12 Any permanent gates or other means of enclosure provided across the vehicular access shall be set back a minimum of 6 metres from the back edge of the public highway where it adjoins the site and open inwards only.

Reason: In the interests of highway safety in accordance with Policy LP13 of the adopted Planning Policies DPD.

- C13 The access hereby approved shall be provided in accordance with the details shown on the "General PV Layout", Drawing No. CCC-STAN-DETR-DR-S-2101 Rev 6, dated 13/07/20, prior to the solar farm being brought into use. It shall thereafter be retained in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C14 Notwithstanding the details shown on the approved plans, prior to the solar farm site access being brought into use, pedestrian visibility splays shall be provided on both sides of the access(es) shown on the "General PV Layout", Drawing No. CCC-STAN-DETR-DR-S-2101 Rev 6, dated 13/07/20. The splays shall measure 2.0 metre by 2.0 metre measured along each side of the access and along the back edge of the highway. The splays shall thereafter be maintained and retained free from any obstructions over 600mm in height above ground level.

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

- C15 Notwithstanding the details shown on the approved plans, prior to the solar farm site access being brought into use, cycle visibility splays shall be provided on both sides of the access(es) shown on the "General PV Layout", Drawing No. CCC-STAN-DETR-DR-S-2101 Rev 6, dated 13/07/20. The splays shall measure 2.5 metres by 31 metres measured along each side of the access and along the edges of the footpath/cycleway. The splays shall thereafter be maintained and retained free from any obstructions over 600mm in height above ground level.

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

- C16 Any lighting of private roads, maintenance tracks, driveways or parking areas shall be arranged so that no danger or inconvenience is caused to users of the adjoining existing or proposed public highway.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C17 Development shall not commence until fully operational wheel cleaning equipment has been installed on all exits from the site and the area between the wheel wash and the public highway is hard surfaced in either concrete or tarmac and maintained free from mud, slurry or any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the construction of the development.

Reason: In the interest of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan

- C18 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period in

accordance with the "Temporary Compound Layout", Drawing NO. CCC-STAN-DETR-DR-S-2103 Rev 2, dated 13/07/20.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C19 Following the end of the useful life of the PV array, all physical elements of the development, including all photovoltaic panels, ancillary equipment, underground wiring etc, shall be removed, and the land restored to a condition providing the same, or an improved, level of biodiversity provision as is provided by the development, within 12 months of the facility becoming redundant.

Reason: To provide and maintain biodiversity netgain over and above that provided prior to the commencement of the development in accordance with Peterborough Local Plan policy LP28.

Copies to: Cllr Ray Bisby. Cllr Chris Harper. Cllr Brian Rush

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Application Ref: 20/01543/HHFUL

Proposal: Ground floor rear extension. (HMO and loft conversion is permitted development)

Site: 68 High Street, Fletton, Peterborough, PE2 8DR

Applicant: BeeVee & KDA Property Solutions Ltd

Agent: Richard Garnett, ARC Survey & Design Consultants Ltd

Site visit: 07.01.2021

Case officer: Karen Ip

Telephone No. 01733 453405

E-Mail: karen.ip@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 comprises of a two storey end terrace dwelling situated on High Street, Fletton. The dwelling is set back from the public highway with a gravelled front garden. Similar to the surrounding properties, the site does not benefit from off-street parking. There is however a bus stop in close proximity.

Although there are a large number of Victorian-period terrace properties within the Fletton area, the immediate environs surrounding the application site comprise of properties of varying styles, periods and form.

Proposal

The applicant is seeking planning permission for the construction of a single storey rear extension.

The existing rear elevation of the property is presently staggered, with a part-two and part-single storey rear wing which is typical of this period of property. The proposal would project 3.3 metres beyond the rear-most elevation of the existing dwelling, with a maximum depth of 10 metres. It would have a maximum width of 4.3 metres, matching the width of the front elevation. The proposal would, in effect, infill to the side of the existing rear wing and project further beyond, removing the staggered rear elevation at ground floor level.

The extension would be of a flat roof design, and the eaves height would measure 3 metres from ground level.

It should be noted that it is proposed for the property to change use from a single residential dwelling (Class C3) to a small-scale house in multiple occupation (HMO) for up to 6 persons (Class C4), and for the loft space to be converted to habitable accommodation through the construction of a rear dormer window and front rooflights. Both of these elements however do not form part of the current planning application, and are to be undertaken in accordance with Part 3 Class L and Part 1 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), respectively.

2 Planning History

Reference	Proposal	Decision	Date
16/02239/PRIOR	Single storey rear extension Distance from original rear wall: 4.8m Height: 3.16m (2.5m to eaves)	Not Required	20/12/2016

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

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) 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.

