



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 7 SEPTEMBER 2021  
1.30 PM

Sand Martin House, Bittern Way

### 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:** 5 - 38

To approve the draft minutes of the meetings held on:

- 29 June 2021
- 6 July 2021
- 20 July 2021

5. **Development Control and Enforcement Matters**

- |     |  |                |
|-----|--|----------------|
| 5.1 | <b>21/00118/OUT - Masjid Ghousia 406 Gladstone Street Millfield Peterborough</b> | <b>39 - 50</b> |
| 5.2 | <b>21/00806/HHFUL - 122 Newark Avenue Dogsthorpe Peterborough PE1 4NS</b>        | <b>51 - 58</b> |

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### **Committee Members:**

Councillors: C Harper (Chairman), P Hiller (Vice Chairman), R Brown, Warren, Iqbal, Jones, Hogg, Bond, Dowson, Hussain and Sharp

Substitutes: Councillors: B Rush, M Jamil, Bond and Yurgutene

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

## **CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Sylvia Bland, Janet Maclennan, David Jolley, Louise Simmonds,, Amanda McSherry, Matt Thomson,

Asif Ali, Michael Freeman, Jack Gandy, Carry Murphy, Mike Roberts, Karen Ip, Shaheeda Montgomery and Susan Shenston

Minerals and Waste: Alan Jones

Compliance: Jason Grove, Amy Kelley and Alex Wood-Davis

**NOTES:**

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

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
MEETING  
HELD AT 1:30PM, ON  
TUESDAY, 29 JUNE  
ENGINE SHED, SAND MARTIN HOUSE PETERBOROUGH**

**Committee Members Present:** Harper (Chairman), Hiller (Vice Chairman), A Bond, Brown, Dowson, Hogg, Amjad Iqbal, I Hussain, Jones, Sharp, and Warren.

**Officers Present:** Sylvia Bland, Development Management Group Lead  
Amanda McSherry, Development Management Team Manager  
Louise Simmonds, Development Management Team Manager  
Daniel Kalley, Senior Democratic Services Officer  
Karen Dunleavy, Democratic Services Officer  
Chris Gordon, Planning Solicitor  
Nick Greaves, Principal Engineer

**6. APOLOGIES FOR ABSENCE**

There were no apologies for absence were received.

**7. DECLARATIONS OF INTEREST**

No declarations of interest were received.

Councillor Ishfaq Hussain declared a non-pecuniary interest on item 20/01070/FUL - 35 Westgate Peterborough PE1 1PZ in that he knew the applicant, however, would remain in the meeting and would not be predetermined when considering the item.

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

There were no declarations to speak as Ward Councillor.

**9. PLANNING AND ENFORCEMENT MATTERS**

**9.1 20/01026/FUL - LAND SOUTH OF LOVERS LANE SUTTON TO NENE VALLEY RAILWAY STATION AT STIBBINGTON PETERBOROUGH**

The Committee received a report, which sought permission for the construction of a shared-use path, providing access for pedestrians and cyclists, from the village of Sutton to the Nene Valley Railway (NVR) station at Stibbington. The path would be accessed off Lovers Lane and would run to the west and south of the Menage and then follow the former railway line on the eastern side of the field. An earthwork ramp would take the path from the field level to the old railway level. The path would continue along the former railway line.

Revisions to the scheme and additional information included a Heritage Statement, Ecological Impact Assessment and Sequential Test Statement had been received since the application was submitted and a further re-consultation had been undertaken. A Listed Building application had also been submitted for the construction of new steps to Nene Valley viaduct ref. 20/01746/LBC which was also to be considered for determination by Members of the Planning Committee.

A small section of the application site fell within Huntingdon District Council (HDC) Authority and therefore an identical application had been submitted to HDC for consideration.

The Development Management Group Lead, introduced the item and highlighted key information from the report and the update report.

Ward Councillor Elsey and Parish Councillor Mick Grange addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was no objection against sustainable travel or walking in countryside, however, it needed to be made available in a measured and safe way.
- The Parish Council and the local community had been involved in the formulation of a detailed A47 upgrade scheme and a balanced approach had been adopted to provide a detailed and balanced plan for all parties. The application had been submitted in isolation of the ongoing A47 upgrade scheme and seemed to be biased in favour of one user type.
- There should be a cohesive and effective sustainable travel plan suitable for all users, which was not harmful to existing residents or the quality of the village and rural areas.
- The proposal had attracted significant interest in support and against and there should be an independent report commissioned to look at the best way forward and provide a holistic overview to the proposals rather than requesting Planning Committee to resolve the matter.
- The proposed A47 walking, cycling and horse-riding route would provide a far superior route for all non-motorised and disabled users. The A47 proposals had widespread support and would not harm or disrupt residents in the local area, whereas the application presented by Mr Nash would.
- There had been many near misses and incidents with horses and cyclist using the same area proposed for the footpath. The Ward Councillors mother was currently convalescing from a hip injury caused by cyclist riding inappropriately near her horse.
- The route was popular with ramblers and the proposed path would destroy the natural setting of the route.
- The character of Sutton was a quite rural community with no foot traffic. There were narrow lanes and no footpaths, and any increase of use would create highway concerns.
- There were many serious cyclists that travel at high speeds, which would not mix with ramblers and horses.
- A road safety audit should be carried out for Lovers Lane in relation to the use by cyclist verses pedestrians to ensure there was no risk to either user.
- The increase in use would create noise and disturbance for residents on weekends and summer evenings.
- An active strategy consultation was required before all options could be considered.

- There had been 79% of residents against the application and it was surprising that the highways needs of cyclists verses horse riders had not been considered to its full extent.
- The proposed A47 route had covered all options to provide suitable services and accessibility for all users. The A47 plans had also covered all the objectives outlined within the proposed pathway, which included connectivity to the green wheel and travel routes to the north for cyclists.
- Sutton was a unique village and was used by walkers with dogs and there were many horse riders that used the Lovers Lane route.
- There was a growing number of road cyclists and off-road cyclists using rural footpaths, which was not permitted.
- The application was contrary to LP2 and had not enhanced the character of the conservation area. In addition, the application had not met the requirements of the National Planning Policy Framework 41, 91 and 92 in dealing with areas of unique and special material considerations, nor was it a balance for enhancements for the whole community.
- The photos shown on the presentation had not captured the full access route from opposite the Nene way entrance which was dangerous for pedestrians and cyclists.
- The application proposed to install a hard tarmac footpath and dangerous cattle grid which was not required.
- The crossing was 800 millimetres wide which was not wide enough for a cyclist to walk beside a bike. If a rambler was approaching from a different direction, the route would be impossible to walk across.
- Tarmac was not suitable for the area and especially in the summer when it would be too hot for dogs to walk on.
- The area was prone to flooding and became impassable for weeks. There should be a sequential test carried out for the flooding in the area and the application be refused on the findings.
- A more balanced walking, horse riding and cycling proposal should be given consideration for the unique area of Sutton Village.
- The issue was that the new path would be made into a mode of transport purely for cyclists.
- The amenity for the current users of Sutton village would be detrimentally affected by the application, should it be approved, particularly for retired and elderly people.
- There had been a recent issue with cyclists using the route through the village of Sutton where there was a post box three metres from the apex to Lovers Lane and a cyclist was travelling too fast and fell off. This issue was a risk to both cyclists and pedestrians.
- The suggestion that a tarmac surface would enhance the area was not appropriate especially in the summer for dogs and horses. Currently the grass path was cooling, however Tarmac would become too slippery for horses' shoes and hot for dogs' paws. In addition, over time the surface would wear.
- There would be no objection if a softer surface had been suggested. Tarmac was a cheaper option, however there had been no thought to public safety in considering the proposed material.
- The proposed A47 route was perfectly acceptable and had been designed to bypass most of the traffic out of Sutton village and would direct users to the top of the area to connect to the Nene Park and Wansford.
- If the application was rejected and the A47 was approved, it would not mean that the cyclist could not use the Sutton village routes, however the softer surface would deter cyclists away from the village.

- There was a community group to discuss the A47 route with Highways England and there had been a campaign to ensure cyclists were provided for.
- The cattle grid proposal within the application was a safety issue for horses.
- There were small groups of cyclists using the route through Sutton village which acted overly aggressively to the point of forcing pedestrians onto the grass verges.
- Sutton villagers were extremely passionate about the proposals to install the tarmac surface and was opposed to the application.

Mr Simon Scriven, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There would be an increased risk to all users of Sutton village if the application was approved. This had included significant safety risks on the single lane roads with no pavements. There was a blind junction on Lovers Lane and all users currently had to take care when approaching.
- There had been mention in the report about a condition, which required visibility splays at the junction on Lovers Lane, however the provision would be impossible to implement. The photo provided during the presentation had not shown that there was a stone wall at the church yard and a stone wall at a listed cottage, however, there was no room to install the suggested visibility splays proposed.
- It was predicted that there would be no increased cyclists use when the proposed path was installed, however the evaluation should have explored what the worse outcome to risk would be rather than hoping for the best.
- The report had suggested that there would be a minimal risk to horse riders and there had been a reliance on scientific evidence. However, the statement and scientific evidence would not apply to a village with single track roads, where there were no pavements and blind junctions, as these were not national characteristics.
- There was an obvious risk to horse riders if a cattle grid was installed as this would pose a death sentence for a horse if it became spooked and bolted.
- Installation of a gate instead of the proposed catted grid would present a safer option, as horse riders and cyclists would be required to dismount.
- The proposed new route down the old railway would not be accessible by horse riders and non-motorised users as suggested by the applicant.
- The policy criteria had not been taken seriously and condition 14 about signage would need to be much stronger.
- With the A47 route proposal underway, the application added no value and could therefore not be justified.
- A further independent report as suggested by the councillor representative should be considered to provide a solution.
- It was preferred that the cattle grid should be refused.
- All fields that held cattle was currently gated.

Andrew Nash and Andrew MacDermott, the applicant and supporter addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Peterborough Cycle West (PCW) was a voluntary group that had been trying to increase the safe cycle routes to the people of Peterborough. There had been a lack of cycle routes in the west of the City, which the group were trying to improve.
- Some cyclists had to cross very dangerous roads such as the A1, which had deterred them travelling to Wansford and the West. In addition, the only route to Wansford and the West for cyclists was along a dangerous part of the A47.



- The disused part of the railway line was part of a discussion to safeguard the land for future walking and cycling infrastructure as designated under the adopted Peterborough Local Plan LP15, and therefore it was appropriate for consideration for the application.
- The PCW intended to open part of the network to cyclists, which was supported by Nene Valley and Nene Park Trusts. This would connect with the Nene Park and rural estate and the Nene Valley Railway, and all parties were in favour of the proposals as landowners.
- The proposed route would also allow networks for other pedestrians and there had been considerable support for this and from Northants.
- The proposed route would be more accessible to users over the winter periods and would only be inaccessible during the flooding period.
- The proposal would connect many villages across the A1 such as Stibbington.
- The proposed route was complementary to the East Northants and Highways England A47 network development plans and PCW fully supported the proposals to link the greenway route between Sutton roundabout and Wansford village, as it would provide safer access to the west and northwest into the Rutland and Leicestershire areas.
- The proposed route would attract many types of cyclists from families to leisure due to the type of barriers proposed, whereas the proposed A47 route would attract road cyclists or any riders wishing to get to Wansford and beyond in the quickest and shortest time.
- If the application was approved, it would not prompt Highways England to cancel their A47 improvement proposals.
- The proposal would reduce road traffic and promote health lifestyles, which was in line with the Council's own objectives.
- The proposal would be financed by outside governing bodies and the maintenance of the route would be the responsibility of the landowners.
- The ecological assessment had been developed to mitigate any harm to landscape and wildlife.
- Appropriate signage could help prevent accidents occurring for cyclists and horse riders in order to mitigate the concerns raised.
- The risks of cyclist straying onto the footpaths should not happen as there would be adequate map and route signage, which had not existed currently.
- The proposal would be a valuable and cost-effective addition to the local cycling network.
- The proposal was in line with the Council's objective to safeguard a sustainable travel network and the maintenance costs would not be a drain on the City.
- The tarmac surface proposed for the footpath was more durable and less prone to damage. In addition, it was known that part of the path often flooded and a less durable surface would be washed away. It had stated within the Council's LP19 and 20 policy that tarmac should be used where possible, however, there had been suggestions in relation to mixing the proposed tarmac material with gravel. In addition, further discussions could be held with Sutton Parish Council in relation to the material to be used.
- A gate had been considered; however, it was easier for cyclist to install cattle grids. Furthermore, consideration had been given by the applicant in relation to a gate, however, there could be noise disturbance issue as a result of using this option.
- The applicant would not want the proposed tarmac path to be kept in bad condition and the maintenance to mitigate this risk had been included in the plans going forward.

