

# Public Document Pack



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 19 OCTOBER 2021

1.30 PM

Sand Martin House, Bittern Way, Peterborough, PE2 8TY

### AGENDA

Page No

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

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

3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting Held on 7 September 2021** 5 - 8
5. **Statement of Community Involvement** 9 - 36
6. **Development Control and Enforcement Matters**
  - 6.1 **21/00477/FUL - 17 Crowland Road Eye Peterborough PE6 7TP** 37 - 60
  - 6.2 **21/00832/HHFUL - 40 Westwood Park Road Peterborough PE3 6JL** 61 - 74
  - 6.3 **21/00335/FUL - Newport Farm Newport Way Ufford Stamford** 75 - 104

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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 Dan Kalley on telephone 01733 296334 or by email – [daniel.kalley@peterborough.gov.uk](mailto:daniel.kalley@peterborough.gov.uk)

## **CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, 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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**DRAFT MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION  
COMMITTEE MEETING  
HELD AT 1:30, ON  
TUESDAY, 7 SEPTEMBER 2021  
ENGINE SHED, SAND MARTIN HOUSE, PETERBOROUGH**

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

**Officers Present:** Nick Harding, Head of Planning Peterborough and Fenland  
Karen Dunleavy, Democratic Services Officer  
Andrew Swaffer, Planning Solicitor  
Matthew Fulcher, Legal Officer  
Nick Greaves, Principal Engineer  
Alex Woolnough, Principal Highways Development Management Engineer

**20. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Ishfaq Hussain, Councillor Rush was in attendance as substitute. Apologies were also received from Councillor Andrew Bond.

**21. DECLARATIONS OF INTEREST**

No declarations of interest were received.

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

Councillor Jones declared to speak as Ward Councillor in relation to item 21/00806/HHFUL - 122 Newark Avenue, Dogsthorpe, Peterborough, PE1 4NS.

**23. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 26 JUNE, 6 JULY AND 20 JULY 2021**

The minutes of the meeting held on 29 June, 6 July and 20 July 2021, were agreed as a true and accurate record.

**24. PLANNING AND ENFORCEMENT MATTERS**

**24.1 21/00806/HHFUL - 122 NEWARK AVENUE, DOGSTHORPE, PETERBOROUGH, PE1 4NS**

Members received a request from the Head of Planning Peterborough and Fenland to defer this item due to a request from the agent.

**RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **DEFER** the application. The Committee **RESOLVED** (Unanimously) to **DEFER** the application.

At this point Cllr Jones left the Committee

24.2 **21/00806/HHFUL - 122 NEWARK AVENUE, DOGSTHORPE, PETERBOROUGH, PE1 4NS**

The Committee received a report, which sought permission for a 'part-retrospective new boundary wall, new vehicular footpath crossing and hard paving to front garden'.

The boundary wall to which the application related had been constructed using a buff brick with red detailing. It was situated along the northern corner of the site; the wall stood at two metres in height, facing Rowan Avenue and the pedestrian footway which ran along the rear of the property. To facilitate the wall the Applicant had removed a large section of established hedge. A new pedestrian access door had also been formed. The scheme also proposed 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 had been blocked in by the wall, which had removed the vehicle access to the site onto Rowan Avenue albeit the dropped kerb within the public highway

The Head of Planning introduced the item and highlighted key information from the report and the update report. The Officer recommendation was for **REFUSAL**.

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

- Any wall the applicant chose to build could be subject to vandalism. To date there had been no graffiti on the wall despite young people congregating in the area.
- There had been no objections from neighbours on Rowan Avenue over the design.
- Approval was recommended to avoid costs for the applicant and blank wall being vandalised.

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

- Most of the properties in Dogsthorpe were comprised of red brick and some properties had been rendered and painted to try and brighten the area up.
- The wall was separate from Dogsthorpe Estate and was on the corner of Newark Avenue, where there had been a mixture of building designs.
- The scheme had been modified to meet the Highways Officer's recommendation.
- One recommendation received had been that the wall should be rendered and painted green which was not helpful.
- Peterborough was famous for its Fletton bricks.
- Aesthetics was in the eye of the beholder and there were some nice designs around Peterborough using similar methods, which the applicant had used. Therefore, a plain wall was considered uninteresting
- The bricks left over from the dilapidated wall was used in the construction.
- The applicant intended to block pave the front drive area to provide a nice crossing.
- The London Brick Company colour would fade after a period of time. In addition, the wall was capped at the top and it was believed that it would weather well over time.

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 dropped kerb was permitted development and the wall along the northern side was the only item for consideration.
- The wall at the front of the property could be constructed up to one metre in height and would not need consent. In addition, the wall constructed to the north side could also be one metre in height and could be constructed around to the front of the property. In addition, a two-metre wall set back from the highway by two metres would not need planning consent.
- Members commented that they had no issue with the construction and design of the wall and agreed with the agent. In addition, the wall had not offended any residents.
- The wall at the side could be carried around to the front.
- In addition, Members would prefer the wall to be capped as advised.
- Members commented that a fence could be constructed instead of a wall without any objection from officers.
- The northside wall was of an attractive design and had not been a negative impact to the character of the area. In addition, Members felt that the construction had not gone against policy.

**RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendations and **GRANT** the application. The Committee **RESOLVED** (Unanimously) 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 having been:

1. Non-offensive and an attractive design to the character of the area.
2. The design and construction had not been in contravention of any planning policies.

CHAIRMAN  
End -1.55pm

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<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 5</b>
<b>19 OCTOBER 2021</b>	<b>PUBLIC REPORT</b>

Report of:	Steve Cox, Executive Director Place and Economy	
Cabinet Member(s) responsible:	Cllr Peter Hiller	
Contact Officer(s):	Emma Naylor ( <a href="mailto:emma.naylor@peterborough.gov.uk">emma.naylor@peterborough.gov.uk</a> )	Tel. 01733 863881 (working days are Tue, Wed and Fri)

**STATEMENT OF COMMUNITY INVOLVEMENT REVIEW AND UPDATE**

RECOMMENDATIONS	
<b>FROM:</b> Steve Cox, Director of Place and Economy	<b>Deadline date:</b> Cabinet meeting, 15 November 2021
<p>It is recommended that the Committee:</p> <ol style="list-style-type: none"> <li>1. Endorse the updated Statement of Community Involvement (SCI) to Cabinet, prior to Cabinet considering whether to formally adopt the updated document.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report has been prepared by the Sustainable Growth Strategy Team and approved by Director Steve Cox, as part of the formal process towards adopting an updated Statement of Community Involvement (SCI). The SCI is first presented at this PEP Committee meeting for comment, and will proceed thereafter to Cabinet for formal adoption.

**2. PURPOSE AND REASON FOR REPORT**

2.1 It is a legal requirement for the council to both have an SCI (2004 Act) and to update it at least once every five years (2004 Act and 2017 Regulations). Further details on these legal requirements are set out in the report. It is also good practice to regularly monitor and keep up to date an SCI, to ensure it remains effective. Whilst Cabinet is the decision taker for the council's adoption of an SCI, the council's constitution (PEP terms of reference, para 2.6.2.5) explicitly requires this Committee to be a consultee prior to adoption. This report, therefore, is presented to this Committee for comment. The SCI will, thereafter, be presented at Cabinet for formal adoption.

2.2 This report is for the Planning and Environmental Protection Committee to consider under its Terms of Reference No. 2.6.2.5

To be consulted by, and comment on, the Executive's draft proposals for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), and the Statement of Community Involvement (SCI) at each formal stage in preparation.

### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	15 November 2021
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### 4. BACKGROUND AND KEY ISSUES

4.1 The Planning and Compulsory Purchase Act 2004 requires that local planning authorities prepare a Statement of Community Involvement (section 18 (1)).

The 2004 Act defines a statement of community involvement as ‘*a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions*’ under defined sections of the 2004 Act and the Town and Country Planning Act 1990 (Section 18(2)). Put more simply, an SCI sets out how a local planning authority (Peterborough City Council in this case) will consult the public on planning matters, both in terms of policy making and development management, and how the local planning authority will assist any neighbourhood planning body in its area (which in the vast majority of instances is a parish council preparing a Neighbourhood Plan).

The Town and Country Planning (Local Planning (England) Regulations 2012 (*as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*) requires each local planning authority to review their SCI every 5 years (Regulation 10A(b)).

A key element to note is that whatever commitments are made in an SCI (i.e. the level of consultation or assistance the council will undertake), then we must legally meet such commitments. Commitments must therefore be realistic and affordable.

4.2 Peterborough City Council adopted its current SCI on 16 July 2018. Whilst legally we have over a year before we must adopt a new version, officers believe adopting an update now is worthwhile to address a few limited, but important, issues and in order to ensure our consultation and support commitments are:

- effective and reasonable
- affordable
- take opportunities to reduce PCC’s carbon emissions (‘carbon footprint’)

On the whole, the updated SCI is based on the 2018 version, with some adjustments made. It is not a fundamental re-write of commitments.

4.3 The SCI sets a minimum level of consultation and support that will be undertaken by the council in relation to planning applications, local planning documents and neighbourhood plans. However, this is not a cap or ceiling – the council may go above and beyond this, where:

- exceptional circumstances exist; or
- extra consultation would provide notable benefit and can be delivered without incurring major cost, in terms of both financial costs and staff resourcing, to the council.

It is fair to say that many of the commitments are in fact a floor, that we could not reduce further because other Acts or Regulations stipulate a basic minimum level of consultation and support i.e. the SCI has no power to do less than what an Act or Regulation requires.

As stated above, the commitments set out in the SCI are binding on the council; the council cannot do anything less than what is set out in the SCI in relation to the application, local plan or neighbourhood plan in question. If Members wish to see the SCI commit to greater consultation or support, then Members must be mindful of the resources required to meet those commitments. An SCI is not the place to state service levels the council aspires to; it is, instead, the place to state the minimum it will provide.