4 Consultations/Representations

Local Residents/Interested Parties

Initial consultations: 28
Total number of responses: 4
Total number of objections: 4
Total number in support: 0

A total of 2 objections have been received from neighbours on the following grounds:

Car Parking

- There is not enough parking in the immediate area to facilitate another HMO
- Parking is already a big issue in the area, particularly on evenings and weekends. Volume, often difficult/impossible for people to find parking spaces in the general area. Commercial vehicles parking overnight, i.e. not cars that take up more space
- The proposal does not add any additional parking arrangements so it will further cause parking issues in this area
- Often cars block the bus-stop and restricted access to our (No.81 High Street) driveway as parking is limited.
- Site is close to St. Margaret's church which is used as a place of worship and for bereavement services. Has consideration been given to those users and undertakers who use the road?
- With many vehicles parking far into the pavement (on/off the road) making visibility for motorists difficult when turning from side roads and driveways, restricting access for pedestrians particularly prams, pushchairs and mobility users more dangerous.
- When football returns, the problems will be compounded

HMO

- No additional car parking proposed
- Antisocial behaviour including noise in unsociable hours to residents
- It could raise crime rates in the area - have the Police or Safer Peterborough Partnership been consulted?
- Always thought that is a public right of way going in and out of pavements
- Litter
- Noise

In addition, 2 of the Ward Councillors have objected to the proposal as follows:

Councillor Chris Harper

Residents have expressed concerns of another HMO in the area, There is already insufficient parking in the area a new HMO would cause further parking problems. HMOs also have also been proven to be troublesome for street, verge and pavement parking, anti-social behaviour, noise and contamination of refuse bins when not emptied, which then overflows and increases litter on the streets.

Councillor Ray Bisby

Whole heartedly agree with Cllr Harper - there is a need to look at the issue that it will cause to other residents.

5 Assessment of the planning issues

The main considerations are:

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

a) Background and the 'fall-back' position

It is noted that the objections received have been primarily related to the change of use of the property to a small-scale HMO. However, the planning application before the Local Planning Authority is solely for the construction of a ground floor single storey rear extension. It is not for the change of use and this therefore cannot be considered.

As set out above in Section 1, the proposed change of use (and associated loft conversion) does not require the express benefit of planning permission, as it falls within the provisions of 'Permitted Development' under the General Permitted Development Order. Such development could therefore take place at any time without any notification to the LPA or control. Indeed, the Applicant has advised that such change of use would still take place regardless of the outcome of this planning application.

Whilst it is accepted that the proposal seeks additional physical development associated with this new use, the extension in itself would not increase the potential maximum occupancy of the property above and beyond that which does not need permission. The permitted development rights allow for up to 6 unrelated persons residing in the property (the 'fall-back') and the same maximum occupancy would result following the proposed extension. Therefore, the proposal would not alter the nature, scale or occupancy of the property above and beyond the lawful 'fall-back' position.

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

The proposed extension would be located to the rear of the property, hidden away from the public realm and not readily viewable from the street scene. Notwithstanding this, it is considered to be of a size, scale and form which both respects and reflects the character and appearance of the host dwelling, and the resultant form of the dwelling would not constitute overdevelopment of the plot.

Furthermore, the materials proposed would match the existing dwelling, further assisting in the proposal's complementary relationship to the surrounding area. It is not deemed that the proposed extension would cause unacceptable harm to the character or appearance of the site or the surrounding area.

Based on the above, the proposal is considered to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

c) Neighbour amenity

The application site is adjacent No. to 68A High Street (to the east) and attached to No.66 High Street (to the west).

The proposal, for a ground floor rear extension only, is not be considered harmful to its adjacent neighbours. The proposal has been designed such that it would infill space to the side of the existing rear projecting wing, and would extend a further limited distance of 3.3 metres from the rear-most elevation.

To the east, where the largest increase in built form would result (a depth of 10 metres in total), the boundary is formed by a high wall with limited neighbouring facing openings. The limited height of the flat roofed proposed (at 3 metres) is such that it would not have an unduly dominant or overbearing impact to this neighbour. There would be windows facing towards No. 68A, however these would face onto the high level wall, and therefore it is considered that there would be no unacceptable impact of overlooking to neighbouring occupants.

To the west, an extension of 3.3 metres at the rear of the property would be noticeable to the occupants of No.66. However, it is considered that this projection, given the flat roof nature and limited overall height, would not be unduly overbearing or overshadowing.

Based on the above, the proposal would not result in unacceptable harm to the amenities of neighbouring occupants and is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Highway safety and parking provision

In regards to the parking issues raised by objectors, although it is acknowledged that a small-scale HMO would likely result in increased parking demand beyond the current single residential dwelling use, and that the surrounding area is presently heavily congested, the application scheme does not in itself generate additional parking demand. The increased demand relates to the change of use, which is permitted development, and therefore this could not be used as a reason for which the current proposal could be resisted.

e) Other matters

The objections raised which are not discussed above, all relate to the proposed change of use of the site to a HMO. As set out above, as this does not require the benefit of planning permission, and does not form part of this application, these are not matters which can be considered.

6 Conclusions

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

- The proposal would 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); and
- Neighbours adjacent to the application site would retain an acceptable standard of amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

7 **Recommendation**

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Site plan existing (Drawing number E001)
- Elevations existing (Drawing number E002)
- Floor plans existing (Drawing number E003)
- Site plan proposed (Drawing number P101)
- Floor plans proposed (Drawing number P102)
- Elevations proposed (Drawing number P103)
- Elevations proposed (Drawing number P104)

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

C 3 The materials to be used in the construction of the external surfaces of the ground floor extension hereby permitted shall match those used in the existing building.

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

Copies to Councillors: Cllr Harper, Cllr Bisby, Cllr Rush

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