- The visibility splays would be installed at the bottom of Lovers Lane. The applicant would ensure there would be an appropriate level of signage installed.
- The proposed cattle grids were only 10 cm apart and the likelihood of this being a danger to horses was not considered a risk. There were many routes for horses to go. The applicant had a duty to ensure safety for all users and would not want to neglect them.

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

- Members were advised that highway? safety on Lovers Lane would be covered by the imposition of a condition for visibility splays and it was not within the applicants remit to control or change as there were third party landowners to consider.
- Members commented that there was a risk of creating a busy cycle route through the village of Sutton. In addition, Members raised concerns about the single carriage road through Sutton village and questioned where pedestrians would seek refuge if forced off the single-track road by cyclists.
- Members also commented that although it had been suggested that an incident as a result of the installation of the proposed route was unlikely, horses may go on the cattle grid, which would be a huge risk, and this would be an issue waiting to happen.
- There was an existing pathway and bridleway, and it would not be appropriate to make this into tarmac path
- Members raised concerns about the use of cattle grids.
- The path would not be in keeping with the rural setting and there was a risk that road bikes could also be attracted to the route which could lead to further dangers.
- The bridge was quite narrow and not fit for use as applied for.
- The forthcoming Northants and Highways England A47 route proposed was perceived to be much safer and quicker route and therefore, the current application was of no value.
- The Nene Park Trust had considerable experience in similar matters, however, the application needed to be improved before it could be considered for approval.
- Members also commented that the application could cause harm to the environment and amenity of residents. In addition, the cattle grid would cause damage to horses and other animals in the area.
- Members also commented that Peterborough City Council aimed to promote a carbon natural City for the future, however there was a safety concern with the aspect of the application.
- There were many scenarios that could happen in terms of public safety if the proposed application was approved, and NPT could not control all of these.
- The tarmac pathway was designed for speed and convenience.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the officers recommendation to **REFUSE** the application. The Committee **RESOLVED** (9 For, 2 Abstentions) to **REFUSE** the planning permission.

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

Members agreed that the application was contrary to planning policy as follows:

1. The amenity of the residents of the village of Sutton would be unacceptably impacted, therefore, the proposal was contrary to LP17.

2. The proposal would be unacceptable to the landscape of Sutton village, specifically in relation to the installation of tarmac material proposed, which was alien to the landscape. Therefore, the proposal was contrary to LP16 and LP19.

## **9.2 20/01746/LBC - PLANNING APPLICATION NENE VALLEY RAILWAY BRIDGE SUTTON PETERBOROUGH**

The Committee received a report, which sought permission to approve the construction of a new set of steps to the existing bridge structure. The new steps would be wider and longer than the existing steps to allow easier access for cyclists and pedestrians and would include two resting places and a wheeling channel for bicycles. The steps would have lattice work and balustrade to match the existing and would be painted 'Signal Grey'.

Members considered this application at the same time as the application for 20/01026/Ful - Land South Of Lovers Lane Sutton To Nene Valley Railway Station At Stibbington Peterborough.

### **RESOLVED:**

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

- It was considered that the work would not have an adverse impact on the character and appearance of the listed building and would accord with section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 and would be in accordance with Peterborough Local Plan (2019) and the National Planning Policy Framework (Heritage considerations) (2019).

## **9.3 20/01070/FUL - 35 WESTGATE PETERBOROUGH PE1 1PZ**

The Committee received a report, which sought permission for the subdivision of ground floor retail shop and associated alterations to form six Class E(a) retail units and taxi cab office (sui generis), change of 67 DCCORPT\_2018-04-04 2 use of second floor to restaurant (Class E(b)) and associated external alterations.

The taxi cab office would be for the benefit of a private hire taxi company. The proposed shop front alterations comprised of the installation of four new pedestrian openings serving a Cab Booking Office, retail units and the upper floors, as well as the installation of transom and stall risers.

A smooth white render finish was also proposed for the upper floors on the front elevation, facing Westgate, and the installation of an external extraction flue to the rear elevation. The original application submitted, sought to extend the proposed restaurant on the top floor to form a shisha lounge and storage area. However, further to reviewing this element of the proposal, it was noted that number three Westgate to the east had extant consent to convert the upper floors from office to residential, and would have imposed an unacceptably adverse impact on these future occupiers. As such, the first floor extension, forming shisha lounge and storage had been omitted from the proposal.

The Group Lead for Development Management introduced the item and highlighted key information from the report and the update report.

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

- The application was called in to the Planning and Environmental Protection Committee as the Ward Councillor was not satisfied of the taxi element.
- The proposal for the private hire taxi cab office had not been suggested for the right location. Furthermore, an application for proposals to allow a mobile sandwich shop within the Hackney Carriage rank would not be permitted.
- The biggest issue with the proposals had included the private hire taxi service, as there had already been a Hackney Carriage rank service in operation outside the premises proposed and one at the bus station. There had also been a private taxi booking office located a few hundred yards down the road. Therefore, the Westgate area was already overserved with taxi services.
- Hackney Taxi Carriage drivers were exploring the option of purchasing electric cars the proposed application would invite more diesel cars.
- There was limited available space between the Hackney Carriage bay to John Lewis's. There could be issues with private hire taxi's arriving early or customers arriving late and therefore, traffic could build up along that stretch of highway.
- The LA licensing team had stated that there was no identifiable benefit in introducing an additional taxi service, as the Westgate area was already served by existing services.
- The proposed element of the taxi business had been problematic and the enforcement in terms of controlling the private taxi pick up could cause a build up of conflict between private hire and Hackney Taxi Carriage operators.
- The application needed to be resubmitted with consideration to remove the private hire taxi cab element.
- It was felt that the area was overserved by taxi services and there had been no obvious reasons to the Ward Councillor as to why the applicant had believed there would be a business opportunity for such a service.
- The other taxi office had vehicles parked at the back of the office, a car would arrive quickly and transport the person to where they need to go. Additional activity would lead to a large volume of cars parking in the surrounding area of Westgate.

Mr Tahir Chaudary, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were three Hackney Carriage rank services in operation near the premises proposed. There had also been a private taxi booking office located a few hundred yards down the road. Although the Hackney service was not in competition with the private hire service, there were financial implications for the Hackney sector of the trade.
- There had been a financial impact on Hackney Carriage services due to the availability of private hire in operation, which had caused trade issues for the Hackney business with drivers leaving the trade.
- There was limited space for Hackney Carriages, and this would be impacted by the addition of a further taxi service.
- There were other offices in the City with very large parking spaces that could accommodate a private hire taxi service outside of the City. Customers would book

this service through a mobile phone application and the taxi would arrive when required

- The ranks were needed for the members of the public that were disabled, who want a more direct service rather than have to wait for a taxi to arrive.
- The Hackney Carriage operators would stop earning money and there was a danger of losing the Hackney Carriage service entirely, if the proposals were approved.
- Peterborough was striving for a green environment, but Hackney drivers would not be able to contribute, if their businesses were impacted by the loss of income due to the operation of too many private hire taxi companies in the area.
- There were 10% of electric Hackney Carriage vehicles in the last two years and this was a good investment, however, further investment could be impacted by approval of the proposal.
- The application should be refused as it was detrimental to the environment and public safety issues within the Westgate area. Furthermore, there had been many accidents on the junction close to the proposed premises, which was very congested at peak times of traffic.
- It had not made sense to allow a private hire taxi company to operate in that area.
- There had been a particular issue in the Westgate area where, night-time trade customers would try to get into the taxi that other customers had ordered. This had resulted in the Police being called and the private hire company needing to hire security at that office to mitigate the issues. Hackney Carriage drivers would be available to provide a service immediately, therefore moving the customer away efficiently, which limited the risk element of inappropriate behaviour by the passenger.

At this point Cllr brown left the room

Mr Attique Suleman, supporter addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application would not be detrimental to the hackney trade as the applicant was aiming to work with the Hackney Carriage operators to provide the citizens of Peterborough with additional services.
- The proposed restaurant would provide amenities for the Westgate area and attract investments for the City.
- The concerns raised about safety, congestion and disabled users would be mitigated by providing a safe place to wait. Use of a mobile phone application, would also allow customers and their families to track the taxi order. In addition, the payment system available through the mobile application was contactless.
- The applicant was keen to work with the Hackney operators and encourage the use of technology for safe contactless payments. Some of the Hackney drivers had partnered up with mini cab drivers to provide a service and therefore, the application was not about competition or disadvantaging Hackney drivers in anyway.
- The proposal offered outside investment for the City, whilst providing safer services to the citizens of Peterborough.
- The private hire taxis could not park on the street and wait for customers, there had to be a booking made by a customer, otherwise there were licensing enforcement implications. Therefore, the booking office provided a location for the customer to book and wait from. Furthermore, the private taxis would be permitted

to collect their booked customer from the loading bays marked within the area and not in the Hackney Carriage rank.

- The mini cab drivers would be located in designated car parks near the City to wait for their bookings.
- The private hire taxi model offered a mobile phone application, which informed the customer when the taxi had arrived and what vehicle to get into. In some cases this provided a faster service than a Hackney Carriage operation.
- There were significant amounts of people requiring taxi travel than the Hackney Carriages were able to offer. The private hire service allowed customers to seek an alternative offer rather than the proposal presenting competition in the taxi service sector.
- There were also four parking bays for Hackney Carriages on Park Road and four outside the proposed site.
- There had been no current determination on how many electric vehicle options would be available, however, the applicant intended to explore and provide them in the future.
- There was a lot of potential for growth in Peterborough as there were a lot of restaurants looking to start up. Providing a taxi service for Peterborough had been a positive thing and for other retail and restaurant companies. Other taxi companies, such as Hackney Carriages needed to develop technology and adapt.
- The office needed to be located in the City Centre as there was a lot of trade to benefit from. The technology element came into play when the passenger would make electronic payments and their journey could be tracked.
- The current Hackney Carriage (HC) demonstration had been instigated by other companies both HC and private hire to deter new services and investment coming into Peterborough. In addition, taxi service delivery was changing, and market research showed that there were benefits of using the new technology and this could have contributed to the decline in use of HC hire vehicles.
- The applicant had explored the option of alternative sites, however it was felt that the proposed location in the City had provided a good business opportunity.
- There had been sufficient parking further down the road on Westgate and loading bays available for private hire vehicles to collect passengers, however, if sufficient space was unavailable, the passenger would need to wait in the office and the driver would find a different location in the surrounding streets.
- It had not been determined at this stage what type of restaurant would be in operation if the planning application was approved.
- The proposed taxi hire office would be completely accessible for disabled passengers and offer a range of appropriate cars. In addition, there was currently a HC waiting area for disabled customers if a vehicle was not in situ at one of the HC bays. The applicants service, would offer a range of services to disabled customers, including the use of HC vehicles.

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

- Members were advised that the potential temporary two-year licence condition would allow the LA to monitor any potential for crime as a result of the proposals and allow a period of time between allowing the business to commence operation and implement mitigation measures. The temporary consent could be a different amount of time if Members required.
- Members were advised that the application sought private hire taxi vehicles to pick up passengers in restricted parking areas.

- Members were advised that the collection of passengers was more efficient as the driver would be located elsewhere in the City, thus avoiding private hire vehicles waiting for long periods of time.
- Officers had considered the feasibility of the proposal rather than the specific needs of disabled passengers.
- Restaurant delivery services would use the double yellow or surrounding streets, however the application was for a restaurant and not take away service. If approved, the applicant could offer an ancillary takeaway service, however, this would be minor in comparison to the main restaurant business end.
- If the planning application was approved the applicant would be required to apply for a separate licence to operate as a private hire taxi office.
- There were other licensing regimes for the preparation, sale and delivery of hot food.
- Members commented that there were several people that waited for taxis during the night time trade and there had been a taxi Marshalls service in the City to mitigate any ASB issues if they arose, however, there were issues of vehicle congestion, intoxicated people as well as takeaway delivery services, which could increase ASB issues already being experienced in the area.
- Some Members commented that there had not appeared to be any evidence that the proposals would introduce electric vehicles and there was a potential for inviting more diesel vehicles, which would be less efficient than the HC taxi vehicles.
- There had been anti-social behaviour issues experienced at the current private hire taxi office located near to the proposed application and therefore, it was felt that the proposal was not the right location and could compound issues being experienced in the area.
- Some Members felt that the application had met all the planning criteria, however, there was no compelling need for another taxi hire service within the area.
- The night time economy been impacted during the Covid – 19 pandemic, however, there were opportunities for businesses and plenty of room for growth.
- Some Members felt that the current proposal needed to be redrafted taking into account the comments and concerns raised by Members and the applicant should resubmit the application with a more holistic perspective of the area and business surroundings.
- Members commented that there was full sympathy for the scheme, however, there was no reason the location of the proposed taxi office within the Westgate area was needed, despite the offer of technology to book a taxi. In addition, there were other private hire companies that had operated outside of the City Centre.
- Members commented that there was a risk of ASB from customers who might become confused about what taxi they were using since the HC service would be located outside the proposed private hire taxi office site.
- Members were advised that congestion was not a significant reason for refusal of the proposal.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendations and **REFUSE** the application. The Committee **RESOLVED** (4 For, 1 Against, 5 Abstentions) to **REFUSE** the planning permission.