4.4 The recommended revised SCI is largely the same as the current SCI, and is attached as an appendix with track changes identifying the changes. The main modifications proposed are, in summary:

1. Removal of the option to submit comments on planning applications via fax (the council no longer has the technology to support this).
2. Changes to and clarification on how PCC will consult on amended planning applications (page 4).
3. In relation to the assistance PCC can provide to neighbourhood planning groups when they draft their neighbourhood plan, this has been amended from ‘...may be capped at four officer working days...’ to ‘...may be limited depending on staff resources at the time of enquiry...’ (page 15). The reason for this change is that it is hard to monitor staff time spent at this stage, and input from PCC staff at this stage can be valuable and prevent problems arising at a later stage, so in some instances it may be appropriate to exceed 4 days of staff time, because in the longer run this will save council time and resource. It is important to emphasise, however, that staff input may be limited depending on staff resource: resources may be limited if the team are committed to other significant projects or have deadline commitments. In such instances, the neighbourhood planning group could proceed without PCC advice / with minimal PCC advice, or wait until staff have the capacity to provide a more detailed response to queries.
4. The number of hard copies of a draft neighbourhood plan PCC will print at the ‘regulation 14’ consultation stage is reduced from 20 copies to 5 (page 15). The reasons for this are to reduce printing and thus carbon emissions and printing costs, and given no parish council to date has requested the current 20 copy limit.
5. Removal of the 4 working days cap previously placed on council officer assistance to neighbourhood planning groups following the ‘regulation 14’ consultation’ (page 18) (due to reasons outlined at ‘3’ above).
6. Removal of commitment to place a hard copy of a neighbourhood plan at a ‘parish council location’ during regulation 16 consultation (page 18). Some parish councils do not have a suitable location, and some locations are not widely accessible, or open to the public regularly. Removing this commitment from the SCI does not mean that the council cannot place hard copies at parish council locations (the council can go above the commitments set out in the SCI), but it removes the challenge of finding a suitable location where there are limited or no options.
7. Removal of commitment to ‘consider helping with any additional minor costs, such as printing posters or leaflets’ (page 18): this is removed in light of the council’s current financial situation, in order to reduce printing costs and staff costs associated with resourcing such commitment. Furthermore, the council has not had any such requests recently.
8. The number of hard copies of a referendum version of a neighbourhood plan the council will print is reduced from 20 copies to 10 (page 19). The reasoning for this is as per point ‘4’ above: the figure is 10 as opposed to 5 given the significance of the referendum stage.

Overall, we think these updates are fair and reasonable, and have limited (if any) impact on our customers (whether that be the general public, wider consultees or parish councils / neighbourhood planning bodies).

## 5. CONSULTATION

5.1 The SCI update has been produced following liaison with the Development Management team who deal with planning applications on a daily basis. Colleagues with the Housing and Strategic Planning Team (whom are responsible for plan making and assisting on neighbourhood planning) have reviewed the document as a whole. There has been no external consultation, and

there is no legal requirement to do so.

- 5.2 Public consultation on a draft updated SCI could be undertaken, but this would take time and resource, and the expectation of very little, if any, contributions received.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 If the revised SCI is adopted, it will replace the current SCI (2018).

The updated SCI will dictate how, as a minimum, the council will consult on planning applications, local plans, and neighbourhood plans.

It is anticipated that Committee will endorse the updated SCI, though any substantive comments raised will be reported to Cabinet for its consideration.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 PCC are required, by regulations, to review their SCI every 5 years, from the date of adoption.

Adoption of the SCI will ensure PCC continues to satisfy the regulations regarding SCIs.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The alternative option considered was to not review the SCI at this time, and instead wait until late 2022 / early 2023 to commence the review, and remain within the 5 year timeframe required by the 2004 Act.

This option was discounted for a number of reasons:

- At present, PCC is not preparing a Local Plan for Peterborough, therefore the team had some limited capacity to commence the SCI review at this time.
- There is opportunity to make some limited cost savings, which is important considering the council's current financial situation.
- There is opportunity to make some carbon savings, which is important given the council's climate emergency declaration.
- Some minor elements of the SCI are currently unable to be implemented (eg fax service) so valuable to remove such commitments as soon as possible.

No other alternative options were considered.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There is no direct financial implications arising, other than potential very small cash savings arising from the slightly lower commitments set out in the SCI. No changes are proposed which increase our commitments / costs.

There are of course financial implications arising as planning applications are received by the council, when the council prepares a new Local Plan, and when neighbourhood plans reach the various stages of the formal neighbourhood planning process. However such costs are factored into the budgets of fulfilling those tasks, and this SCI is not increasing any such financial burden.

### **Legal Implications**

- 9.2 This review and subsequent update of the SCI means that PCC is in accordance with section

18(1) of the Planning and Compulsory Purchase Act 2004, which requires that local planning authorities prepare a statement of community involvement.

It also ensures compliance with regulation 10A(b) of The Town and Country Planning (Local Planning (England) Regulations 2012 (*as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*) which requires each local planning authority to review their SCI every 5 years, from the date of adoption.

Once adopted, the council must follow through on its commitments within the SCI.

### **Equalities Implications**

- 9.3 There are no specific equalities implications.

### **Rural Implications**

- 9.4 No direct rural implications: the requirements set out in the SCI apply to the whole Peterborough unitary authority area. The SCI does not set out specific consultation commitments for rural areas.

### **Carbon Impact Assessment**

- 9.5 The adoption of the revised Statement of Community Involvement is likely to have mostly neutral impacts in relation to the climate and carbon emissions.

There is potential for positive impact in relation to carbon emissions from reduced printing commitments in terms of neighbourhood plans, however the impact is uncertain due to several variables being unknown at this stage and in any event is likely to be minor.

There is also potential for negative carbon impacts due to potential increased travel owing to the new requirement to display amended site notices in the case of amended planning applications: again, the impact is likely to be minor, and is uncertain.

(Carbon Impact Assessment Form approved by the Transport and Environment Team on 20 September 2021.)

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 No background documents.

## **11. APPENDICES**

- 11.1 Appendix 1: Draft SCI

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# **Peterborough Statement of Community Involvement**

**Draft- for PEP October 2021**

**Peterborough City Council**

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## Contents

<b>Part 1: Introduction</b> .....	1
<b>Part 2: Consultation Commitments on Planning Applications</b> .....	2
<b>Part 3: Consultation Commitments on Planning Policy</b> .....	7
<b>Part 4: Neighbourhood Planning</b> .....	11



## Part 1: Introduction

### Introduction

This Statement of Community Involvement (SCI) sets out how Peterborough City Council ('the council') will involve and consult with the public and wider stakeholders when planning for the future of the ~~district~~Peterborough local authority area. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the council will assist in ~~the preparation of~~ neighbourhood planning matters.

The commitments set out in this document are binding on the council, unless national legislation states otherwise.

### What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

Peterborough City Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

### How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

*Please note that this SCI was written based on the council's understanding of national legislation that existed as ~~at~~of July 2018~~21~~. Should national legislation change, there may be elements in this SCI which no longer apply. The council will endeavour to update this SCI as soon as possible after significant national legislation change.*

## Part 2: Consultation Commitments on Planning Applications

### Step 1: The Pre-Application Stage

#### What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the council within fixed timescales, the application is approved. For certain types of prior approval, the council will notify occupiers of neighbouring properties and allow them to submit comments [in accordance with the requirements of the Order](#).

#### The council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the council's website: [www.peterborough.gov.uk/council/planning-and-development/planning-and-building/](http://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/)

#### Developer pre-application consultation with the community

Section 122 of the Localism Act 2011<sup>1</sup> introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17<sup>th</sup> December 2013<sup>2</sup>. However, it is the council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2013/2931/made>

## Step 2: Planning Application Process

### Community consultation on planning applications

Planning legislation requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the council consults on planning applications is set out below:

Development type/size	Peterborough City Council consultation commitments
<ul style="list-style-type: none"><li>Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. metres or more in floor space or one hectare or more);</li><li>Applications subject to Environmental Impact Assessment (EIA);</li><li>Work affecting listed buildings or conservation areas;</li><li>Applications affecting public rights of way, bridleways or byways.</li></ul>	Newspaper notice, site notice and neighbour letters
<ul style="list-style-type: none"><li>All other developments</li></ul>	Neighbour letters and sometimes site notice where neighbours cannot all be identified

Planning applications can be viewed online using the council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within eight weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (via letters, faxes and or emails) to the council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

## Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken <u>with neighbours</u> <u>Re-consultation with consultee(s) where the change may affect their comments (at the discretion of the Case Officer)</u>
Where the change significantly alters the appearance or layout of the proposal; <del>and would</del> be of interest to neighbours/ community groups; <u>and/or where the description of development is substantially changed</u>	Notification letter sent giving a minimum 14 days for comment. A revised site notice and press article ( <u>where displayed as part of the original consultation</u> ) will be displayed for significant alterations, or for <del>major/ EIA/ conservation area/ listed building/ right of way applications development</del> <u>A revised site notice and press article may be displayed for major / conservation area / listed building / right of way applications (at the discretion of the Case Officer)</u>
<u>Where the change amends the red line boundary of the application site</u>	<u>Notification letter giving a minimum of 21 days for comment</u> <u>A revised site notice and press article where displayed as part of the original consultation</u>

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', re-consultation will take place, as set out under consultation commitments above. Applications to delete or vary a condition attached to the permission will also be re-consulted on as set out under the consultation commitments.

### Who makes the decision on planning applications?

The council receives approximately 2,500 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the council's Scheme of Delegation and its Standing Orders within the Constitution. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning and Environmental Protection Committee is, at the time of adopting this SCI, made up of 11 councillors. The councillors have the task of deciding planning applications in accordance with planning policy unless material considerations dictate otherwise. Generally speaking, the Committee considers only the larger applications, those that are contrary to policy or subject to significant local interest. In addition, the Committee will also consider smaller applications if requested by a parish council or district councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and will make a recommendation to Planning and Environmental Protection Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

### **Reporting on decisions**

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the council's website.

### **Step 3: Appeals**

#### **Planning appeals**

If the person who applied for planning permission does not like the decision that the council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to) other than by way of a judicial review.

When a decision has been appealed against, the council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

### **Step 4: Enforcement**

#### **Community involvement in planning enforcement**

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. In addition, public consultation would not be necessary or appropriate as the objective of enforcement action is normally to return the land to its lawful state.

The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form on the council's website for reporting what you think is a planning breach, alternatively please call the Planning and Enforcement Team on 01733 453495.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

## Part 3: Consultation Commitments on Planning Policy

### Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole council area, and makes the big decisions on the location of housing, employment and roads, for example.

The council has a good track record of keeping its Local Plan up to date, ~~and has already committed to keeping its policies up to date by aiming to adopt a new Local Plan by early 2018~~ with the adoption of the Local Plan in July 2019.