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

The planning application was refused for the following reasons:

The proposed taxi booking office, which would bring additional people into the area late at night, would result in the potential for crime and anti-social behaviour in the vicinity of Westgate and thereby would not comprise a positive contribution to the character of the area. The proposal would be contrary to Policies LP16 and LP17 of the Peterborough Local Plan (2019).

**9.4 20/01707/R4FUL - NENE PARK ACADEMY, OUNDLE ROAD, PETERBOROUGH PE2 7EA**

The Committee received a report, which sought permission to the construction of an air dome covered football pitch with associated two storey accommodation/facilities building. In addition, formalisation of existing gravel parking through hard surfacing was proposed alongside some land re-profiling and soft landscaping. The air dome would be of dimensions: 63 metres (length) by 45 metres (width) by 11.24 metres 85 DCCORPT\_2018-04-04 2 (maximum height).

It would be finished largely in white polyester fabric membrane, albeit the north-western and north-eastern elevations would have the lower three metres finished in graduating green (from dark to light). The dome would contain a full-size third generation all-weather football pitch with floodlighting.

The accommodation block building would comprise of changing rooms and an office space at ground floor, with classrooms, meeting rooms and a parent/guest lounge at first floor. The building would be of dimensions: 38.8m (length) by 10m (width) by 6.87m (height).

The building was proposed to be of regular rectangular form, with a flat roof and would be sited to the west of the air dome. The proposed car park would be positioned to the west of the accommodation building whilst the soft landscaping would be to the north of the air dome, to create a treed screen to the structure. It was noted that the proposal originally included the demolition of a building on the site known as the Lakeside building. This however has already been demolished through the exercising of permitted development rights and has therefore been removed from this application.

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

Bob Symms, Paul Ingle and Mark Woods, the agent and the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Peterborough United was a championship club with a category two academy and was associated with income that would generate growth to the City.
- The application was not just for Peterborough United Football club, but would benefit the Nene park Academy and the City.
- Consent already existed on the site for two artificial surface five a side pitches on exactly the same piece of land and gravel car park, the proposal was to provide a covering for the area.
- Other locations were considered for the proposal and would not impact on Orton Hall or conservation area.
- No existing grass pitches would be lost as a result of the proposal.
- Other designs were considered however, the air dome provided the least intrusive structure.
- The main structure was set back from the edges of Oundle Road as opposed to the two to three storey buildings by the site.



- There would be no light glow from the materials or noise levels the shape proposed for the building. The graduated patchwork colour scheme would provide a backdrop to the new planting scheme which would screen the dome and provide a valuable wildlife corridor to the site.
- No objections had been raised by the conservation, archaeological, wildlife or tree officers.
- Drainage issues had also been overcome.
- Sport England was in full support of the proposals.
- Concerns had been raised about the noise from the proposed sports facility however, there had been other sporting activities in progress at the neighbouring school until 10pm. In addition, the proposed pitches would have a 9pm curfew.
- Noise construction has also been raised as an issue, however the methods of construction for the proposed build would be quicker and quieter due to modern methods.
- The football club had provided services to the community such as support to the elderly, vaccination centre, food parcel deliveries to families during school closures, free summer holiday events, girl's scholarships, disability football and deaf children's sessions, to name a few. In addition, it would be disappointing not to be able to continue to serve the community and residents of Peterborough through the proposed opportunity.
- The site was in a very bad state of repair and there was a building that had caught fire on a regular basis.
- The proposal would serve the aspirations that the football club had for the area, especially for young people.
- There were young people that had trained at the Nene Park Academy that had moved onto a higher level. Attaining a category two status for the academy would provide a continuation of the football apprenticeship success.
- There was a lot of activity in the area that contributed to the noise levels to neighbours, therefore, it was felt that the Officer's recommendations were unbalanced and distorted for the current application.
- The proposed dome would be surrounded by plants and trees, which was intended to protect the neighbouring area. The benefit of such a facility would massively outweigh the challenges that may occur, such as noise, car parking and the appearance of the structure.
- The screening had been designed to protect nearby houses and would not be in view of them. The applicant had placed mitigation measures for the protection of noise to neighbours from the school.
- The dome would provide an all-weather sporting facility for the community.
- There had been parking, noise and drainage issues raised for the site; however, it was felt by the applicant that these issues had been addressed.
- Alternative locations were considered but were rejected as it would have caused an impact on the conservation area. The proposal's view impact for houses was unfortunate, however the window closest to the site would be screened by trees and there would be no right angle view from the nearby houses.
- The increase in traffic, could be over 50%, however, the impact of the two current Astro turf pitches which had planning permission, could cause the same impact. There would also be a nine o'clock curfew, however the rest of the site could operate until 10pm. This was because the existing sites were in situ before the surrounding houses were built.
- The current permission for two pitches and the proposal would provide a facility for community activities through the school and foundation in addition to the football academy and would provide an all-weather option.

- A category two status would help to retain young sporting talents, rather than them having moving to other football academies outside of the City to pursue their career.
- The two pitches were part of the current planning consent; however the new proposal would provide a covering for the pitches and captain academy status. In addition, the demolition of the current lakeside facility would provide a gravel car park, a better classroom and changing rooms for the football youth teams in an indoor space.
- People tend to lose interest in activities when the weather gets colder and darker, the proposal would help maintain interest.
- The applicant had aimed to provide better facilities for sporting activities.

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

- Members were advised that the current planning permission for the two grass pitches and gravel car park was granted as part of the Nene Park Academy development. The current Peterborough Football Academy should have been demolished in 2011 as part of the that planning permission and currently it there was planning breach of permissions. Sports England had no objection to the new proposals, however, there had been a difference in how the use would increase from an outdoor facility compared to indoors.
- Members were advised that harm from the proposal outweighed the benefit, which was why the officers had recommended refusal. The traffic would increase during the hours of seven to eight in the evening which would be a 50% increase in usage. In addition, the extra traffic would congregate nearer to the Longfield Gate properties with a circa of 26 cars, which would cause an unacceptable harm to neighbours as a result.
- Although there was already an impact from the current 98 vehicle movements, 26 additional vehicle movements would be an unacceptable impact.
- The two approved junior pitches would take up the green space being proposed for the dome; however, it was always anticipated that these pitches would not be installed due to financial compensation offered to install the pitches elsewhere in the locality and the formation of the Peterborough United Academy. Therefore comparing, the impact of the use of the two approved grass pitches would not be realistic.
- Members were advised that the existing gravel car park was located where the proposed air dome would be constructed. A demolished building would accommodate the proposed car park applied for and it was anticipated that visitors would use the access road, which immediately abutted the residents at Longfield Gate. Therefore, the traffic movements would cause additional noise disturbances for the neighbours.
- The traffic noise disturbance could last until after 9:15 in the evening for the Longfield Gate residents.
- The planning breach of two playing fields condition could not be complied with and discussions had been held with Sports England and PCC to resolve the issue. Furthermore, the discussions were on hold until the outcome of this planning application, however a financial compensation may need to be agreed to resolve the breach issue if the permission was not granted.
- Members commented that the City would benefit from a category two football training ground and attract growth.
- The Peterborough Academy had a good reputation in training young players.
- Some Members felt that there was a risk that residents of Longfield Gate could be looking out at a dome, and it could take decades for the tree screening to grow.

- The structure would look alien and in congress and not in keeping with the surrounding area.
- The proposed dome was a controversial shape; however, the negative comments from residents could reduce in the future and they may find it to be a positive facility to have.
- Peterborough lacked many sport facilities especially for football and more should be undertaken to entice the sport into the City. Furthermore, the football club would be offering support for the community and vulnerable people.
- Members commented that the applicant had demonstrated that the benefits of the proposal had outweighed the negative impact on the neighbours at Longfield Gate.
- There would be an amenity loss for residents, and on balance, the proposal would significantly benefit the community and for that reason, Members were minded to go against officer recommendations.
- Members commented that conditions should include that tree used for screening should be of a significant maturity to ensure that they were serious about their commitment to mitigate the impact to neighbouring properties.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the officer recommendation and **GRANT** the application. The Committee **RESOLVED** (10 For, 1 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 conditions, the proposal was acceptable under:

Local Plan policies LP16 and LP17 as the loss of amenity had not warranted the refusal of the planning application.

#### **9.5 21/00170/FUL - 42 SHERBORNE ROAD DOGSTHORPE PETERBOROUGH PE1 4RJ**

The Committee received a report, which sought permission for the proposed conversion of the dwelling into 2 flats, the erection of a fence and gate, and associated alterations.

The proposal would also result in the removal of the existing garage to the rear and installation of two five metre by two point five metre parking spaces on existing concrete hardstanding. The proposal was revised to provide an entrance to the ground floor flat on the side elevation fronting the public highway.

Planning permission 18/01202/HHFUL approved a single storey side, two storey rear extensions and dropped kerb. The current proposal application had not proposed to extend the property but had made use of the extensions previously approved, which were not yet complete, within the proposal. The structure of the single storey side and two storey rear extensions was currently in place, however, works were currently required to complete the development.

The Group Lead for Development Management introduced the item and highlighted key information from the report and the update report.

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

- Members commented that the highways team had placed the relevant safety measures for the three parking spaces.
- Members had not felt that there would be any issues with neighbours in relation to highways issues, despite the reasons why the application was called in.
- Some Members felt that there had been some concerns raised about a house of multiple occupation, car parking and the junction close to the proposed development, which appeared dangerous.
- Members felt that the applicant had provided good plans for the bedroom and the highway issues raised had been dealt with.
- The rearrangement of the accommodation would not impact occupants of the existing flats.

**RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (10 For, 1 Against, 0 Abstention) 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:

- It was not considered the character and appearance of the surrounding area would not be adversely impacted by the proposed conversion of the dwelling into 2 flats, in accordance with Policy LP16 of the Peterborough Local Plan (2019);
- The existing levels of neighbour amenity of the adjacent properties would not be adversely impacted by the proposed development, in accordance with Policy LP17 of the Peterborough Local Plan (2019); and
- The adjacent public highway would not be adversely impacted by the development, and sufficient car parking is proposed in accordance with Policy LP13 of the Peterborough Local Plan (2019).

Chairman  
18:10pm

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
MEETING  
HELD AT 1:30PM, ON  
TUESDAY, 6 JULY  
ENGINE SHED, SAND MARTIN HOUSE PETERBOROUGH**

**Committee Members Present:** Harper (Chairman), Hiller (Vice Chairman), A Bond, Rush, Dowson, Hogg, Amjad Iqbal, Sainsbury, Jones, Sharp, and Warren.

**Officers Present:** Sylvia Bland, Development Management Group Lead  
Amanda McSherry, Development Management Team Leader  
Daniel Kalley, Senior Democratic Services Officer  
Chris Gordon, Planning Solicitor  
Sarah Hann, Highways Engineer

**10. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Ishfaq Hussain and Councillor Brown. Councillor Sainsbury and Councillor Rush were in attendance as substitutes.

**11. DECLARATIONS OF INTEREST**

Councillor Iqbal declared an interested in item 4.3 as he knew was also the Ward Councillor that the application was in relation to, however he had not been involved with the application at any stage.

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

There were no representations from Councillors to speak as Ward Councillors.

**13. PLANNING AND ENFORCEMENT MATTERS**

**13.1 21/00477/FUL - 17 Crowland Road Eye Peterborough PE6 7TP**

The Committee received a report, which sought permission to for the erection of a large building at the rear of the site.

The building would be L shaped, with the main part of the building adjacent to the side boundary with No.19 measuring approximately 20.25m by 10.37m, with an eaves height of 3.5m and a total overall height of 4.35m. The smaller flat roof section of the proposal positioned along the rear boundary would measure approximately 7.6m x 3.6m x 2.6 in height.

The proposal would also result in the demolition of an existing smaller of the two outbuildings and the rear car port structure on site. 3 no. parking spaces and 1no. disabled parking space are also proposed as part of this application.

It is proposed that the building would comprise of a hobbies (classic cars) unit which has an area 65 sq. meters in the main part of the building, and a store and workshop unit which would measure 130 sq. meters in total. With an office, WC and reception area to serve the store and workshop unit has an area of 21 sq. meters. As such the total internal area of the building will be approximately 216 sq. meters.