Should any joint plan be undertaken which covers the Peterborough City Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- **The Local Development Scheme (LDS)**, set out the timetable for the production of a new Local Plan.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan) or Neighbourhood Plan is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Local communities and Parish Councils can now prepare Neighbourhood Plans (NPs), putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local communities and Parish Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI)**, i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

## Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the council must consult with. These are identified as ‘specific consultation bodies’ and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of ‘general consultation bodies’ who the council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council’s area;
- Voluntary bodies which represent the interests of:-
  - Different racial, ethnic or national groups in the district council’s area
  - Different religious groups in the district council’s area
  - Disabled people in the district council’s area
  - People carrying on business in the district council’s area

There are also people and organisations that the council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

## When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

Public participation (Regulation 18)	During the first stage of public involvement the council will, as a minimum, contact the ‘specific’ and ‘general’ consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of six weeks for comments to be made. Following this first stage of consultation, the council may undertake one or more further six week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.
Pre-submission publication (Regulation 19)	Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are



	advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during the consultation period, even if they did not make comments at the earlier stage. All comments must be received within the stated consultation period, which will be a minimum of six weeks.
Submission (Regulation 22)	The council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the council's website.
Adoption of the DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the council will consider whether to adopt the Local Plan. On adoption, the council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document.</p>

### How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website and paper or electronic copies will be available to view at the main council office. If appropriate, additional paper

copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

### **Consultation Arrangement for Supplementary Planning Documents**

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of four weeks.

At the commencement of the consultation period, the draft SPD will be made available on the council's website and at the council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the council main office.

## Part 4: Neighbourhood Planning

### Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011<sup>3</sup>. It enables parish councils and, in non parished areas, neighbourhood forums to develop a [planning strategy](#) [neighbourhood plan](#) for their local area to be used in making decisions on relevant planning applications.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a Parish Council or neighbourhood forum is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions'<sup>4</sup>, which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; ~~and~~
- [Not breach, and be otherwise compatible with, EU and Human Rights obligations; and](#)
- [Meet any other nationally prescribed conditions, and comply with any other nationally prescribed matters](#)

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as [neighbourhoodplanning.org](https://neighbourhoodplanning.org/) <https://neighbourhoodplanning.org/>.

### Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the council at each stage.

#### Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

<sup>3</sup> [Localism Act 2011 \(http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted\)](http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted)  
[Neighbourhood Planning \(General\) Regulations 2012 \(http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf\)](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)

<sup>4</sup> [As set out in paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#)

In areas covered by parish councils a Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

Where there is a parish council, the application must come from the parish council: no other community group can apply to designate the Neighbourhood Area, or indeed prepare a neighbourhood plan for the parish. However, this does not mean that only members of the parish council can prepare the neighbourhood plan: it is often the case that parish councils establish a neighbourhood plan working sub group, which is composed of both parish councillors, and non-councillor volunteers.<sup>5</sup> a

In areas where there is a parish, an application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (the council can provide a PDF map if needed). An application form is available on the website <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans/www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans/>

In an area without a parish council, a neighbourhood forum needs to be set up. There can only be one forum per neighbourhood area. The boundary for the area will be proposed by a group who will subsequently apply to be an official neighbourhood forum (if not already established as a neighbourhood forum). An area proposed by a neighbourhood forum cannot include any area covered by a parish council.

#### **Neighbourhood Forum: Further details**

The council's understanding of the current legislation regarding Neighbourhood Forums is as follows. Whilst you do not need to be formally constituted as an official forum at the time of application for the designation of a Neighbourhood Area, your forum must be at least capable of being designated as a neighbourhood forum. It is up to your group whether you apply for designation as a Neighbourhood Area and Neighbourhood Forum at the same time or separately.

All applications to become a neighbourhood forum should be made using the ~~\_council~~ application form that is available on ~~request~~ the Peterborough City Council website: [www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans](http://www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans).

Neighbourhood forums must meet the following conditions<sup>5</sup>:

1. ~~£~~It is established for the main purpose of promoting or improving the social, economic and environmental well-being of an area;
2. The neighbourhood forum covers a designated neighbourhood area (or about to be designated area);
3. Membership ~~has been, and remain~~is open to individuals living, working or acting as elected members in the area concerned;

<sup>5</sup> As set out in section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. [www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted](http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted)

4. Membership is made up of at least the number required by law<sup>6</sup>, (currently 21 members), each of whom lives or works or is an elected member within the neighbourhood area; and

4.5. The neighbourhood forum must have a written constitution.

In relation to point 4 above, a prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. Rather, the local planning authority will consider whether the prospective neighbourhood forum has taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area.

Once an application to set up a neighbourhood forum has been validated by Peterborough City Council, the council will publish as soon as possible on our website, the following information:

- A copy of the application;
- A statement that if a formal designation as neighbourhood forum is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;
- Details of how and when to make representations (the period for making representations will be a minimum of six weeks): during this consultation period. ~~A~~ a potential alternative forum may come forward ~~at this time~~.

In addition, the council, if appropriate, may also undertake additional advertising of the application.

If an alternative neighbourhood forum wanted to put itself forward to prepare a neighbourhood plan for the designated neighbourhood area it must submit the same information as required by the original applicant within the six week consultation period.

The council will make a decision on a neighbourhood forum application within 13 weeks, or 20 weeks if the application applies to more than one local authority area.

Whether a Parish Council or a Forum, when a Neighbourhood Area application is submitted, the council will validate the application by checking that all of the necessary information is provided. If the application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Parish Council for the whole of their area, no consultation is required and the council must designate the area<sup>7</sup>.

For other circumstances (i.e. if the application is not for the whole Parish Council's area, or is for more than one parish area, or for non-parished areas) then the council will publicise notice of the application, and consult on the application for a minimum period of six weeks<sup>8</sup>.

Representations will be considered by the council and a decision will be made on whether to approve the Neighbourhood Area.

<sup>6</sup> Set out in the Localism Act 2011

<sup>7</sup> Paragraph 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016) (<https://www.legislation.gov.uk/uksi/2016/873/regulation/2/made>)

<sup>8</sup> Paragraph 6 (c) of The Neighbourhood Planning (General) Regulations 2012, as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015: <https://www.legislation.gov.uk/uksi/2015/20/regulation/2/made>

With all applications, the council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

### **What you can expect from the city council in Stage 1**

We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Parish Council for the whole of their area the council must designate the area. The council will aim to do this within five working days of the application being validated.

If consultation is required, we will publish your application on the council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision on whether the area should be designated<sup>9</sup>:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

### **Stage 2: Produce your neighbourhood plan**

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be ~~produced according to~~ shaped by the ~~intended content~~ aspirations of the local community and the nature of the area.

It is important to be realistic about the ~~amount of~~ resources and time you can put into the plan. The council would like to take this opportunity to stress that any parish council or neighbourhood forum that chooses to prepare a neighbourhood plan for their local area will lead on the preparation of their neighbourhood plan, not Peterborough City Council. The responsibility for the majority of the work involved in preparing a neighbourhood plan lies with the qualifying body: the council will provide advice if requested, and fulfil its obligations as set out by regulations, but the drafting of the plan, the gathering of evidence to support policies, the preparation of mapping for inclusion in the plan, and the execution of the pre-submission 'regulation' 14 consultation are the responsibility of the qualifying body.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by Peterborough City Council (see Stage 6).

The council sets out below how it will assist at this stage, as a minimum. This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended

<sup>9</sup> Paragraph 6A of The Neighbourhood Planning Regulations 2012, as amended by The Neighbourhood Planning (General)(Amendment) Regulations 2015 - <https://www.legislation.gov.uk/ukxi/2015/20/regulation/2/made>

that you should develop a clear project plan to plan for when you anticipate needing assistance from the council and inform the council of your project plan, and keep us up to date on your progress. It is important to note that the council's duty to support does not extend to financial assistance i.e the council does not have any funds available to pass to a Parish Council or Forum in order for the Parish Council or Forum to do any of the work.

When you are reasonably certain about the policies your plan will contain, the council will screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again. As part of the screening process, the council will consult the Environment Agency, Historic England and Natural England. Following the screening process and consultation with the aforementioned consultation bodies, the council will publish a SEA Screening Determination Statement<sup>10</sup> as well as publish the full Strategic Environmental Assessment Report. Both documents will be published on the council's website.

#### **What you can expect from the city council in Stage 2**

Advice on matters relating to the neighbourhood plan will be given upon request, but may be limited depending on staff resources at the time of enquiry capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- Aan initial meeting (requests for meetings may be limited to one. Typically, all meetings will be held at the council's offices);
- Advising on potential topics for your plan;
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providinginting up to 5 copies of Ordnance Survey base maps of the map of the designated neighbourhood area; and
- pPrinting of up to 205 copies of a draft Neighbourhood Plan for regulation 14 consultation.

Timescales for a response to any request will vary depending on the nature of the request and the current workload of the Strategic Planning Team at the time of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving such a request. This will require a mature draft of the plan being provided prior to the pre-submission (regulation 14) consultation.

<sup>10</sup> In order to satisfy the requirement of regulation 15(e)(ii) of The Neighbourhood Planning (General) Regulations (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015)

### Stage 3: Pre-submission Consultation

Regulations require that your proposed plan undergoes a six week (minimum) consultation<sup>11</sup> prior to submitting it (see Stage 4) to the city council. This requirement, which is the parish council's or neighbourhood forum's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Specifically, the following details should be publicised: the plan itself; when and where the plan can be inspected; details of how to make representations; and the date by which comments should be made;
- Consulting any consultation body set out in paragraph 1 of Schedule 1<sup>12</sup> whose interests the qualifying body considers may be affected by the proposals on the plan. Schedule 1 includes many bodies and organisations, including, for example, the Highways Agency, Natural England, Historic England, the Environment Agency, parish councils in and adjoining the local authority area;
- ~~Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;~~
- ~~Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;~~
- ~~Notifying local organisations that represent racial, religious, national, business, and disability groups;~~
- ~~Notifying voluntary bodies that operate in your neighbourhood area;~~
- ~~Notifying parish councils within the neighbourhood area; and~~
- Sending a copy of ~~theyour~~ plan to the city council.

Prior to publicising your plan, it is recommended that you contact the council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the ~~six week~~ consultation period is complete you will need to review the comments and collate them into a consultation statement. The consultation statement<sup>13</sup> should: set out details of the persons and bodies consulted; detail how the persons and bodies were consulted; summarise the main issues raised; explain how these issues have been considered, and where relevant, how these have been addressed in your plan. ,—including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan.

~~You will then need to amend the plan to be ready to submit to the council.~~ If significant changes are made to the plan, it is recommended that you repeat this Stage 3 ~~six week~~ 'Regulation 14' consultation.

<sup>11</sup> Regulation 14 of The Neighbourhood Planning (General) Regulations 2012

<sup>12</sup> The Neighbourhood Planning (General) Regulations 2012, Schedule 1:  
<https://www.legislation.gov.uk/ukSI/2012/637/schedule/1/made>

<sup>13</sup> As required by regulation 15 of The Neighbourhood Planning (General) Regulations 2012



### What you can expect from the city council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. This will be provided within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the council's website and place copies of the proposed plan at the council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a formal response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

### Stage 4: Submission and publication of the plan

As set out at Stage 3 above, First following the formal 'regulation 14' consultation, you will need to take account of the comments made to the pre-submission consultation (and make any amendments to your plan as you think necessary).