For clarity, the proposed building consists of the following:

- The hobbies (classic cars) unit would be used by the resident of No.17 Crowland Road, Mr Godsland, to house his classic/vintage car collection and carry out any works to them. For the sake of clarity, the existing outbuilding on site proposed to be retained by this proposal, is also currently used to house the classic/vintage cars of Mr Godsland as well as allowing him to carry out any works to them.

- The proposed adjoining store, workshop, office, WC and reception areas within the building would be used by Mr Jarvis to carry out his window tinting business from the premises. Mr Jarvis runs his existing window tinting business from his residential property at No.30 Crowland Road, closeby on the opposite side of the road. He has stated that should the proposal be approved then Mr Jarvis would shut down the current window tinting business at No.30 Crowland Road (approved under planning ref 06/00552/FUL and 08/01088/FUL). The business operates from his garage building on site which measure 11.7m x 5m, total of 58.5sqm.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

Kevin Rayner, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application being proposed would impact the quality of life for local residents and the rest of the family would be adversely affected by the application.
- Members were made aware that the family had relocated to the property due a number of personal incidents that had taken place at previous homes, most notably an accident whereby a vehicle had left the road and embedded itself within the walls of the property. Both the objector's wife and young son were trapped upstairs because of the accident. Due to this accident the objector's wife had been influenced by any loud bangs or noises, including the revving of vehicles.
- Back in 2016-17 the family moved into their current address (10 Green Road), believing that this was going to be the property they retired to.
- When purchasing the property, they were led to believe that planning permission was given for a bungalow on 17 Crowland Road.
- If the application was to be granted there would be an adverse impact on the quality of life, especially as this property was to be used for retiring into.
- Five of the eight rooms would be impacted by parking at this proposed development.

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

- With regards to the objection at 12 Green Road, the worry with regards to noise from PSCC was not valid. The resident's son ran a bike tuning business and a metal fabrication business from the rear of the property. There were a number of vehicles that would have to drive by 12 Green Road, of which no complaints had

been made. The proposed workshop doors would be 21 metres away from the boundary of 12 Green Road and would not cause any nuisance.

- With regards to the premises at 10 Green Road this was 19 metres away from the proposed workshop doors and no noise would be heard from that distance.
- The applicant stressed that they wished to ensure friendly and open dialogue with neighbours. It was highlighted that the first application was withdrawn taking on board comments made regarding the health of one of the residents at 10 Green Road.
- Members were informed that the business fitted tinting to car windows which was by its nature a quiet trade. There were only four cars a day driving up to the premises for work to be completed. It was stressed that most of the work was completed on newer models of car that were quieter in nature.
- There had been no complaints made by neighbours living in close proximity to the current business location.
- The proposed location for the business had better access points than the current business location. There was more parking available which would cause less parking on Crowland Road.
- It was noted that 17 Crowland Road was always marked for commercial use.
- Currently the business was running out of a small garage, the current proposal would allow for more space to carry out the business and allow for some storage space on site. One of the units was to be retained by Mr Gosland for his use to restore classic vehicles. There had been numerous attempts made to find alternative sites however these had been unsuccessful.
- One of the advantages of the proposed site was to have more parking and prevent parking on Crowland Road.
- There was an existing commercial unit at the bottom of 19 Crowland Road, the existing garage being retained was originally a petrol station. The proposal did not interfere with any loss of amenity to local residents.
- To the left of the proposed site there was a large commercial unit and to the right was the existing commercial property, which was now a private resident. The proposal was smaller in comparison to other sites and wouldn't affect the character of the area.
- No complaints had been made by local residents over the past 20 years. There would only be three or four cars a day entering the premises.
- Members were informed that 30% of the business involved work on cars, another 30% was on commercial premises. The rest of the business was dealing with online trade. The current proposals would allow more storage space and the ability to do more trade online.
- The business traded five days a week, anyone who has a private business had to book an appointment, this ensured that the business was not overwhelmed and there were no excess vehicles on site. There would be no more than four vehicles a day on site being worked on.
- The proposal was for the land to be bought off Mr Gosland, if the plans were acceptable. The land where the business was proposed would then belong to the applicant. Mr Gosland would retain the land were his residential premises and workshop were situated.
- It was clarified that the classic cars were worked on by Mr Gosland. The applicant needed premises that could store vehicles overnight as they were expensive and needed to be locked away safely in case car dealerships could not collect the vehicles.

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

- Members were informed that currently on site there was a residential property. The existing outbuildings on the site had permission for classic car use. The person living in the residential property could use the outbuildings for hobby uses. There was no commercial use on the site.
- The outbuildings were of ancillary use to the house. The owner could use equipment to work on classic cars, however they would need to be mindful of noise pollution and this could be investigated if it became a nuisance.
- To the rear of the application site there was an existing commercial building which was given planning permission over 20 years ago. To the north and south of the site there were residential properties.
- There were a number of reasons which had been presented for grounds for refusal, however there had been a number of arguments made by the applicant for granted approval. It was important to take note that the premises currently had permission to work on and restore vehicles. The proposed business of tinting car windows was not likely to be noisy or cause much disruption to residents. It was unlikely that a new commercial unit would damage the character of the area.
- It was noted that the frequency of cars going past the residential properties would be minimal, especially as there were only four cars a day maximum.
- There were sympathies with the objector as this was in close proximity to the boundary of the proposed commercial unit.
- There was likely to be a large wall created down the side of 19 Crowland Road, linking the housing with the commercial unit. It would have an effect on 19 Crowland Road and their garden. There would be no gap between the residential properties and commercial units.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendation and **GRANT** the application. The Committee **RESOLVED** (8 For, 2 Against, 1 Abstention) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

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

The application to be approved contrary to officer recommendation with conditions relating to time commencement, approved plans, hours and days of operation, materials, highways conditions, restriction on use, control of noise and personal permission. A unilateral undertaking to cease the use at 30 Crowland Road was also required.

### **13.2 20/01678/FUL - The Black House Farm Crowland Road Eye Peterborough**

The Committee received a report, which sought permission to convert the agricultural building to serve as 2no. 2-bed holiday lets. Minor external works are also proposed, associated with the conversion. These predominantly relate to new or altered window and door openings, but also includes the removal of a lean-to element and closing up of a currently open side to the northern elevation facing into the courtyard.

It should be noted that re-consultation followed on this proposal after Officers noted that the private access road serving the site is not in the ownership of the Applicant. The Applicant amended the ownership certificate from Certificate A to Certificate B, and served the requisite notice upon all landowners.



The Group Lead for Development Management introduced the item and highlighted key information from the report and the update report.

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

- As owner of the access road rights had been given to the applicant of the proposed development to use the road. It was stated that the road was 270 metres long and 5 metres wide.
- The local highways authority was objecting to the proposals. There were no public footpaths serving the site and it was too dangerous to enter or leave the site by foot.
- These proposals ran against the Council's own planning policy documents, in these circumstances the application should be rejected and the highways objection needed to be upheld.
- It was noted that planning officers had stated that they did not get involved in private access matters, however in the presentations it was shown the scale of the size of the driveway with photos of vehicles using the access road.
- If there were two vans or lorries using the driveway it would not be possible for them to pass each other. It was unrealistic as per the officer's report to prevent vehicles from reversing down onto Crowland Road, which they would need to do in order to allow each other access.
- In order to protect utility services from being damaged at exactly 5m there were trees placed at this point to prevent vehicles from using more of the road and potentially damaging the utility services.
- Builders were currently on the application site and had been parking on the entrance way to the premises and had to be asked to move off the entrance to the property.
- There had been two incidents whereby cables and posts had been knocked over and damaged by large vehicles trying to manoeuvre down the access road.
- There were two entrances that were left open by Crowland Road and they swing round to the driveway, fuel deliveries were able to be made and there was space for them to turn around in the driveway.
- There was a right to the applicant to use the driveway however she did not own the driveway, this was owned by the objector.

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

- The Highways Authority confirmed that they were objecting to the proposal and had recommended refusal. Members were informed that the width of the road was not adequate. In addition, there was no vehicle-to-vehicle visibility displays.
- Planning officers had taken a subjective view on the access. Officers looked at the planning application as a whole, having regard to only two holiday lets being proposed and made a judgement that highways issues would not adversely impact the development.
- It was important to take into account the views and experience of the highways officers when objecting to planning proposals.
- The proposal included a long driveway of 270m. It was not suitable for more than one dwelling given the difficult nature of the driveway, however if the proposal was granted there could be one dwelling and two holiday lets.
- It was difficult to see how the driveway in question could handle the additional vehicle movements.

- It was noted that at the current time two dwellings currently used the access road and there was an argument that having two further holiday lets would not have much more of an impact.
- It was difficult to see many people using Crowland Road to walk down. However, it was also noted that there was still a possibility for people walking down the road at night and with no visibility there could be an issue.
- With more vehicles using the driveway it was possible that there could be more incidents of power lines being knocked over and causing disruption to a number of farms within the area.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officers recommendations and **REFUSE** the application. The Committee **RESOLVED** (9 For, 2 Against) to **REFUSE** the planning permission.

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

Refuse on the grounds that the proposal would result in the intensification of a substandard access onto Crowland Road of insufficient width and visibility that would be detrimental to highway safety contrary to policy LP13

### **13.3 21/00420/HHFUL - 12 And 14 Lime Tree Avenue Millfield Peterborough PE1 2NS**

The Committee received a report, which sought permission for ground floor and first floor rear extensions, and attic conversions for both properties. In addition, on the existing rear projection, a single storey side extension is proposed for No. 12.

The first-floor rear extensions would measure 5.4m in depth and approximately 7.7 in width. This would be across the full width of both dwellings. There would be a pitched roof with a gable end measuring approximately 7.2m to the ridge and 5.2m to the eaves above ground level.

The ground floor rear extensions would measure 6m in depth and approximately 7.7m in width. This again would be across the full width of both dwellings. There would be a flat roof measuring 3m above ground level, with a roof lantern serving each property.

The proposed attic conversion would comprise of a rear facing box dormer extension measuring 3m in depth and 11.2m in width. The dormer would measure 2m in height and extend across both dwellings.

The single side storey extension on the rear projection of No. 12 only, would measure approximately 6.3m in length and 2m in width. It would have a monopitch roof measuring approximately 3.3m to the ridge height and 2.6m to the eaves height above ground level.

The external materials proposed are to match those of the existing dwellings.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

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

- It was confirmed that the light going through the windows at number 16 Lime Tree Avenue would not be affected by the extension to number 14 Lime Tree Avenue.
- This application had come to committee as the applicant was a Councillor. The planning department had followed all processes and there were no issues with the proposed extensions.

**RESOLVED:**

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

- It is not considered that the proposed extensions would be harmful to the character and appearance of the site or surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- The surrounding neighbours' residential amenity would not be adversely impacted upon by the proposed extensions, in accordance with Policy LP17 of the Peterborough Local Plan (2019). - The proposed extensions would not generate the need for any additional car parking spaces, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

**13.4 21/00546/HHFUL - 1 Peakirk Road Deeping Gate Peterborough PE6 9AD**

The Committee received a report, which sought permission for a single storey rear and side extension. The proposed extension would adjoin the existing rear elevation and measure approximately 9m in length and approximately 5.5m in width. It would have a hipped roof measuring 4.4m above ground level to the ridge and 2.45m to the eaves. The proposed extension would accommodate an en-suite bedroom and utility area.

It was proposed that the external materials would match those of the existing dwelling.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

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

- Officers had based their objection on the loss of amenity to the property at number 5 Peakirk Road. The proposed extension was due south over the neighbouring property and would be overbearing to the residential amenity.
- There had been no objections made from number 5 Peakirk Road on this application.
- When looking at the proposal for the extension there was no over-looking to other properties and there had been no objections from any neighbouring properties. In addition, the parish council was supportive of the application.

- Although the extension was fairly close to the boundary line of the neighbouring property there were objections from any parties over this application and it was therefore difficult to recommend refusal.
- The planning officers had followed procedures and had formulated grounds of overbearing as the reason for refusal. With the hip roof this was not so much of an issue in terms of overbearing and it was therefore unlikely to cause issues with neighbour's amenity.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendation and **GRANT** the application. The Committee **RESOLVED** (10 For, 0 Against, 1 Abstention) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

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

Approved subject to the imposition of the conditions relating to time commencement, approved plans and materials.

#### **13.5 21/00386/FUL - Land Adjacent To 415 Eastfield Road Eastfield Peterborough PE1 4RE**

The Committee received a report, which sought permission to enlarge the curtilage of the dwelling into an area of public open space. The curtilage would extend 5.8m west, with a depth of 23 metres (133.4 square metres) and would be bounded by a 2.8m high fence and trellis.

As set out within the covering letter, it is understood that the Applicant has resided at the property for 20 years and seeks to enlarge his garden, to enable more space for family members to exercise and for the family pet. It is stated that the area of public open space is rarely used, except for occasional fly tipping.

The Group Lead for Development Management introduced the item and highlighted key information from the report and the update report.

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

- The applicant was unable to attend the meeting due to sickness. In addition, the agent was unable to attend to present to committee.
- The area in question had not been used by local residents to relax in. It was on a busy road and located next to a disused substation.
- The applicant was only going to increase his garden space by a small amount. There was still going to be a number of trees left on the open space.
- This was a known area for fly-tipping and using this space by the applicant was a better use of the land and could potentially stop some of the fly-tipping.
- The agent had commented that if the substation could be valued the applicants would potentially purchase that piece of land as well. However, this needed to be checked with planning officers over whether this was possible.
- It was important that disused pieces of land were repurposed. Even if the application was not granted this piece of land was still an area susceptible to anti-social behaviour.

- There was no evidence in the report that the applicant was using the piece of land to park their vehicle on the grass. Granting the application would give the resident more off-road parking.
- It was important to take each application on its merits. Not every piece of land could be lost from public use, however some spaces being left unused was causing more harm to the area.
- Opposite the application site there were no other properties, and it therefore did not affect any of the local residents' amenity.
- The applicant could potentially take on responsibility for maintaining the boundary of the extension to try and prevent any future fly-tipping. This needed to be checked with officers as to whether this was possible.

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

- It was not possible to ask the residents of the property to maintain the substation and any potential fly-tipping as this was not part of the application. In addition, the substation would need to be investigated to ascertain who owned the land occupied by the substation.
- If there were any future requests to turn public open space to private use it would need to be investigated by the estates team and a planning application would need to be submitted. There was a lack of public open space in East Ward and so officers were minded to refuse applications of this nature.
- It was clear to see the family wished to expand the garden for the families use. There was also a revenue benefit to the Council in selling this piece of land to private use. However, it was known that East Ward had a lack of open spaces, it was therefore vital to protect as much of this space as possible.
- There was no replacement of the open space in East Ward if this piece of land was sold into private use.
- The applicant already had a large garden that they could use for exercise.
- Moving the fence out a few metres would not make any difference to issues around fly-tipping.

#### **RESOLVED:**

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

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

The proposal was 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.

Chairman  
1.30pm – 4.30pm

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
MEETING  
HELD AT 1:30PM, ON  
TUESDAY, 20 JULY  
ENGINE SHED, SAND MARTIN HOUSE PETERBOROUGH**

**Committee Members Present:** Harper (Chairman), Hiller (Vice Chairman), A Bond, Brown, Dowson, Hogg, Amjad Iqbal, Hussain, Jamil, Sharp, and Warren.

**Officers Present:** Sylvia Bland, Development Management Group Lead  
Asif Ali, Development Management Officer  
Daniel Kalley, Senior Democratic Services Officer  
Chris Gordon, Planning Solicitor  
Sarah Hann, Highways Engineer

**14. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jones. Councillor Jamil was in attendance as substitute.

**15. MINUTES OF THE MEETING HELD ON 15 JUNE 2021**

The minutes of the meeting held on 15 June 2021 were agreed as a true and accurate record.

**16. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

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

There were no representations from Councillors to speak as Ward Councillors.

**18. PLANNING AND ENFORCEMENT MATTERS**

**19.1 21/00708/FUL - Cranmore House Thorney Road Eye Peterborough**

The Committee received a report, which sought permission for the, 'Erection of 25 dwellings and garages, new access and public open space'. The proposal would comprise a number of detached and semi-detached two storey dwellings, as well as a two storey terrace of dwellings along the eastern boundary to Dalmark Seeds, and a bungalow.

Vehicle access to the site would be from Thorney Road to the south, where each dwelling would be provided with two off-street parking spaces, some of which would be provided with garaging or car ports.

The scheme also proposes an area of Public Open Space (POS) of 740sqm. The scheme had been subject to amended plans

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report.

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

- Once a developer was on site they would take an accurate dimension of the boundary and if trees were already encroaching they would make an arrangement with the landowner of the trees to trim these back as appropriate.
- The late representation in objection from the neighbouring property to the North had been made throughout the application process. Members were informed that the owners of no.17 Easby Rise under the old local plan was allocated for housing and had received planning permission for five dwellings, however this was never implemented.
- With regards to the boundary line as indicated in the local plan this was outside the proposal as outlined in the application.
- There were possibilities for using the land outlined in the local plan that was not part of the application site.
- The proposal was not the most attractive of applications, however this was not enough to stop or refuse the application from going ahead. It was important to use brown field sites whenever possible for more housing.
- There were some concerns over the terracing housing, but it was clear why the developer had put forward the proposal.
- This was a better application than what was presented to committee at a previous meeting. Officers were satisfied with the proposal.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to relevant conditions delegated to officers including an additional condition to ensure that no dwelling be occupied until details of highway improvements have been approved in writing and implemented on site. They include the provision of 2m footway on Thorney Road to connect with the existing footway to the west and to the existing bus stop to the east, the removal of a redundant vehicular access and reinstatement of kerbs and the provision new bellmouth access to the site from Thorney Road as set out in the LHAs consultation comments.

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

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

- The principle of development is acceptable - The character and appearance of the site and the surrounding area would not be adversely harmed by the proposed development, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).
- The proposal would not adversely impact upon the safety of the surrounding highways, in accordance with Policy LP13 of the Peterborough Local Plan (2019).



- The proposal would not unacceptably impact upon the amenity of neighbours, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- The amenity of future occupiers of the proposed development would obtain an acceptable level of amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- The proposed dwellings could be constructed to meet the requirements of Part M4(2) of the Buildings Regulations, in accordance with Policy LP8 of the Peterborough Local Plan (2019).
- The proposed development would not result in adverse harm to local wildlife, in accordance with Policy LP28 of the Peterborough Local Plan (2019).
- The proposal would not contribute to unacceptable to the amenity of trees, in accordance with Policy LP29 of the Peterborough Local Plan (2019). -Subject to measures being applied, the proposed scheme would not be at adverse risk to contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019).
- The proposed development would not be at adverse risk of flooding and appropriate measures are secured for drainage management, in accordance with Policy LP32 of the Peterborough Local Plan (2019).
- Subject to measures being appropriately applied, it is not considered that the proposal would unacceptably impact upon any significant, known buried heritage assets, in accordance with Policy LP19 of the Peterborough Local Plan (2019).

## **19.2 21/00641/HHFUL - 71 Elmfield Road Dogsthorpe Peterborough PE1 4HA**

The Committee received a report, which sought permission for a front porch and single storey rear extension. The footprint of the proposed front porch measures 1.79m by 1.79m with an eaves height of approximately 2.45m and a total height of approximately 3.70m. The footprint of the single storey rear extension with a flat roof, measures 8.09m by 4.54m and a total height of approximately 3.1m.

The Development Management Officer introduced the item and highlighted key information from the report and the update report.

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

- The family loved the area in Peterborough. The family enjoyed the local community and were a big part of the community.
- The house currently had three bedrooms of which one had been used for working in during the pandemic. This had a negative impact on the family as it meant the children had to share a bedroom which was not ideal.
- It was therefore essential that the extension be granted for the family to live comfortably.
- The applicant's wife's mother had Parkinson which was a huge strain on the family and currently the downstairs bathroom was not able to be used by any visitors.
- Work had been carried out with the architects to create an office space and more living space on the downstairs level.
- The applicant had proposed reducing the height of the extension. The neighbours had a large extension done recently which was approved. There was no other solution was possible.
- If this was not granted then the applicant might have to look at moving house.

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

- There were a number of planning considerations that the committee had to take into account. This was a large extension to a modest sized house. The extension was over 26ft long, 15ft wide and 10ft high which was too much for this site.
- The fact there were no objections and there were good reasons for wanting to have the extension was a positive reason to support the applicant.
- Officers had been in discussion with the applicant to suggest that a 4m extension was more acceptable to what was currently being proposed.
- It was common for properties in the area to have similar size extensions which had been granted.
- It was clear to see that the applicant wanted to stay in the property. The applicant had discussed the proposal with the neighbour and there had been no objections raised by the neighbour.
- The applicants' concerns were understandable, however some members were minded to go with officers' recommendation and refuse.
- The officers had negotiated with the applicant for a smaller extension that would have been more acceptable.
- It was difficult to see how personal reasons overrode the planning reasons. It was clear that the extension would be approved if the extension was smaller in size.
- Members were reminded that they had to make a decision based on what was being proposed. Officers and the applicant could negotiate after the meeting should they wish to do so.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (6 For, 4 Against and 1 Abstention) to **REFUSE** the planning permission.

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

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

The proposed single storey rear extension would by virtue of its siting, height, depth, scale and close relationship to 69 Elmfield Road, result in an unacceptable dominant and overbearing impact on the living conditions of the occupiers of the adjoining dwelling and their main garden area. The proposed extension would result in unacceptable harm to the residential amenities of neighbouring occupants at 69 Elmfield Road, contrary to Policy LP17 of the Peterborough Local Plan (2019).

### **19.3 21/00851/HHFUL - 32 Sallows Road Peterborough PE1 4EU**

The Committee received a report, which sought permission to erect a two storey side extension to abut the existing dwelling on its east elevation. The extension would be of dimensions 8.3m deep x 2.69m wide, with a 150mm gap between the east flank wall and the shared boundary with No.34 Sallows Road.

In addition, the proposal also seeks the conversion of the existing loft into habitable space with 3no. Velux style windows on the roof slope towards north (street elevation) and a

dormer with 3no. windows on the rear, south-facing roof slope. The proposal states this loft space would be for a sensory room. The proposed side extension would be open on the ground level and would accommodate bedrooms for a disabled child and a carer on the first floor with an extra room on the loft level, the use of which is not specified.

It should be noted that the proposal is identical to a scheme which has been refused planning permission through Officer delegated powers under application reference 21/00250/HHFUL.

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report.

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

- The applicant had 4 children at the moment and 2 rooms which were shared between the family. One of the children had disabilities with special needs and doctors had advised that the older the child got, the more challenging their condition would be.
- The planning officer had informed the applicant that the authority did not consider personal circumstances.
- The local authority had a duty to consider whether a decision, policy or practice had a negative impact on disabled person. Officers had stated on numerous occasions that personal circumstances were not taken into account.
- The applicant initially applied for a first-floor side extension and loft conversion and 3 front dormer windows back in February. By end of March a number of the neighbours grouped together and objected to application on exactly same grounds.
- During a visit in April the planning officers had mentioned concerns regarding the first-floor side extension. The applicant was advised that front dormers were not acceptable, as no one had front dormers on the street.
- In April, the architect received an email from the case officer saying that they would not accept the application and suggested providing amended drawings. The applicant followed the guidance given by the case officer but the application was still recommended for refusal. There were numerous other examples of similar extensions on Sallows Road and also on Grimshaw Road, which was in close proximity.
- According to national guidelines and LPA, if you stepped back and lower the roof ridge line, it did not create a terracing effect.
- The property at no. 43 Sallows Road had its application granted after the appeal was rejected for the extension at no.15 Sallows Road. It was confusing as to why officers had refused this application
- Planning officers had granted similar extensions in the area due a precedent being set by older extensions. It was not the applicant's view that this proposal was out of character for the local area.
- During the application process the applicant contacted the authority on many occasions and provided them with many references where planning had been granted but each time the applicant had been told every application had its own merits.
- There were some differences to the application at No.15 Sallows Road namely the roof at number 15 was significantly higher than the ridge line of the adjacent property at number 13, so the proposed side extension would more effectively close the gap between the two properties as it would be set much higher than number 13. The proposed side extension at number 15 was to go right up to the party wall with number 13 which closed the gap between two properties but in this

application there would be a small gap retained between numbers 32 and 34, minimising the terracing effect.

- A further application was highlighted showing that these points had been taken into consideration when granting an extension that was similar to what was being proposed in this application.
- Personal circumstances could in some instances override the planning reasons for refusing an application. There were more reasons in this instance relating to personal circumstances which outweighed the planning considerations.

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

- There were neighbouring properties that had similar extensions which had been approved.
- It was important to note that policy LP16 applied to those extensions that had been given as an example.
- There was a need to accommodate a disabled child. Too much weight had been attached to the application that should not have been and personal circumstances needed to take precedent over the planning reasons for refusal.
- This application needed to be reconsidered and granted permission due to the personal circumstances.
- The local authority should have taken into account the disabilities of the child, but the planning officers have stated that they had not taken this into account.
- The property currently had two bedrooms and four children. There was not enough space. This was particularly important with a disabled child in the home, whose condition would deteriorate over time.
- The application had been amended at the request of the officers, however it was still being proposed for refusal.