Next, you will need to formally submit your plan to the cCouncil. At this point you cannot make any further changes to the plan and you hand over control of the plan to the council.

Your plan must be accompanied by a number of other documents<sup>14</sup>, specifically:

- A map or statement clearly identifying the area to which the plan relates (this can be the map of the neighbourhood area, as published by the city council when the neighbourhood area was formally designated);
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A 'basic conditions statement' to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination (this is the 'SEA Screening Determination Statement' referred to in stage 2 above).

When your plan is submitted, the Council will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for a minimum of six weeks (i.e this is a second formal six week consultation, in addition to the six week consultation at Stage 3. This is the 'Regulation 16' consultation) on the council's website and in hard copy at an appropriate council location. The council will ~~also~~ publicise the consultation as

<sup>14</sup> As set out at regulation 15 of The Neighbourhood Planning (General) regulations 2012:  
<https://www.legislation.gov.uk/ukSI/2012/637/regulation/15/made>

necessary, including information about where to view the plan, how to make comments on it and when comments must be received by. The council will also notify any consultation body referred to in the consultation statement submitted by the qualifying body.

Following the consultation, the council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

#### **What you can expect from the city council in Stage 4**

~~If requested, We will help you, capped at four officer working days in total (unless we agree to extend the number of days), to consider any representations received at Stage 3 ('regulation 14 consultation'), and help you determine what appropriate action should be undertaken with them (for example, this may include assisting ineg amending policy wording) prior to you formally submitting the plan to the council.~~

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will:

- ~~• -arrange for publication of publish the plan on the council's website;~~
- ~~• have hard copies placed at an appropriate city council location for inspection; and parish council location,~~
- ~~• -publicise the consultation as necessary;~~
- ~~• -and notify the consultation bodies as required, including those who submitted comments at pre-submission stage, as set out in the Consultation Statement (subject to any legal requirements arising from the General Data Protection Regulations).~~

In publicising the consultation, we will set out:

- Details of where and when the plan can be inspected;
- Details of how to comment;
- That anyone can request to be notified of the council's final decision on whether or not to make (adopt) the plan<sup>15</sup>;
- The deadline for comments.

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting the minimum requirements for the publication of the plan. ~~We will consider helping with any additional minor costs, such as printing posters or leaflets, if the parish or forum asks us to.~~

#### **Stage 5: Independent examination**

<sup>15</sup> Under regulation 19 of The Neighbourhood Planning (General) Regulations 2012

During the publication stage the council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the parish council or neighbourhood forum submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or
- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to whether the referendum area should extend beyond the neighbourhood area, though this will be an unusual recommendation.

The council will consider the examiner's recommendation and make the ultimate decision on whether the plan should proceed to referendum. The council will ~~based on the examiner's report and~~ publish ~~the council's~~ decision statement and the examiner's report on the council's website. The council's decision can differ to the recommendation of the examiner: if this is the case, the council will set out its reasons in the decision statement.

#### **What you can expect from the city council in Stage 5**

We will appoint the examiner in consultation with the parish council or neighbourhood forum.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner's report and the council's decision on whether the plan will proceed to referendum.

We will print and pay for up to 210 copies of the ~~final Pplan~~, in colour, including maps.

#### **Stage 6: Referendum and Adoption**

~~Upon receiving the examiner's report approving the plan to proceed to referendum and the council's if the council makes the~~ formal decision ~~that the plan will~~ proceed ~~to referendum~~ (only in exceptional circumstances would the council not agree to proceed), the council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple 'yes' or 'no' vote. The council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for 'yes' (there is no minimum turn out needed) then the council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan and national policy (and any other material considerations) in making decisions on planning applications.

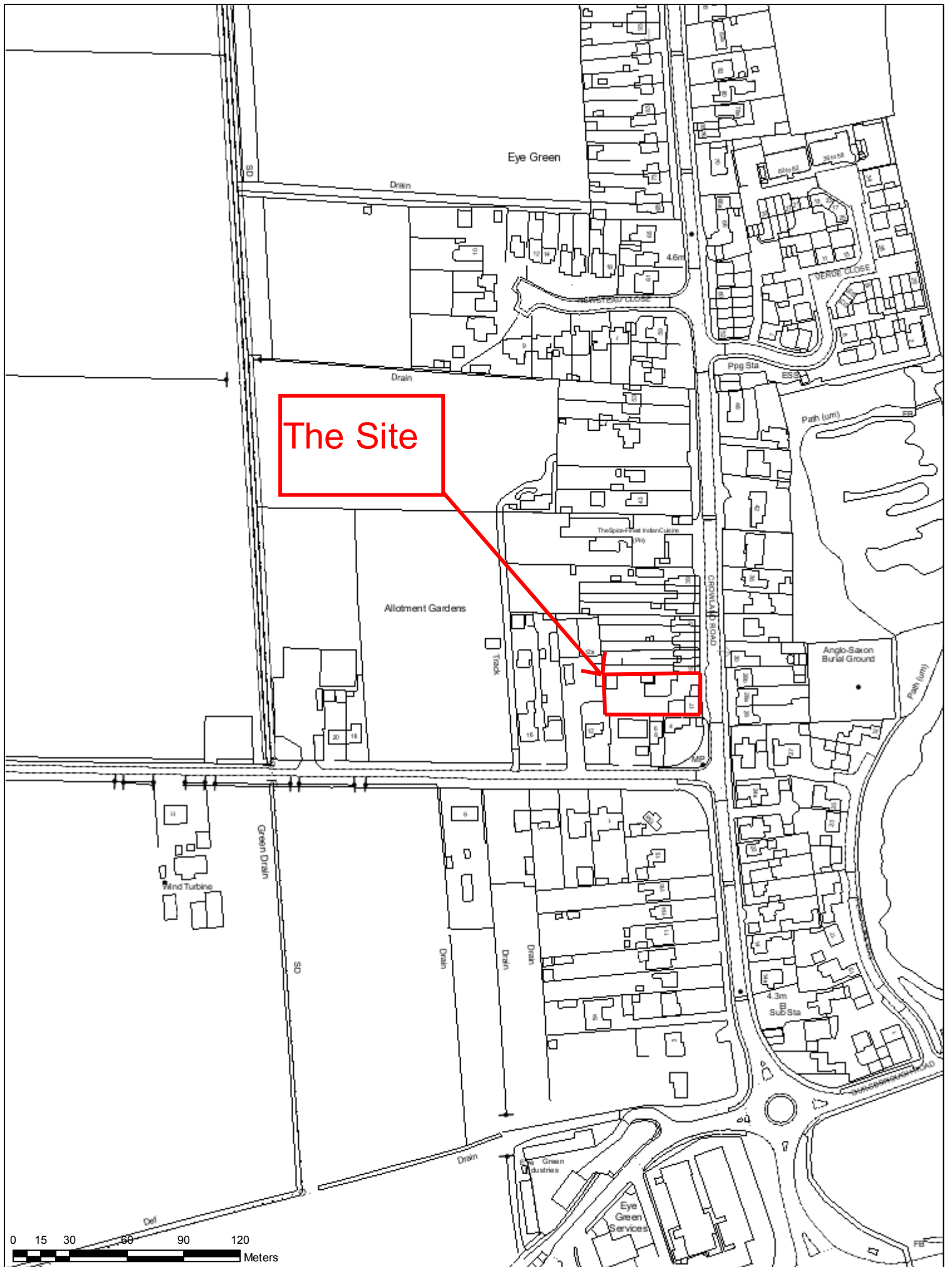
**What you can expect from the city council in Stage 6**

We will arrange and pay for the referendum.

We will publish the results of the referendum on our website and issue a press release.

We will adopt the plan at the next suitable Full Council meeting, within 8 weeks of the referendum.

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.



Planning Committee Location Plan 21/00477/FUL 17 Crowland Road Eye Peterborough PE6 7TP

Scale 1:2,500  
 Print Date: 04/10/2021

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**Application Ref:** 21/00477/FUL

**Proposal:** Proposed workshop, store and replacement hobbies classic car garage

**Site:** 17 Crowland Road, Eye, Peterborough, PE6 7TP  
**Applicant:** Mr Desmond Jarvis  
 PSSC Window Film Ltd

**Agent:** Mr John Hartley  
 J J & J Hartley

**Referred by:** **Head of Planning**  
**Reason:** Unable to get agreement with Applicant over Unilateral Undertaking and conditions

**Site visit:** 16.06.2021

**Case officer:** Mr Asif Ali  
**Telephone No.** 01733 4501733 207123  
**E-Mail:** asif.ali@peterborough.gov.uk

**Recommendation:** **REFUSE**

**1 Background**

The application is for a proposed workshop, store and replacement hobbies classic car garage which was originally considered and determined by the Planning and Environmental Protection Committee on Tuesday 6 July 2021. A copy of the officer report is attached at Appendix 1.

The Resolution from the meeting was to grant planning permission:

*‘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.’*

Since the last meeting, the planning permission has not been issued as the applicant has not agreed to enter into a Unilateral Undertaking (UU) to cease the use at 30 Crowland Road as well as the conditions which sought restrictions on the use and to ensure a personal permission. Officers are therefore unable to proceed in accordance with the resolution of the Planning and Environmental Protection Committee. For this reason, the application has been brought back to allow Committee consider the application afresh.

The Applicant has not agreed to the following conditions:

**C10** *The sub-units within the development hereby approved labelled as ‘Store’, ‘Workshop’, ‘Office’ and ‘Reception’ on the approved drawing no.4690/2 shall be only used by Desmond Jarvis for his window tinting business (known as PSSC Window Films Ltd.) and for no other purposes by any other persons.*

*Reason: In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).*

**C11** *The sub-unit within the development hereby approved labelled as ‘hobbies (classic*

*cars) on the approved drawing no.4690/2 shall be only used in conjunction with the occupation of the dwelling known as No.17 Crowland Road and shall only be used for ancillary purposes to No.17 Crowland Road.*

*Reason: In the interest of current and future occupier amenity of No.17 Crowland Road, in accordance with Policy LP17 of the Peterborough Local Plan (2019).*

A minor change was requested to proposed Condition 3 which secured opening hours, the Agent requested that to tally the online hours for Saturday the opening hours should be amended from 08.00am-12.00noon to 08.00am-13.00pm. Officers see no major concerns with this.

For the sake of clarity, the full text of the conditions requested by Members is included at the end of this report.

## **2 Applicant Response**

The Agent on behalf of the applicant did not wish to agree to Conditions C10 and C11 as laid out above in an email dated 21/07/2021 at 09:43.