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

- A number of changes were discussed during the application stage. This included whether a single storey extension was acceptable to provide the adequate level of space needed for the family.
- The only change that had been made was to the front dormer, however the setting back of the property was still not enough to overcome the terracing effect.
- Two previous cases had been mentioned, no.39 Sallows was granted permission earlier in year, and this was different to what was being proposed. There was a gap between the two neighbouring properties which overcame the terracing effect.
- The other similar application was approved before appeal decision note had been produced by the planning inspectorate.
- There have been other two storey extensions that have been given permission, but they were different circumstances. Some that had been granted before would unlikely to be granted in this day in age.
- At the time of report, officers did not have supporting documentation relating to the disabled child. This can be taken into account if there are justifiable reasons to do so.
- The applicant could have taken a different approach, for example a single storey extension which would have been a better option than what was proposed.
- Some members had sympathy for the applicant and that the personal reasons outweighed planning considerations.
- There were a number of members that agreed that an extension was needed however the proposal was too large in scale and further work needed to take place between officers and the applicant.

- It was felt that the disability of the child made the case exceptional and needed to be taken into account more than what officers had done.
- There was an issue with the potential for a terracing effect with the proposal that could set a precedent.

A proposal was made to go with officer recommendation and refuse the application. On a vote this was defeated (5 For, 6 Against).

The Committee then made a further proposal outlined below.

**RESOLVED:**

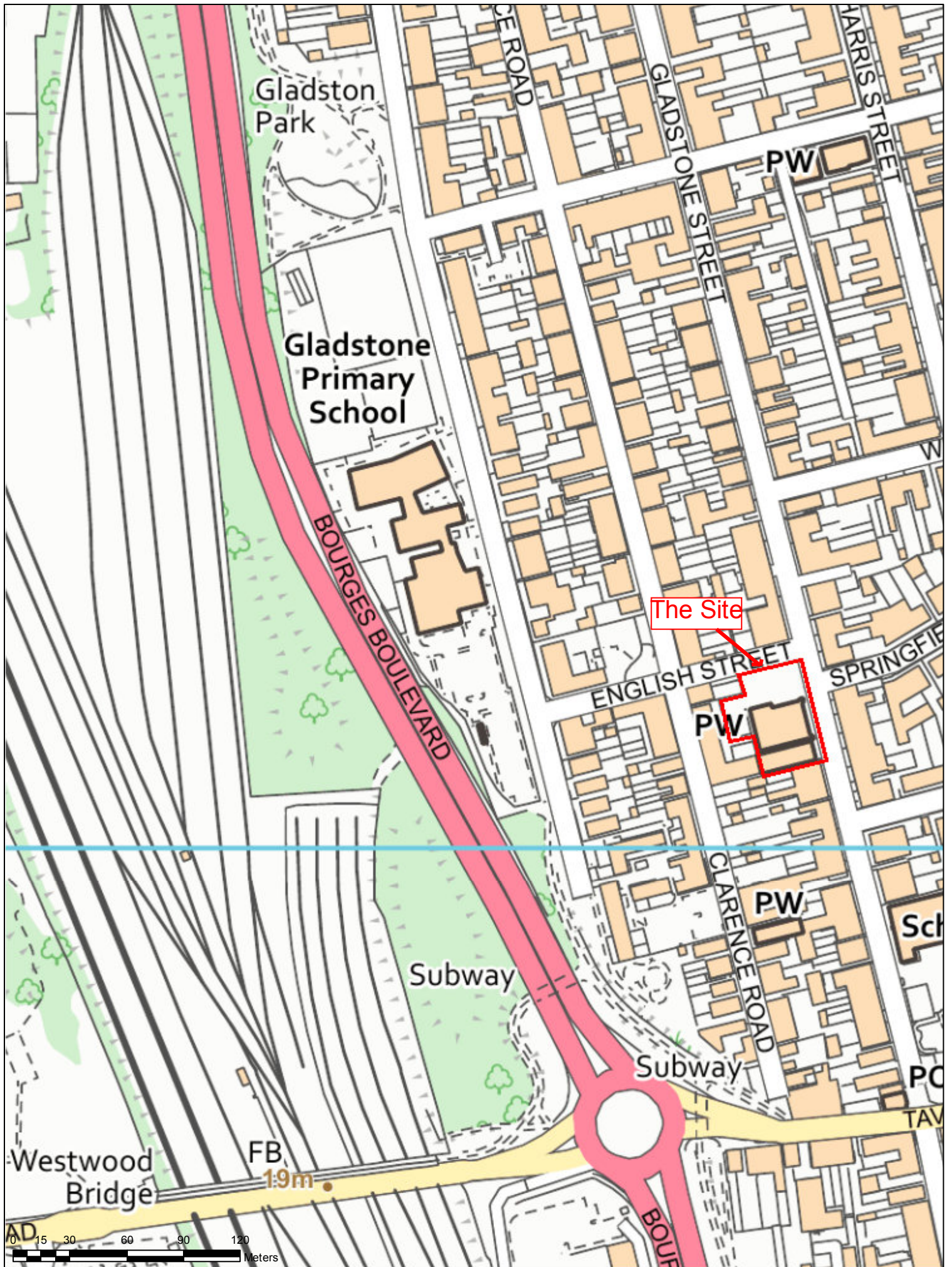
The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the officer recommendation and **GRANT** the application. The Committee **RESOLVED** (6 for, 5 against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

**REASON FOR THE DECISION:**

Approved contrary to officer recommendation on the grounds that the provision of additional living accommodation to meet the medical needs of a disabled child warrants sufficient exceptional personal circumstances to outweigh the detrimental impact of a terracing effect on the street scene that would occur as a result of the proposed two storey side extension. Approved with conditions delegated to officers comprising time commencement, approved plans and matching materials.

Chairman  
1.30pm – 4.00pm

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Committee Location Plan "The Site" 21/00118/OUT 406 Gladstone Street Millfield Peterborough PE1 2BY. NTS

Scale 1:2,500  
 Print Date: 25/08/2021

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**Application Ref:** 21/00118/OUT

**Proposal:** Proposed two storey building for use associated with the mosque including residential accommodation

**Site:** Masjid Ghousia, 406 Gladstone Street, Millfield, Peterborough  
**Applicant:** Mr N Khan

**Agent:** Mr Mohammed Iqbal

**Referred by:** Head of Planning Services  
**Reason:** The application is of wider public interest

**Site visit:** 13.04.2021

**Case officer:** Ms J Wallis  
**Telephone No.** 01733 4501733 453455  
**E-Mail:** jen.wallis@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, constructed in the 1980's, which 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 street 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. There is a hard standing car parking area to the north of the building, with a vehicle access/exit point on English Street and Gladstone Street. Under a previous planning consent it was confirmed that there were 24 parking spaces available within this area.

**Proposal**

The application seeks outline planning permission for a two-storey building for use associated with the mosque to include residential accommodation. Access and scale are reserved matters for consideration under this planning application. Appearance, layout and landscaping are matters to be reserved for consideration under future subsequent applications. The proposed indicative floor plans show three Imam's bedrooms and living accommodation on the first floor, with two sitting areas, washing areas, laundry and a kitchen to the ground floor.

The application is outline with design forming a reserved matter. However, the indicative plans submitted show the building to be constructed of brick, with a flat roof (although tiles are listed as a roofing material), but also include decorative detail to the elevation tops screening the flat roof. Scale is a matter for consideration under this application, with a 2 storey high building being applied for. The building would be on land sited to the north west of the existing mosque building/site, to the rear of the residential properties 108-124 Clarence Road. The land is currently vacant, and would have originally formed part of the rear gardens of these adjacent residential properties. This land was not part of the originally approved Mosque site 03/01516/FUL. No

additional parking is proposed as part of this application.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/01260/WCPP	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)	Refused	15/03/2021
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
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
14/01319/FUL	Proposed first floor side extension	Permitted	11/09/2014
12/01185/FUL	Construction of two storey side extension (Part retrospective)	Permitted	06/09/2012
09/00569/FUL	Two storey extension, increased height and alterations to openings	Permitted	07/07/2009
08/00453/FUL	Two storey extension, increased height and alterations to openings	Permitted	26/06/2008
08/00260/FUL	Alterations to existing window to form new door	Permitted	08/04/2008
03/01516/FUL	New mosque , extension to existing mosque and new brickwork facade - revised	Permitted	15/12/2003
02/00469/FUL	Erection of mosque with associated parking	Permitted	30/10/2002
98/00494/FUL	New Mosque building (incorporating existing Mosque)	Permitted	18/01/2000
P0745/84/R	First floor extension to mosque	Permitted	11/10/1984

## **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.

#### **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.

#### **LP30 - Culture, Leisure, Tourism and Community Facilities**

LP30a) Development of new cultural, leisure and tourism facilities will be supported in the city centre. Facilities elsewhere may be supported in accordance with a sequential approach to site selection.

LP30b) Development proposals should recognise that community facilities are an integral component in achieving and maintaining sustainable development. Proposals for new community facilities will be supported in principle.

LP30c) The loss via redevelopment of an existing community, cultural, leisure or tourism facility will only be permitted if it is demonstrated that the facility is no longer fit for purpose, the service provided can be met by another facility or the proposal includes a new facility of a similar nature.

## **4 Consultations/Representations**

### **PCC Pollution Team**

Air conditioning units -More information is needed on the proposed air conditioning units, including

number, operation times and exact location to determine impact in accordance with BS 41422014, together with details of the background noise levels to allow comparison.

Imam Residential Units -It is not clear whether there are to be permanent residences or temporary over-night accommodation to be used as the need arises, and whether residential occupancy will be restricted to Imams, or for persons associated with the operation of the Mosque, or as future rented accommodation for general occupancy. In addition is not clear whether the Imam occupants will be permitted to use the residential premises during the day time, and if they are, whether they will be impact by the noise from the mourners using the venue below. The proposed AC units for the ground floor are likely to have an impact on the residential units above, and as such require assessment, for both day and night.

Odour -The comments regarding the kitchen are noted. Any intensification of use above what would be considered normal domestic use would need to be controlled by condition and require the installation of additional plant.

*On submission of additional information;*

additional clarification and specifications are still required to be able to determine impact on amenity. There are concerns regarding the impact of this development on occupants of nearby residential properties and the proposed residential units particularly in relation to;

Noise from AC plant on the proposed development affecting existing residential:

Imam Residential units

Noise from AC plant on Mosque

In addition, where industrial and/or commercial noise is present on the site (it is likely this would include the mosque AC units) and is considered to be "dominant" (i.e. where the impact would be rated as adverse or greater (subject to context)) then regard should be had to the guidance in BS4142:2014.

Therefore, an assessment of the site should be undertaken to determine the noise climate of the site, taking into account both day and night-time noise levels is required.

Where external noise levels are at such a volume that to meet the sound insulation requirements windows would have to remain closed, to facilitate rapid ventilation and cooling, the room must be fitted with a noise attenuated mechanical ventilator unit to an approved specification unless adequate ventilation can be provided in an alternative manner. The mechanical ventilation system installed must comply with the Noise Insulation Regulations 1975 (including acoustic ventilation units incorporating fans for insertion in external walls) and the Approved Document F. Alternatively, a 'whole house' ventilation system could be used. Acoustic trickle ventilators will not provide adequate ventilation for these purposes.

All the noise and ventilation related conditions as detailed in previous comments still apply.

### **PCC Peterborough Highways Services**

Object. The addition of a new two storey building and lack of sufficient on-site parking facilities would lead to a greater demand for parking in an area where on street parking is over capacity. This will lead to an increase in vehicles parking in unsafe locations so impeding the free flow of other road users and increasing the risk of accidents and endangering pedestrians and other highway users.

Whilst appreciated that the application is outline, it cannot be supported. The Highway Authority have raised concerns on the previous application for extensions to the Mosque buildings (08/00453/FUL, 09/00569/FUL and 14/01319/FUL) due to insufficient on-site parking facilities and the level of excessive on street parking congestion in the surrounding area.

The proposed two storey building will result in 238sqm of additional floor area plus 3 separate

dwelling which is a significant increase. As there is not sufficient space within the site to increase the number of parking spaces, the parking requirements of the proposed two storey building cannot be provided.

*On submission of additional information;* The highway authority have advised that even though the supporting information states that the number of users will not increase, the additional floor area, which is of a significant size, has the potential to increase future users which would consequently result in additional vehicles travelling to/from the site.

In accordance with minimum parking standards the new dwellings also require onsite parking provision of which none has been made. The LHA would ask the question as to where would the residents of the new dwellings park?

The LHA has previously raised concerns regarding the level of on street parking congestion in the surrounding area and would not wish to exacerbate an existing situation.

In view of the above the LHA's comments submitted on the 17.04.21 still stand.

### **PCC Conservation Officer**

No objection. Masjid Ghousia is a Locally listed building that contributes positively to the streetscene for both Gladstone Street and English Street. The proposed building will be seen clearly from both roads in direct association with the Locally Listed Mosque. As such, it is required to be subservient to, and form a positive relationship with the host building.