For Condition C10 the Agent stated as follows:

*Window tinting business restricted future use – **unreasonable**.*

*Supposing Mr Jarvis dies, or retires - is your stance to see the building dis-used? I suggest replacing this Condition with a 'Use Class' condition.*

For Condition C11 the Agent stated as follows:

*Classic cars hobby, restricted to occupier of No.17 – **unreasonable**.*

*Supposing Mr Godsland dies, retires, or moves home and the next occupant on No.17 (house) doesn't need the building.*

*Again, I suggest the 'Use Class' condition identical to that for Condition 9.*

## **3 Re-assessment of case**

Given that Committee made its recommendation on the original application, Officers will not carry out a full re-assessment of the case. The assessment of this addendum will be restricted to the necessity of the UU and Conditions C10 and C11.

### Unilateral Undertaking

The Applicant has previously indicated that should the proposal be approved the intention would be to close the existing business site at 30 Crowland Road. Indeed the Applicant has stated that the reason for the proposal is that the existing site is too small for the Applicant's growing business.

Further, the Local Highway Authority in their comments of 17 June 2021 stated that their support for the current proposal depends on the fact that the commercial use of the existing site ceases. The LHA stated that the sites are located in proximity to one another on the same section of Crowland Road which is a classified road. This could potentially cause highway safety issues if vehicles were parked outside when vehicles were trying to access/egress from the other site, particularly given the proximity of the existing bus stop. Officers would consider that the two uses in close proximity would result in an intensification of use on a busy road and would result in an adverse level of impact on the public highway. Therefore, Officers view that the existing site use must cease to ensure that there is no adverse impact on the adjacent public highway.



The mechanism to secure the closure of the existing business site is key to ensure compliance. The absence of such a mechanism could result in the stopping of the existing business and then lawfully re-opening at a later date.

Advice was taken from the Council's Legal officers with regards to an appropriate mechanism, either a condition attached to the decision notice or a UU. It was considered that given the existing business site did not form part of the application site or the red edge, a condition could not be attached to the decision notice and that a UU would be reasonable. A template for the UU was sent to the Agent.

The UU would set a time limit as to when it commences, for example the UU can be secured so that the existing business use ceases prior to the first use of the proposed development.

However, in the absence of a UU there would be no mechanism to ensure compliance with the closure of the existing business use which would result in an intensification of commercial use in the immediate area given the location of the existing and proposed sites opposite each other as well as the adverse level of impact on a busy Crowland Road.

Therefore, the operation of both businesses in close proximity would result in an adverse intensification of commercial activity and increased vehicular traffic movements in a predominantly residential area causing harm to highway safety and the proposal would therefore not be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### Condition C10

Condition C10 restricts the uses of the sub-units ('Store', 'Workshop', 'Office' and 'Reception') to Mr Jarvis' window tinting business. The condition was considered to be in line with Committee's Resolution which made recommendations for a restriction on the use and a personal permission.

Officers note that the Agent justified the proposal by referring to the personal requirements of Mr Jarvis and his business model as laid out in the Agent's email (dated 28/06/2021) which was included in the Update Report.

The Agent's email made reference to the needs of the Applicant requiring a site close to their home as well as noting the reduced highway impact given that the Applicant lives across the road and can walk to the application site. Therefore, Officers are of the view that the personal permission is appropriate given the submitted information that was submitted by the Applicant/Agent during the application stage and at the Committee meeting as the personal circumstances of the Applicant were used as a justification for the appropriateness of the site. Further, it is considered that Committee deemed the current business model of the Applicant to be acceptable for the site which provided 3no. parking spaces and 1no. disabled parking space, and provided space for the online business of the Applicant.

The Agent recommended a use restrictive condition limited to the appropriate use class. The relevant use classes for the proposed window tinting business would be a mixed use comprising of Class E(g) (window tinting) and Class B8 (store) uses as well as a small ancillary use (office). Class B1 no longer exists and has been merged with former A1, A2, A3 and other uses into Class E. The sub-division of a commercial unit for the same use would not require planning permission and potentially there is nothing to stop the mixed use business being sub-divided with multiple businesses using the proposed building.

The other matter arising from Agent's recommendation is the potential impact of a new business taking over the site and the change in business model. The Local Highway Authority considered the impact from the proposed business model and the mitigation provided by Mr Jarvis' business model with the number of staff and vehicles to be dealt with on site. A different business may have additional impact which has not been accounted for such as increased parking demand and an increased provision of staff on site providing ancillary services which would result in more vehicular movements in and out of the site. In addition, the proposed use was considered to be acceptable

on the basis that it would be a very quiet use which would not have an adverse impact on the amenity of nearby residential properties. A different business falling under a mixed Class E(g) and Class B8 use may be much noisier.

The proposed C10 condition restricts the use to Mr Jarvis' business and would ensure that the listed sub-units are used by Mr Jarvis only for his window tinting business thereby removing issues of sub-division and occupation by a different business. Should Mr Jarvis' use of the site cease then a subsequent planning application would be required from the new occupier of the unit and would provide sufficient control by the local planning authority over the appropriateness of the new use and any material considerations given the potential for any new uses to have an adverse impact on nearby residential dwellings.

Therefore, Officers are of the view that the Agent's recommended changes to C10 would be unacceptable given the impact on the adjacent public highway and parking provision, and amenity of the immediate surrounding neighbours.

#### Condition C11

C11 conditions the use of the 'hobbies (classic cars)' sub-unit to remain ancillary to the use of the dwelling at 17 Crowland Road. This would be the least restrictive use condition that can be applied to this sub-unit with the crucial element retaining the link to the occupation of 17 Crowland Road. Members will recall that the Applicant applied for a sub-unit which would extend the ancillary use of the classic car garage currently carried out by the occupier of 17 Crowland Road in an existing outbuilding.

Officers would point out that neither the existing outbuilding of No.17 nor the proposed sub-unit named 'hobbies (classic cars)' have or would have any lawful commercial use. These elements would remain ancillary to the residential occupation of 17 Crowland Road. Therefore, any condition that restricts the use of the 'hobbies (classic cars)' to a use class would be inappropriate as the highway and other material considerations have not been considered.

If an ancillary use condition was not applied, it would result in the potential separation of the residential property at No.17 and the proposed development to the rear. This could potentially result in an adverse impact on the amenity of the future occupiers of 17 Crowland Road.

Therefore, Officers are of the view that the Agent's recommended changes to C11 would be unacceptable given the potential impact on the adjacent public highway and parking provision, amenity of the immediate surrounding neighbours and the future occupier amenity of No.17.

#### Conclusion

Conditions C10 and C11 do not require the pre-agreement of the Agent and can be appended to the decision notice. It is not reasonable to refuse a planning application on the basis of a reason which could be overcome by a suitable planning condition. However, the UU is required before a decision notice can be issued, therefore the absence of the UU is the sole reason for refusal.

### **4 Full list of conditions**

In order to comply with the Committee's previous resolution; in addition to a Unilateral Undertaking signed and submitted prior to the issuing of a decision notice, Members resolved that a number of conditions are attached. For clarity, the recommended wording of these conditions is set out in full below.

<b>C1</b>	The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
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<b>C2</b>	<p>The development must be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>- Plans, Section and Elevations (Drawing number 4690/2)</li> <li>- Dimensioned Site Plan (Received 02-06-2021)</li> </ul> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
<b>C3</b>	<p>The hours of opening, operation and use shall be limited to:</p> <ul style="list-style-type: none"> <li>- Monday to Friday 08.00hrs to 18.00hrs</li> <li>- Saturday 08.00hrs to 13.00hrs</li> </ul> <p>No operation or working on Sunday or Bank Holidays.</p> <p>Reason: In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).</p>
<b>C4</b>	<p>No development shall take place unless and until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.</p> <p>Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019). This is a pre-commencement condition as the materials to be used must be known before any works take place to ensure no detriment to the appearance of the site.</p>
<b>C5</b>	<p>All work at all times shall be carried out inside the building hereby approved with doors and windows closed.</p> <p>Reason: In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).</p>
<b>C6</b>	<p>Prior to the installation and operation of any mechanical plant (such as heating, or air conditioning associated with the development), the details of the mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The details of the mechanical plant shall include the make, model, location, sound power data and frequency spectrum of mechanical plant.</p> <p>The rating level of noise emitted from the mechanical plant at the premises should be 5dB below background noise levels. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.</p> <p>The development shall not be carried out except in accordance with the approved details.</p> <p>Reason: In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).</p>
<b>C7</b>	<p>No external lighting shall be installed on the building hereby approved, unless and until details/specifications of the external lighting are submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).</p>
<b>C8</b>	<p>Prior to the first use of the development hereby approved all the parking spaces as shown on drawing "Dimensioned Site Plan" (received 02-06-2021) shall be provided and shall thereafter be retained in conjunction with the Window Tinting Business hereby approved for use within the proposed development.</p> <p>Reason: In the interest of public highway safety, in accordance with Policy LP13 of the</p>

	Peterborough Local Plan (2019).
<b>C9</b>	<p>Prior to the commencement of the development hereby approved, details of the temporary facilities that shall be provided clear of the public highway for the parking, turning, loading and unloading of construction vehicles visiting the site during the period of construction (and demolition of the existing outbuildings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP13 of the Peterborough Local Plan (2019). This is a pre-commencement condition as details will need to be approved before works commence.</p>
<b>C10</b>	<p>The sub-units within the development hereby approved labelled as 'Store', 'Workshop', 'Office' and 'Reception' on the approved drawing no.4690/2 shall be only used by Desmond Jarvis for a window tinting business (known as PSSC Window Films Ltd) and for no other purposes or by any other persons.</p> <p>Reason: In the interests of neighbour amenity and highway safety, in accordance with Policy LP17 of the Peterborough Local Plan (2019).</p>
<b>C11</b>	<p>The sub-unit within the development hereby approved labelled as 'hobbies (classic cars)' on the approved drawing no.4690/2 shall be only used in conjunction with the occupation of the dwelling known as 17 Crowland Road and shall only be used for ancillary purposes to 17 Crowland Road.</p> <p>Reason: In the interest of the current and future occupier amenity of 17 Crowland Road, in accordance with Policy LP17 of the Peterborough Local Plan (2019).</p>

## 5 Recommendation

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

- R 1 The absence of a Unilateral Undertaking would result in no secure mechanism to ensure that the existing window tinting business at 30 Crowland Road would cease upon the commencement of the business use proposed under this application. The application site and 30 Crowland Road are located immediately opposite each other on either side of a busy classified road. The operation of both businesses in close proximity would result in an adverse intensification of commercial activity and increased vehicular traffic movements in a predominantly residential area causing harm to highway safety. In light of the above it is considered that the proposal would be contrary to Policy LP13 of the Peterborough Local Plan (2019).

Copies to Councillors Steve Allen, Richard Brown and Nigel Simons

## APPENDIX 1

Planning and EP Committee 6 July 2021

Item No.1

**Application Ref:** 21/00477/FUL

**Proposal:** Proposed workshop, store and replacement hobbies classic car garage

**Site:** 17 Crowland Road, Eye, Peterborough, PE6 7TP

**Applicant:** Mr Desmond Varuis  
PSCC Window Film Ltd

**Agent:** Mr John Hartley  
J J & J Hartley

**Referred by:** **Councillor Nigel Simons**

**Reason:** Neighbour impact; commercial activity within residential area; public interest

**Site visit:** 16.06.2021

**Case officer:** Mr Asif Ali

**Telephone No.** 01733 4501733 207123

**E-Mail:** asif.ali@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

#### Site and Surroundings

The application site is located within the village of Eye Green, which has a predominately linear settlement form. The site is located on Crowland Road, the main road through the village, close to its junction with Green Road.

The application site is rectangular in shape and measures approximately 1,100 sq. meters (0.27 acres) in size. It comprises of a detached 2 storey residential dwelling of No.17 Crowland Road positioned on its frontage. In addition there are 2 existing outbuildings and a car port structure on site. The largest brick built outbuilding positioned to the rear of the dwelling is to be retained on site as part of this proposal. The smaller of the two outbuildings beside it, and car port structure on the rear boundary are proposed to be removed as part of this proposal.

The largest outbuilding on site measures approximately 140 sq. meters, it was formerly used as a commercial premises, however, planning permission was approved under ref 11/02037/FUL 'for the change of use from funeral carriage garage and yard to hobby room and garden'. As such the land rear of No.17 and the associated outbuildings are now in residential use associated with the residential house. The former commercial use of the site is therefore now historic.

Vehicle access is gained via a dropped kerb crossing from Crowland Road. The access driveway sits immediately between the side gable of No.17 and No.19 Crowland Road. The side and rear of the site are enclosed by approximately 1.8m high close boarded fencing.

The surrounding area consists of No.19 Crowland Road, the 2 storey end terrace residential property positioned directly adjacent to the site to the north. On the opposite side of Crowland

Road to the east are the 2 storey residential properties of Nos.28b, 28a and 28 Crowland Road. Bounding the site to the south are the rear gardens and properties of Nos. 4, 6, 8, 10 and 12 Green Road. To the west of the site, the site backs onto No.12A Green Road which is a commercial unit for BSD Engineering.

**Proposal**

The application seeks planning permission 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.

**2 Planning History**

Reference	Proposal	Decision	Date
<b>For No.17 Crowland Road</b>			
20/01666/FUL	Proposed workshop and associated store and replacement hobbies classic car garage	Withdrawn by Applicant	16/02/2021
12/00551/FUL	Proposed bungalow	Permitted	29/06/2012
11/02057/FUL	Proposed bungalow	Withdrawn by Applicant	05/03/2012

11/02037/FUL	Proposed change of use from funeral carriage garage and yard to hobby room and garden	Permitted	16/02/2012
91/P0120	Erection of garage	Permitted	28/03/1991
<b>For No.30 Crowland Road</b>			
06/00552/FUL	Use of garage for tinting business - retrospective	Permitted	19/05/2006
08/01088/FUL	Use garage as workshop to tint car windows	Permitted	07/11/2008

### **3 Planning Policy**

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

#### **Peterborough Local Plan (2019)**

##### **LP04 - Strategic Strategy for the Location of Employment, Skills and University Development**

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions. Provision will be made for 76 hectares of employment land from April 2015 to March 2036. Mixed use developments will be encouraged particularly in the city, district and local centres.

LP4b) Employment Proposals not within General Employment Areas or Business Parks will be supported provided that there are no suitable sites within allocated sites/ built up area, it is of an appropriate scale, would impact on the viability of an existing allocated site and not result in any unacceptable impact.

LP4c) The expansion of existing businesses located outside of allocated sites will be supported provided existing buildings are re-used where possible, there would be no unacceptable amenity, highway or character impacts.

LP4d) Conversions and redevelopment of non allocated employment sites to non allocated employment uses will be considered on their merits taking into consideration the impact on the area, the viability of the development including marketing evidence and the impact of continued use of the site.

LP4e) Proposals which directly assist in the creation of a university campus will be supported.

##### **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.

### **4 Consultations/Representations**

#### **Eye Parish Council Objection -**

The concerns that the Parish Council had in respect of the previously withdrawn application still remains.

The application is for a business and this is in a residential area and the concerns are for noise and traffic directly onto the A1073 Crowland Road with have a detrimental effect on the nearby residents.

It also appears to be an overdevelopment of the site.

#### **PCC Peterborough Highways Services No objections -**

PSCC Window Film Ltd is an existing business currently operating from no. 30 Crowland Road.

The proposals are to relocate the business operations from no.30 which is residential to no.17 which is an established commercially used site.

At present due to a lack of space at No.30, vehicles are parking and waiting on Crowland Road to access the business.

The application site benefits from a 5.5m wide vehicle access with adequate visibility and has ample on site space for the parking and turning of vehicles (parking standards are maximum). Given the above, the proposal for the application site are considered to be an improvement from the existing business situation, in terms of easing parking congestion on the public highway.

The on-line parts ordering service shall involve a delivery vehicle visiting the site once every 4-6 weeks and a courier vehicle visiting the site once a day.



The highway issues raised have been sufficiently addressed hence the LHA's recommendation however the LHA's support for the proposals depends upon the fact that if no.17 is to be the new site for the business the LHA would want to see the commercial use of the existing site cease.

The reason for the above is that the sites are located in close proximity to one another on the same section on Crowland Road. This could potentially cause issues if vehicles were parked outside of no.30 when vehicles were trying to access / egress the other site; particularly given the proximity of the existing bus stop.

## **PCC Pollution Team**

Following consideration of the above application this section has some concerns relating to the development and makes the following comments and suggested conditions relating to noise, and light:

### Complaints

This section has received three complaints within the last 6 months relating to noise, artificial light, and odour from fumes originating from activities at the application site, 17 Crowland Road. The complaints relating to light and noise remain open and under investigation.

### Noise - vehicle repairs/vehicle works

The proposed development is in close proximity to nearby residential premises. The proposal includes a reception area as well as workshop, store, and hobby area. Use of these has been clarified to include vehicle works relating to a window film business, online order collection and use as a hobby classic vehicle workshop.

It is the experience of this section that noise associated with garages and repair shops can impact the amenity of nearby residential premises, particularly when they are operated outside the normal Monday to Friday working hours and are near residential properties and particularly gardens.

In this kind of situation time averaged noise limits will not provide effective control, since it will be likely that noise sources of concern will be characterised as non-continuous, short duration, high energy, impact events. Such noises are unpredictable, sudden and result in startle-effect which, by this nature, would be inherently annoying. One possible control measure for such noises is to ensure they are carried out inside a building with windows and doors closed, however the effectiveness of this is dependent on sound attenuation of the building and volume and nature of the noise.

Some ancillary activities are just as likely to result in complaint as the principal work activities. Such noise sources might include deliveries; loading/unloading; the manoeuvring of vehicles on the premises; and work not conducted within the building with closed doors due to the nature of the work, the size/awkwardness of the workpiece, and the speed in conducting the activity.

These noise sources are difficult to effectively assess the impact of and, being essential to the conduct of business, would also present difficulties for control by the developer and enforcement by the regulator. The operator would have a defence of having used the best practicable means in such situations.

It is also noted that the parking area associated with the premises, presumably to be used for vehicle drop-off and collection is adjacent to the fence and within 2 meters of the rear facade of 10 Green Road. There is likely to be disruption from the use of this area, in particularly when used outside normal working hours.

As already stated, the potential for disturbance upon local residents during unsociable hours requires consideration. Hours of use should be limited to prevent unacceptable impact during unsociable hours.

**North Level District Internal Drainage Board** No comments received.

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

Initial consultations: 10  
Total number of responses: 2  
Total number of objections: 2  
Total number in support: 0

2 comments were received from local residents at Nos. 10 and 12 Green Road. Both comments received were in objection to the proposal.

The objections can be summarised as follows:

- We object on the following factors: noise, pollution and environmental issues, health & safety, privacy impact, the right to light being reduced and impact on amenity.
- The noise level of the current outbuilding at this distance is a nuisance especially in summers when the doors are open. However, the new proposal having 3 additional doors open, the noise level directed southward towards our property is going to influence our right to enjoy our home.
- Uncomfortable vehicle engine noise levels (high revs).
- Unsociable noise levels of metal fabrication and vehicle repair equipment.
- Weekend disruptions due to various noise generated that will prevent us from opening our windows and having the right to fresh air circulation in our property.
- Vehicle movement and vibration from the site.
- Distribution and delivery of stock/parts to four workshops at any time.
- Vehicles loading and unloading from a trailer.
- Major noise interrupted my teams call and I had to move from the rear of property to a south facing room to continue my meeting.
- Radio noise - there are multiple occasions the side door of the garage is open with radio blaring out. This would also apply to the new proposed application where all three doors south facing.
- Vehicles revving and toxic fumes from proposed parking allocation located less than 2m from our property adversely impacting the enjoyment of the house and garden/patio area.
- Future use - if approved anyone of the workshops could become a repair centre or tyre replacement garage which generates various levels of noise disturbance.
- Noise from plant equipment.
- Toxic fumes and air quality from general use of the site.
- Unsocial hours - the current garage is utilised at various hours during the week and weekends including Saturday and Sunday afternoons. Therefore, if approved the proposal will mean people working 7 days a week impacting our right of enjoyment of our home.
- HSE Impact - high risk of fire/explosive/flammable chemicals classic car repair. Asbestos dust from classic cars.

- Light nuisance - inconsiderate behaviour impacting the enjoyment of our home.
- Delivery trucks and amazon vans parked in the parking spaces will infringe our privacy. - The fire engine has also been parked near the fence on a couple of occasions, causing my daughter to close her bedroom curtains during the middle of the day due to privacy issues. - These high sided vehicles parked in the proposed parking bays would also impact our right to light.
- The reception window would compromise our privacy and amenity.
- There is a clear height difference in land level between the site and Green Road, and would tower over the current residential homes based on a metre slop difference.
- Appearance of the proposal will be detrimental to the amenity of the residential properties adjoining the site.
- The proposed outbuilding will cover more than 50% of the curtilage.
- More than 50 commercial/industrial units available in Peterborough based on industrial estates away from residential properties.