The proposed position and massing is not considered to be contrary to these requirements, however the proposed design will also be important. The indicative plans do have some positive aspects, however there are concerns that the detailing is not sufficiently reflective of the positive character of the Mosque. This could be rectified at the Full Plans stage.

At a minimum the full plans should show:-

- Similar banding to the Mosque and external walls on the elevations
- The northern elevation to English Street has a more active elevation
- The ground fenestration should match that of the Locally Listed Mosque

There would be no objection if the proposed plans were for a grander design befitting an associated structure to the Mosque within the massing size proposed. For instance, replicating the entrance arches for the portal as a row of three glazed elevations.

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

Initial consultations: 32

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No public or neighbour representations have been received.

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

The main considerations are:

- Principle of Development
- Visual Impact and Heritage Assets
- Residential Amenity
- Access, Parking and Highway Implications

This outline application seeks permission for the principle of a two storey building to be used in

connection with the mosque, including residential accommodation along with the access and scale of the building. Appearance, landscaping and layout of the building are reserved for future consideration.

### **Principle of Development**

The site is within the curtilage of an existing community facility. Policy LP30 of the Local Plan supports the development of new cultural and community facilities. The application proposes to provide additional space for the mosque so that at times of death relatives and family-friends are able to attending Ghousia Masjid to pay their respects to the deceased family without affecting prayer times and other community facilities that are taking place at the same time.

A supporting statement submitted with the application states that the purpose of the proposed ground floor use is that people attending are separated from the other services that are taking place. As some families are not able to control their grief and this is to prevent any disturbance to the other users.

The proposed use of the first floor is purely for the Imam's, as presently, the employed Imam's are living in rented accommodations and having to travel on a daily basis to and from the Masjid Ghousia. The Masjid Ghousia Committee's aim is to provide the residential accommodation for the full time permanent Imam's, so that they are not required to travel to and from the Masjid Ghousia on a daily basis and the accommodation is to provide a facility for the Imam's.

As an extension to an existing community facility the principle of the development is in accordance with Policy LP30 of the adopted Peterborough Local Plan subject to a detailed assessment of the impact of the proposal.

### **Heritage Assets and Visual Impact**

Policy LP16 states development proposals should contribute positively to the character and distinctiveness of the area.

The existing mosque is a locally listed building which positively contributes to the streetscene and as such the site is a non-designated heritage and falls to be considered in accordance with policy LP19.

Planning permission is sought for a two storey detached building to be sited to the northwest of the existing mosque. The indicative plans show a rectangular building constructed in brick with decorative detailing to the elevation top to screen the flat roof. The proposed building will be clearly seen from Gladstone Street and English Street directly in association with the Locally Listed Mosque.

The Conservation Officer has not objected to the proposed position or massing of the building in terms of its impact on the local listed building or streetscene, but has expressed some concerns with regards to the design of the building. However, the design of the building is not a consideration of this outline application with its appearance reserved for future consideration.

There are concerns regarding the design of the building proposed. However, as the application is in outline and the plans submitted are indicative only, it is considered that these issues could be resolved at the subsequent reserved matters stage. As such, although not sufficient to approve, the design does not fall to be considered at this stage.

### **Residential Amenity**

Policy LP17 seeks to ensure that development would not result in an unacceptable loss of privacy or natural daylight and would not be overbearing or cause noise or other disturbance, odour or other pollution to existing occupiers. It also seeks to ensure that new residential development be designed and located to ensure that they provide for the needs of the future residents.

The proposed two storey building is to be sited to the northwest of the existing mosque to the rear

of residential properties on Clarence Road. The application is in outline, with access and scale for approval at the outline stage. Indicative plans have been submitted showing the proposed building with a footprint measuring 21.5m by 12m, which fills the majority of the application site identified, and a height of 5.95m with decoration features above.

The proposed building would only be separated from adjoining residential properties on Clarence Road by 3.75m and would stand at a height of just under 6m. The siting and scale of such a building would result in a significant overbearing, overshadowing and over dominant impact on the occupants of properties to the west, to the detriment of their residential amenity.

It is acknowledged that the appearance of the building is reserved for future consideration and the elevation plans submitted are indicative. The indicative plans show a relatively blank facade facing the rear of Clarence Road with two high level windows. Even if the elevation were to be designed with no windows facing the neighbouring properties the expanse and mass of the two storey building would result in the loss of light and would have an overbearing and over dominant impact on these properties.

Furthermore, the application proposes first floor accommodation for occupation by the Imam's which would have an outlook onto the side of the existing mosque, resulting in a poor outlook and limited sunlight/daylight to the accommodation to the detriment of the occupants of these rooms.

Our Pollution Control colleagues have also expressed concerns with regards to noise and that an assessment of the site should be undertaken to determine the noise climate of the site, taking into account both day and night-time noise levels is required. Insufficient information has been submitted with the application to determine the impact of the proposal on residential amenity.

Overall, the proposals would be harmful to the residential amenities of occupiers of existing neighbouring dwellings and would fail to provide a high level of amenity for the future occupants of the residential accommodation proposed. As such the proposal is contrary to Policy LP17 of the Peterborough Local Plan.

### **Access, Parking and Highway Implications**

Policy LP13 requires new development to reduce the need to travel by car, requires safe access for all user groups and appropriate parking provision for all modes of transport is made in accordance with standards.

The Local Highway Authority objects to the proposed planning application. The additional building proposed and the lack of on-site parking facilities (the building itself would further reduce potential parking areas) would lead to a greater demand for parking in an area where on street parking is already over capacity. As such, more vehicles could park in unsafe locations, impeding the free flow of traffic and other road users and increasing the risk of accidents.

The applicant has submitted a further supporting statement with the application stating that the use of the building is to separate existing activities taking place in the mosque and as a result the existing number of users attending the Masjid Ghousia is not changing and will not require any additional on-site parking facilities for this use. They have further stated that Masjid Ghousia already have a long term agreement with the Gladstone Park Community Centre that at times when there is a funeral, big event or on Friday prayers the visitors will park their vehicles at the Gladstone Park Community Centre, this has been taking place for number of years and is not changing. Furthermore the supporting statement states that, "having looked at the accident data, in the last 10 years there has not been a single incident that has occurred that relates to Masjid Ghousia. Therefore, this will have no bearing on increase in vehicles parking in unsafe locations, or impeding the free flow of other road users and increasing the risk of accidents and endangering pedestrians and other highway users. The use of the first floor is purely for the Imam's, as presently, the employed Imam's are living in rented accommodations and having to travel on a daily basis to and from the Masjid Ghousia. The Masjid Ghousia Committee's aim is to provide the residential accommodation for the full time permanent Imam's, so that they are not required to

travel to and from the Masjid Ghousia on a daily basis and the accommodation is to provide a facility for the Imam's.". The applicants have also confirmed that the storage containers will be removed from the site.

This additional information has been reviewed by the Local Highway Authority who have advised that existing on-site parking provision and manoeuvring space could be lost as a result of the proposals and even though the supporting information states that the number of users will not increase, the additional floor area, which is of a significant size, has the potential to increase future users which would consequently result in additional vehicles travelling to/from the site. Furthermore, in accordance with minimum parking standards the new dwellings also require onsite parking provision of which none has been made and it is not clear where the residents of the proposed accommodation would park.

The application is in relation to a detached two storey building with a proposed floor area of 238 sqm. Therefore, the proposal is required to be judged on the proposed increase in floor area of the site and the need to provide adequate parking for the resultant building size and use. Whilst it is noted that the building is proposed to be used in connection with existing activities in the mosque and the applicants consider that that this would not increase the number of users to the site, there is potential in freeing up space within the existing mosque by adding this new building, that the capacity for additional visitors to the whole site could be increased and there would be no way of controlling this once the building has been constructed.

As such, the proposed building would result in the increase in demand for parking in an area where on street parking is already over capacity and as such would result in on street parking to the detriment of highway safety. As such the development is contrary to policy LP13 of the adopted Peterborough Local Plan.

## **6 Conclusions**

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

The development is considered would be detrimental to the amenity of existing residential properties and any future occupiers. The siting and scale of the building would result in an overbearing and over dominant impact on the occupants of properties to the west to the detriment of their residential amenity and would fail to provide a high level of amenity for the future occupants of the residential accommodation proposed. As such the proposal is contrary to Policy LP17 of the Local Plan.

The proposal would also result in insufficient parking facilities and would lead to a greater demand for parking in an area where on street parking is over capacity and would therefore lead to an increase in vehicles parking in unsafe locations and so impeding the free flow of other road users and highway safety. As such the proposal is contrary to Policy LP13 of the Local Plan.

It is acknowledged that the proposed building would provide additional space and accommodation in connection with an established community facility, the principle of which is supported under Policy LP30 of the Local Plan. However, on balance the impact of the development upon the residential amenity of adjoining properties and highway safety outweighs any benefits and the proposal is therefore recommended for refusal.

## **7 Recommendation**

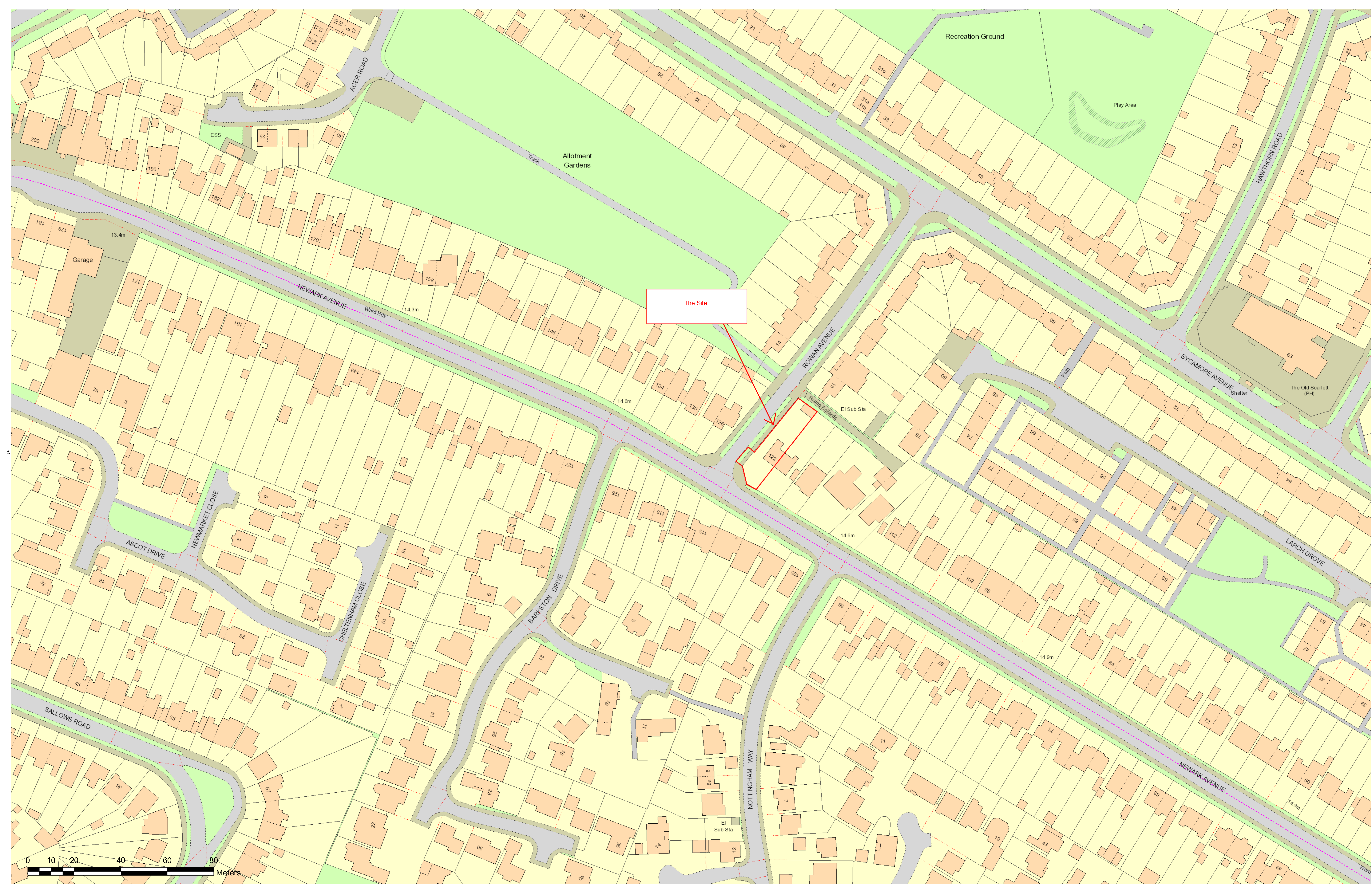
The Executive Director of Place and Economy recommends that Outline Planning Permission is **REFUSED for the following reasons:**



- R 1 The proposed development, by virtue of its scale and siting, would result in an overbearing and over dominant impact on the occupants of properties to the west, to the detriment of their residential amenity. Furthermore, the application proposes first floor accommodation for occupation by the Imam's which would have an outlook onto the side of the existing mosque, resulting in a poor outlook and limited day light to the detriment of the occupants of these rooms. Overall, the proposals would be harmful to the residential amenities of occupiers of existing neighbouring dwellings and would fail to provide a sufficient level of amenity for the future occupants of the residential accommodation proposed. As such the proposal is contrary to Policy LP17 of the Local Plan.
- R 2 The proposed development would result in the increase in demand for parking in an area where on street parking is already over capacity. This would lead to an increase in vehicles parking in unsafe locations and impeding the free flow of other road users and increasing the risk of accidents and endangering pedestrians and other highway users, to the detriment of highway safety. As such the development is contrary to policy LP13 of the adopted Local Plan.