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

The main considerations are:

- Principle
- Design and character of the site and surrounding area
- Neighbour amenity
- Highway and parking provision
- Other

### **a) Principle**

The application site is located outside of a General Employment Area (GEA), Business Park (BP) and any allocated site, Policy LP4 of the Peterborough Local Plan (2019) outlines the criteria which would allow Officers to support proposals for other employment proposals outside GEAs, BPs and allocated sites. The relevant extract of Policy LP4 is outlined below:

#### **Other Employment Proposals**

Other employment proposals not with GEAS, BP or allocated sites will be supported, provided:

- *There is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;*
- *The scale of the proposal is commensurate with the scale and character of the existing settlement;*
- *There is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;*
- *There are no significant adverse impacts on the local highway network;*
- *There is no significant adverse impact on the viability of delivering any allocated employment site; and*
- *The proposals maximise opportunities for modal shift away from the private car.*

There has been no clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement. The proposed uses would comprise generally of B2 and B8 uses, which are uses compatible with GEAs. The Agent

has stated that a site was required within easy walking distance from the home of Mr Jarvis (No.30 Crowland Road), it is noted that the application site is directly across the current business premises (No.30) which received a temporary permission under a 2006 permission reference 06/00552/FUL and a permanent permission under ref 08/01088/FUL both of which were approved with a personal condition to Mr Jarvis. The existing business run from Mr Jarvis' garage at his residential home is approximately 58.5sqm in size. The building proposed on the application site to accommodate his business part only, is 151sqm about 2.5m times larger than the existing. Therefore the proposal involves both a relocation and expansion of the business. Therefore, it is considered appropriate that alternative sites within GEAs, which would probably be more appropriate places for the siting of the window tinting business, should have been considered.

Whilst Officers note that the site has historically had commercial uses within the rear of the site, this has always been in connection with the occupation of No.17 Crowland Road on site. For about the last 10 years the site has only been in use as a single residential site with hobby outbuilding uses. The current proposal would introduce a new separate commercial business onto the application site, with hobby outbuilding use, and the residential property. This would lead to a significant intensification of the site, and differing residential and commercial uses. It is considered that the scale of the building and business use proposed would not be commensurate with the residential site and its context. Particularly as the commercial use is completely unrelated to the existing residential use on the site. The shared nature of the site, its shared vehicle access, all vehicles having to manoeuvre past the residential garden of the property on site to reach the business use, the business parking and manoeuvring at the rear of the site behind the residential garden etc.

Finally, the scale of the proposal would not be appropriate with the scale and character of the application site given the scale of the proposed building as well as the raised site level and the proximity to the adjacent neighbouring properties, but these matters will be expanded upon below in detail.

Therefore, it is considered that the principle of the proposal cannot be supported considering the proposed location, and the lack of demonstration of no suitable or appropriate sites or buildings.

In light of the above it is considered that the proposal would be contrary to Policy LP4 of the Peterborough Local Plan (2019).

#### **b) Design and character of the site and surrounding area**

The proposed development would introduce a large predominately commercial building in the rear of the existing residential site positioned along the northern boundary of the site with No.19 Crowland Road. The new building and retained outbuilding would result in the majority of the 40m side garden boundary with No.19 having buildings positioned along it.

A previous planning permission ref 12/00551/FUL approved a bungalow at the rear of the site near the northern boundary in a similar position to the proposal. This bungalow was domestic in appearance, size and scale, and was positioned 3m off the side boundary with No.19, so it would not appear cramped on site and to minimise the impact on the adjacent residential neighbour. This approved permission also removed 2 existing outbuildings and car port structure, leaving only the existing dwelling and new bungalow on site. It was considered the site could acceptably accommodate the existing residential property at the front of the site and the new residential bungalow at the rear. The planning permission for this new bungalow was never implemented and the permission has no lapsed.

However, in the current proposal, unlike the 2012 permission, it is not proposed to remove all the existing outbuildings on site, with the largest outbuilding remaining. It is therefore Officers view that given the size of the existing outbuilding together with the large footprint of the proposed building, and the existing dwelling, the proposal would not be acceptable. The resulting development would have a large amount of built development being present on site creating a cramped

overdevelopment of the site and not one that is in keeping with the layout pattern and character of development in the surrounding area. The original application ref 20/01666/FUL, which was withdrawn, proposed the removal of the existing larger and small outbuildings. As the current application has been submitted with the removal of one smaller outbuilding and car port structure with the larger outbuilding remaining, Officers can only make a recommendation based on this submission.

Whilst there have been some commercial uses on this site in the past, the introduction of this large commercial building on the site, is not considered to be characteristic of the surrounding area. There is a commercial building to the rear of the site, which occupies a backland location. However this has its own independent access separate to the residential dwelling on the site frontage and this is a much longer site which offers a greater separation and relationship with the surrounding residential sites. Therefore the presence and nature of this site could not justify an approval of the proposed commercial use and building proposed on this site.

It is therefore considered that the proposed development would result in a cramped and overdeveloped form of development on this site. That would not be in keeping with the general character and layout pattern of development in the surrounding area, contrary to Policy LP16 of the Peterborough Local Plan (2019). **c) Neighbour amenity**

The proposed building would extend 20.25m in length along the northern boundary of the site adjacent to the residential garden of No.19 Crowland Road set in from the boundary by 1m, with an eaves height of 3.5m and total height of 4.35m. As the building is positioned due south of No.19 it would result in a significant overshadowing and overbearing impact for most of the day to the detriment of their residential amenity. The existing outbuildings positioned along No.19 already have an overshadowing/overbearing impact for this neighbouring site but not to such a degree as that proposed, as they are lower in height and length. Whilst the small prefabricated outbuilding is to be removed from this boundary, it is not sufficient to outweigh the harm resulting from the new building and retained outbuilding. The proposed development would result in the majority of the 40m deep neighbouring garden having buildings all the way along it which would feel very overbearing for the occupiers of this site, resulting in an unacceptable impact on their residential amenity.

The residential properties on Green Road to the south of the site, have very short rear gardens and are positioned in extremely close proximity to the boundary of this site. The introduction of the scale and nature of this commercial use at the rear of this site, particularly with the coming and going of customers throughout the day with parking of vehicles along their shared boundary would by virtue of noise and disturbance, adversely impact on the residential amenity of these sites. 4 parking spaces (including one disabled space) are proposed along the southern boundary. The rear of the application site is set higher, by approximately 1m, than the adjacent neighbouring properties to the south on Green Road. The proposed building is an L shape with the flat roof reception, WC and Office area, projecting along the western boundary closest to these neighbours. The proposed building would therefore be set off 10.8m from the southern boundary to the main higher part of the building and 3.5m to the end of the flat roof projection at its closest point. The building to building distance from the proposed building to No.10 Green Road would be approximately 6.2m at its closet point.

Officers consider the proposal by virtue of its size, scale and mass as well as the separation distances and raised site level would result in an adverse outlook and amenity for adjacent neighbouring properties. The proposal would result in a dominant structure that would dominate the immediate views of the neighbouring properties resulting in an unacceptable level of impact on the enjoyment of their properties.

The proposed building and commercial use would also have an unacceptable impact on the residential amenity of the existing property on site No.17. The commercial use would be positioned at the rear of the site, and all traffic to it would have to share the existing residential access and drive beside and behind their rear garden to access the commercial building. It is considered the traffic movements, parking area would cause noise and disturbance for this property to the detriment of their residential amenity. It is considered the shared nature of the site proposed and the scale of the commercial use proposed could not safeguard an acceptable level of residential amenity for occupiers of this site.

The Pollution Control team have received 3 complaints from activities on the application site within the last 6 months relating to noise, artificial light and odour. Neighbour comments received to this application have also raised concerns over noise, light and odour issues from the current use of the site. This complaint is being investigated, but as this is in respect of an existing permitted use on the site, this planning application could not be resisted on that basis.

The existing outbuilding on site proposed to be retained as part of this proposal has a lawful use as a classic car and hobby garage for Mr Godsland, the occupier of No.17 Crowland Road and this will remain as such. In addition part of the new building proposed is to be used as hobbies (classic cars) use for Mr Godsland.

It is the experience of Pollution Control team that noise associated with garages and repair shops can impact the amenity of nearby residential premises, particularly when they are operated outside the normal Monday to Friday working hours and are near residential properties and particularly gardens. One way to try and control noise is to ensure all works take place inside a building with all doors and windows closed, however the effectiveness of this is dependent on the volume and nature of the noise and the attenuation of the building. The existing business is run within the garage on a residential site, therefore it may be possible to contain the noise within the building, and an hours of operation condition could be imposed to ensure that reasonable working hours are followed e.g. (Mon-Fri: 08:00am to 18:00pm, Sat: 08:00am to 12:00noon). Details of any mechanical plant equipment and external lighting would also need to be conditioned to minimise impacts.

However the noise and disturbance that can't be more easily controlled, is the noise external to the building, from the coming and goings of customers, staff, cars and deliveries etc. In view of the close proximity of the properties and gardens surrounding the application site and the existing residential property at No.17 it is not considered even with the restriction in hours that the noise, that the noise, nuisance and disturbance associated with the business could be maintained at level that would not cause detriment to the residential amenity of surrounding properties.

Finally, the Pollution Control stated that when considering complaints of nuisance under the Environmental Protection Act 1990 it is important to note that planning decisions that alter the character of the area and therefore affect the acceptability of particular noise and use, impact on whether certain activities would be judged as nuisances [Wheeler v JJ Saunders Ltd, 1996].

The designation via the planning regime of areas suitable for certain uses is an important contribution to the operation of the decision-making process in the statutory nuisance regime. Consequently, should following granted planning permission, residents complain about noise,

odour, light etc. emitted from this development it is highly unlikely that any action would be possible under the statutory nuisance regime.

Given the above it is considered that the proposal is contrary to Policy LP17 of the Peterborough Local Plan (2019).

#### **d) Highway and parking provision**

It is proposed that the existing 5.5m wide access driveway serving the site would remain, and would be the sole vehicle access to serve all the uses on site e.g. the residential use, hobby/classic cars use and the proposed car tinting business use.

The Local Highway Authority (LHA) during the course of the application requested the submission of further information and clarification from the Agent in respect of the nature of the proposed business, parking layout, turning areas and deliveries. On the basis of the additional information received the LHA raised no objections subject to No.30 Crowland Road, the current site for the window tinting business for Mr Jarvis, to be closed should the current proposal be granted. The Agent has stated that this is the intention of the Applicant, however, a Unilateral Undertaking legal agreement would be required to ensure this is binding and enforceable. However, as Officers recommendation is one of refusal, the preparation of such a legal document has not been sought.

Further, the LHA also recommended the inclusion of conditions for parking and turning, and temporary facilities during construction. These are conditions are considered to be reasonable and as such the LHA has raised no concerns which cannot be overcome should the application be approved.