Copies to Councillors: Ansar Ali. Shazia Bashir. Mohammed Haseeb

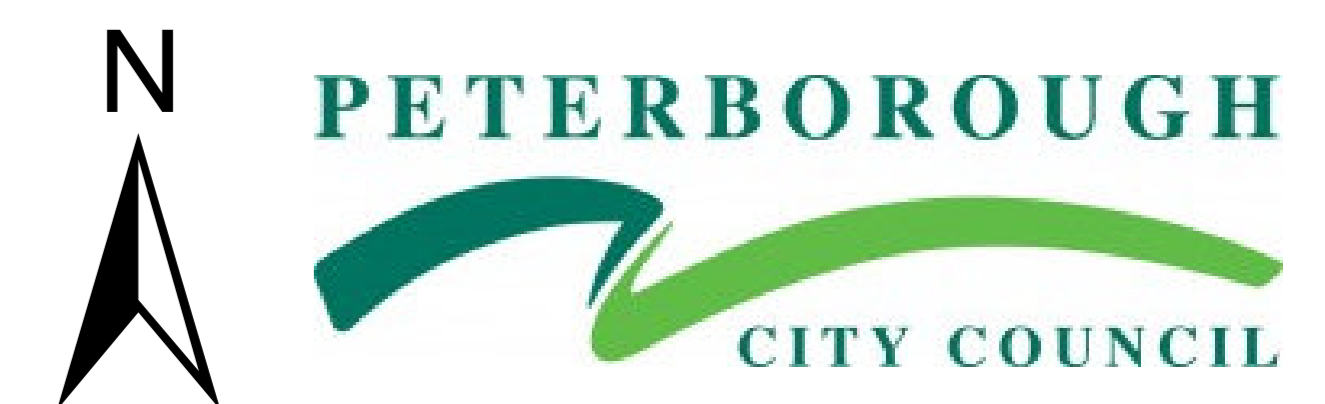
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Committee Location Plan "The Site" 21/00806/HHFUL 122 Newark Avenue Dogthorpe Peterborough PE1 4NS. NTS

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 Print Date: 25/08/2021

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**Application Ref:** 21/00806/HHFUL

**Proposal:** New boundary wall (part-retrospective), new vehicular footpath crossing and hard paving to front garden

**Site:** 122 Newark Avenue, Dogsthorpe, Peterborough, PE1 4NS  
**Applicant:** Mrs Yasmeen Hussain

**Agent:** Branston Assoc.  
**Site visit:** 26.04.21

Called in by: Cllr Jones and Cllr Yurgutene  
 Reason for Call in: The wall is not out of keeping with the area

**Case officer:** Mr M A Thomson  
**Telephone No.** 01733 4501733 453478  
**E-Mail:** matt.thomson@peterborough.gov.uk

**Recommendation:** REFUSE

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

**Site Description**

The application site comprises a semi-detached two storey dwelling situated on a corner plot, finished in a red brick. The principal elevation of the dwelling faces Newark Avenue, a classified 30mph road, and to the side is Rowan Avenue, a residential street serving residential properties.

The application site has a garage at the rear of the property, which has a dedicated vehicle access and dropped kerb onto Rowan Avenue, situated 80m from the junction with Newark Avenue. There is a zebra crossing situated in front of No. 122 Newark Avenue, and there is a pedestrian footpath that runs along the rear of the property.

The pattern of development predominantly comprises detached and semi-detached, single storey and two storey residential dwellings, which are of a similar size, age and design, and situated on a uniform building line. The material palette within the immediate locality is predominantly red brick, however there are some properties which have utilised render. A defining characteristic of properties along Newark Avenue and Rowan Avenue is good levels of mature soft landscaping to the street scene, fronting these public areas behind dwarf walls.

**Proposal**

The Applicant seeks planning permission for a 'part-retrospective new boundary wall, new vehicular footpath crossing and hard paving to front garden'.

The boundary wall to which this application relates has been constructed using a buff brick with red detailing. It is situated along the northern corner of the site; the wall stands at 2m in height, facing Rowan Avenue and the pedestrian footway which runs along the rear of the property. To facilitate the wall the Applicant has removed a large section of established hedge. A new pedestrian access door has also been formed.

The scheme also proposes a new dropped kerb crossing and the formation of hard standing (block paving) to provide parking for two vehicles in the front garden.

The existing garage at the rear of the site has been blocked in by the wall, which has removed the vehicle access to the site onto Rowan Avenue albeit the dropped kerb within the public highway

remains.

### **Pre-Amble**

A similar application was submitted earlier in 2021 for a similar proposal under 21/00285/HHFUL.

Part of this previous proposal created a new dropped kerb onto Rowan Avenue, however, as Rowan Avenue is not a classified road, the dropped kerb constituted permitted development and did not otherwise require planning permission.

The scheme however also proposed the retention of the same boundary wall along Rowan Avenue subject to this pending application, which part replaced a mature hedgerow. This wall was refused planning permission for the following reason:

*R1 The wall has utilised a smooth yellow brick with red detailing within an area characterised predominantly by a red brick of a textured appearance. As such, the wall forms a striking and dominant feature within the street scene, which is contrary to the established character and distinctiveness of the immediate area. The proposal has not added to the overall quality of the area, it is not visually attractive, it is not sympathetic to the local character or surrounding built environment, and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 127 and 130 of the NPPF (2019).*

This application has been re-submitted so that it may be heard at the Planning and Environmental Protection Committee.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
21/00285/HHFUL	Part-retrospective new boundary wall	Refused	21/05/2021

## **3 Planning Policy**

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

### **National Planning Policy Framework (2021)**

Section 12 – Achieving well-designed places

### **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.

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

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

## **LP17 - Amenity Provision**

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

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

## **4 Consultations/Representations**

### **PCC Peterborough Highways Services**

Object - Given the juxtaposition of the proposed site access in relation to the junction of Rowan and Newark Avenue, there would be a fundamental highway requirement, on highway safety grounds, that vehicles would be able to carry out a turning manoeuvre within the forecourt of the property and leave the site in a forward gear.

The submitted plan shows the appropriate pedestrian visibility splays and forecourt parking, however, it does not show the required on-site turning facilities.

It would not be possible to provide both the required parking and turning facilities within the site curtilage, therefore future users could undertake unsafe manoeuvres within the public highway, result in an adverse highway safety hazard.

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

Initial consultations: 7

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No letters of representation have been received, however, the concerns were previously raised as part of the 21/00285/HHFUL:

- The proposed driveway would be in a very dangerous position and would cause highway safety issues;
- The footpath is very busy during morning and afternoon school times with dozens of children walking and cycling along the pavement;
- There is not enough visibility for a driver to be able to see pedestrians and cyclists as they leave or enter the proposed driveway; and
- There is not enough of a turning circle for any vehicle to enter or leave safely.

**Councillor Yurgutene** requested that the application be determined by Members of the Committee but unfortunately did not provide a planning-related reason for the call-in. This was instead provided by **Councillor Jones** who advised that he considers that the wall does not harm the character and appearance of the surrounding area.

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

The main considerations are:

- Principle of development
- Design and layout
- Access and parking

### **a) The Principle of Development (Dropped Kerb, Access Crossing and Parking Area)**

Further to the previous application, it was established the proposed dropped kerb did not require

planning permission, however the Applicant has sought to apply for the access crossing and parking area and the Local Planning Authority therefore has a duty to consider and determine this. Works would also include the part removal of an existing boundary wall.

Planning permission is not required to form a dropped kerb if works are being carried out which would otherwise be 'permitted development'. Whilst Newark Avenue is a classified Road, Rowan Avenue is not and it is onto this road that the access would be created.

As part of the proposed works, the Applicant seeks to form two parking spaces using block paving, which is considered to be a porous material, as well as partly demolish a wall. Such works can be undertaken in accordance with Schedule 2, Part 1, Class F and Part 14, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

As such, the dropped kerb, partial demolition of a boundary wall and formation of block paving does not need planning permission. This is a material consideration in the determination of the application.

The works would require a highways licence from the Local Highway Authority, however this is sought separately to the planning application process.

### **b) Design and Layout**

To facilitate the boundary wall, part of an established hedgerow situated along Rowan Avenue has been removed. The wall stands at 2m in height, and turns the corner with a pedestrian footpath at the rear of the site; it is situated immediately adjacent to the back edge of the pedestrian footway.

When assessing the defining characteristics of this part of Newark Avenue and Rowan Avenue, the palette of materials is predominantly red brick, with subservient dwarf walls situated to the front, facing public areas, with varying levels of landscaping either situated behind walls, or form the boundary to the respective plot. The exception to this, however, is 126 Newark Avenue (on the opposite side of Rowan Avenue from the application site), the garden of which also runs parallel to Rowan Avenue, where there is a 1.8m high concrete-post close-boarded fence with conifers behind. The fence in question runs the entirety of the back edge of the footway, where it meets a low dwarf wall and turns the corner with Newark Avenue.

Paragraph 130 of the NPPF (2021) states, 'planning policies and decisions should ensure that developments ... will ... add to the overall quality of the area ... over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, [and] are sympathetic to local character and history, including the surrounding built environment and landscape setting ...'. Paragraph 134 goes on to state, 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. This is reflected by Policy LP16, expanded upon above.

Officers are conscious that the wall subject to this application does not run along the entire side boundary of the site and therefore it is formed by part-wall and part-hedgerow. Given the ratio of walling to hedgerow, this is considered to be an appropriate balance between retaining the soft landscaping, which defines the character of the area, and a harder edge similar to that of 126 Newark Avenue. Had the application been for the complete removal of the hedgerow, and replacement with a wall, this would have markedly changed the character and appearance of the street scene, to an unacceptably harmful level, and would not be supported by Officers.

Notwithstanding this, the scheme has used a smooth, yellow brick in an area characterised by a traditional red brick with a textured appearance. Whilst the wall has used red detailing, this is not considered to otherwise break up the mass of the dominating colour or finished appearance of the wall on the street scene. As such, the use of a yellow brick in an area characterised predominantly by a red brick has formed a striking form of development that is markedly out of keeping with the established character and appearance of the area, to an unacceptably harmful degree. The wall,



owing to the materials from which it has been constructed, appears an unduly dominant, obtrusive and incongruous feature.

By reason of the colour and texture of the brick used to construct the wall, this is markedly out of keeping with the traditional palette of materials within the immediate locality, and the proposal is contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).

### **c) Access and Parking**

Officers are conscious that the Local Highway Authority (LHA) have raised a highway safety concern, however this is in relation to the proposed vehicle access. Their concerns relate to the creation of a new vehicle access onto Rowan Avenue adjacent to a junction, the lack of turning on site to enable a car to enter and leave in a forward gear, and future occupiers undertaking unsafe manoeuvres within the public highway.

Whilst these concerns are noted, as detailed in section (a) above, it is a material consideration that the vehicle access does not require planning permission. Therefore, whilst forming part of this application and posing an unacceptable safety danger in the opinion of the LHA, Officers do not consider that this could reasonably form a reason for refusal of the application as the access does not require the benefit of planning permission.

Moreover, any new vehicular access within the public highway requires the benefit of consent from the LHA under the Highways Act 1990 (as amended). Therefore, there is separate legislation through which the access could be resisted if deemed unsafe.

It should also be noted that the previous, almost identical application (reference 21/00285/HHFUL) was not refused on highway safety grounds.

## **6 Conclusions**

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

## **7 Recommendation**

The case officer recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The wall has utilised a smooth yellow brick with red detailing within an area characterised predominantly by a red brick of a textured appearance. As such, the wall forms a striking and dominant feature within the street scene, which is contrary to the established character and distinctiveness of the immediate area. The proposal has not added to the overall quality of the area, it is not visually attractive, it is not sympathetic to the local character or surrounding built environment, and is therefore contract to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).

Copies to councillors: Ishfaq Hussain. Dennis Jones. Katia Yurgutene

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