In light of the above it is considered that the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### **e) Other**

Eye Parish Council have objected to the proposed application raising concerns in respect of the commercial use proposed within a residential area. In particular how noise and traffic from the proposed uses would affect surrounding residents, and the resulting overdevelopment of the site.

The main areas of concerns raised within the objections received have been addressed above, however in respect of those issues not covered.

Concerns were raised over weekend disruptions. The proposed hours of operation for the window tinting business include Saturday from 08:00-12:00noon, and not on Sundays.

Concerns were also raised over the storage of flammable chemicals for classic car repair as well as asbestos dust from classic cars, the Applicant has not advised the LPA of any storage of such materials. Flammable chemicals or asbestos dust should be handled in accordance with relevant advice from either the Health & Safety Executive or other relevant authority.

Further concerns were raised over high sided vehicles i.e. delivery van would impact the light and privacy of the adjacent neighbours. Any high sided delivery vans visiting the site would only be there for a temporary period whilst the delivery took place, and therefore the impacts on light and privacy could not be considered to adverse or unacceptable in planning terms.

Concerns in respect of the loss of privacy and amenity of the neighbouring properties from the proposed reception window were raised. However the 2m high boundary treatment on the southern boundary and separation distance to the window would ensure no unacceptable impact on amenity or privacy would result.

## 6 Conclusions

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

## 7 Recommendation

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

- R 1 The proposal would introduce an unrelated commercial use to this existing residential site. The size and scale of the business is considered would be more appropriately accommodated within a General Employment Areas (GEA). There has been no clear demonstration that there are no suitable or appropriate sites or buildings within allocated employment sites or within the built up area of the existing settlement as required by Policy LP4. No information has been provided into any alternative sites considered within GEAs which would be more appropriate places for the siting of the window tinting business, particularly one that has no association with the existing residential property on site. In light of the above it is considered that the proposal would be contrary to Policy LP4 of the Peterborough Local Plan (2019).
- R 2 The proposal would result in a large proposed commercial building whilst also retaining a large existing ancillary outbuilding to the rear of the application site, behind the residential dwelling. Combined, this would result in a cramped and overdeveloped form of development on this plot and one that would fail to respect the layout, form and character of development in the surrounding area. The proposal would therefore be contrary to Policy LP16 of the Peterborough Local Plan (2019).
- R 3 Officers consider the proposed building by virtue of its siting, height, scale and size would have an unacceptable overbearing and overshadowing impact on No.19 Crowland Rd. Further, with the retention of the existing larger outbuilding, together with the proposed building would result in the majority of No.19 boundary being enclosed by buildings, to the detriment of their residential amenity. The building would result in a large structure that would dominate the outlook of the neighbouring properties on Green Road to the south of the site resulting in an unacceptable impacts on their residential amenity. In addition the introduction of this business use at the rear of the site, in such close proximity to the residential properties on Green Road, the residential property No.17 on site and No.19 in particular by virtue of the access and parking arrangements would have an adverse impact on their residential amenity from general noise and disturbance from movements to and from the site. It is therefore considered that the proposal would result in an adverse level of impact on the amenity of the neighbouring properties to the north and south of the application site, contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors Nigel Simons, Steve Allen and Richard Brown.



## BRIEFING UPDATE

### P & EP Committee 6 July 2021

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	21/00477/FUL	<b>17 Crowland Road Eye Peterborough PE6 7TP</b> , Proposed workshop, store and replacement hobbies classic car garage

1) An email was submitted by the Agent in support of the application on 28/06/2021 as follows:

Dear Mr Kalley,

Thank you for your letter dated 23 June 2021 regarding the *call-in* of the above application to the 6<sup>th</sup> July committee. I would like the following bullet points to be included in your report to the committee:

- **PRECEDENT** The BSD commercial buildings, immediately to the west of the application site are more than double the size and height of our proposal and have existed for years with no nuisance to neighbours.
- **APPLICATION SITE USE** Mr Howard Godsland, the site owner, has traded as a funeral director from the site for decades, and since retiring he has traded vintage vehicles from the site and has continued to do so until this day. In 2011, a new bungalow was approved on the site, *but was never implemented* and the site has been used for business ever since.
- **BUSINESS HISTORY & PROPOSED SITE USE** PSCC Window Film Ltd. currently trades from 30 Crowland Road (the private house of the applicant, Mr Desmond Jarvis). Mr Jarvis has planning consent to extend his house and wishes to relocate his business across the road to the application site, and this relocation equates to a *planning gain*.

#### PLANNING POLICY LP4

- My client is registered disabled and has been searching for a suitable alternative site within easy walking distance from his home for some 2 years without success. He needs a secure site which can be locked up at night, as very expensive cars are sometimes on site overnight waiting for their owners to collect them the next day, and the application site ticks all his boxes.
- The scale of the development is commensurate with the scale and character of the existing settlement. You only have to look at the 12A Green Road site to the immediate west, to see the council approved BDS buildings, 6 metres to eaves and more than double the foot print of our proposal.
- Assuming that LP4 (or similar policy) was operative when the council approved BSD's development, then the impact of our scheme will have far less adverse impact than that of the BSD approved development.
- Mr Godsland has, and still does, trade vintage vehicles from the site. In other words, the sites use has been, and is still commercial. The local highways network will remain the same and complies with all the regulations.
- There will be no impact, adverse or otherwise, to the local employment situation, save that jobs will be saved and maintained for my client, his receptionist, two technicians and an apprentice technician.
- The proposal, being close to my client's home, will obviate the need for two motor car journeys (himself and his daughter receptionist), leaving two technicians to arrive and depart by car, albeit they work offsite 50% of the time. The young apprentice uses public transport to travel to and from work.

## PLANNING POLICY LP17

- Where was this Policy when the BSD site was approved? By the way, the objector from no. 12 instigated the BSD operation at 12A Green Road for her son, and whilst we have no problem with this, it seems rather rich for her to object to our proposal.

## ACCESS & MANOEUVRING SPACE

- Bearing in mind that fire engines with turntable ladders have been driven into and out of the yard, there will be no problem with access or turning.

## EXISTING LOCATION & PROPOSED SITE

- On approval of the application, the 30 Crowland road site will be shut down to enable Mr & Mrs Jarvis to implement their recently approved house extensions. Two technicians will work on the new site, or off site, as the work demands. When off site, they will travel direct from home, and when on site, they will park their cars on the site.

## PARKING

- The window tinting business is by appointment only, so there will be one car in the workshop, which will then be replaced by the next customer's car. The disabled bay will be used solely by disabled visitors, as the name suggests, and not by Mr Jarvis who will walk to and from work.
- Royal Mail are the chosen couriers who arrive with their van at 4.30pm every day to deliver inward parcels, and collect outward going parcels for the on-line side of the business. The Royal Mail van is on site for all of 5 minutes.
- You will see from the site plan that there is room for even more parking if you decree that this is necessary.

## EXISTING BUILDING

- The existing building is and will be used to store vintage vehicles. The new building will be for working on those vehicles, polishing etc.
- You will note if that 2no. existing vintage vehicle buildings are to be demolished, as shown on the *Site Plan as Existing*.

## NOISE

- Mr Jarvis' business generates no noise. The loudest sound comes from a domestic hair dryer which is used to warm the glass for tinting. The BSD site comprises motorbike tuning and metal fabrication, need I say more?

## SITE VISIT

- I note that the planning officer is not doing site visits due to COVID-19 (unlike the council's Building Inspectors). However, Mr Jarvis would welcome you to witness a typical window tinting operation at his now premises, completed with face masks and any other PPE you desire. You would then see how innocuous his business is.

- In light of the compelling information, Mr Jarvis asks to be treated in an even-handed manner as was the BSD applicant.

On receipt of this email, my client may wish to add his own thoughts, and if so, I will convey them to you this week.

Officer response

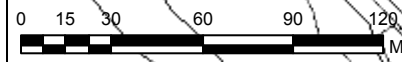
The matters raised above are addressed within the Committee Report.

**2) Councillors on site queried the height of the adjacent BSD commercial building to the rear of the site. The height to the apex of the BSD building is approximately 4.4m.**

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Westwood Grange Playing Field  
(Recreational Ground)

The Site



Planning Committee Location Plan 21/00832/HHFUL 40 Westwood Park Road Peterborough PE3 6JL

Scale 1:2,500  
Print Date: 04/10/2021

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**Application Ref:** 21/00832/HHFUL

**Proposal:** Proposed two storey and single storey rear extension, loft conversion with the installation of roof lights and alterations to the front porch

**Site:** 40 Westwood Park Road, Peterborough, PE3 6JL,  
**Applicant:** Mr Mohammed Imran

**Referred by:** Councillor Mahboob Hussain  
**Reason:** Conditions could be applied to bring the development into accordance with the Local Plan

**Agent:** Mr Paul Sharman, Sharman Architecture  
**Site visit:** 06.07.2021

**Case officer:** Mrs Shaheeda Montgomery  
**Telephone No.** 01733 4501733 453410  
**E-Mail:** Shaheeda.Montgomery@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

**Site and surrounding area**

The surrounding area on Westwood Park Road is characterised by properties of generous proportions, generally set within large plots and benefitting from deep, well-proportioned rear gardens. The properties are generally sited with approximately 6-10m set back from the road and there is a variety of architectural design styles and features. The application site and adjoining properties at 38 and 42 Westwood Park Road have been extended in the past with built development close to the side boundaries.

The application site is located close to but not within the Westwood Park Special Character Area

It comprises a detached two-storey four-bedroom gable fronted dwelling set back from the highway with a gravelled area to front and a side driveway leading to a detached single garage sited toward the rear of the dwelling. The front driveway can accommodate two car parking spaces. A 6.5m x 6.5m summer room abuts the garage on its rear elevation with a gable end roof. The property itself has been previously extended and benefits from a large rear garden.

**Pre-amble**

The initial scheme which was submitted for approval included:

- alterations to the front elevation to create an enclosed porch;
- the removal of the existing garage and summer room and replacement with a ground floor rear extension. This extension would project beyond the existing rear wall by 12.8m;
- a first floor level rear extension projecting beyond the rear wall by 5.7m to create two ensuite bedrooms;
- a loft conversion for an additional two ensuite bedrooms with Velux rooflights.
- an annexe sited next to the rear boundary with dimensions of 6.45m deep x 10.81m width to accommodate a gym, shower room, sauna, kitchen and seating area.

The applicant was requested to remove the proposals for the annexe, to reduce the depth of the first floor extension by 1m and to reduce the depth of the ground floor extension in line with the rear extension at 42 Westwood Park Road.

## Proposal

Officers have worked proactively with the applicant and a revised scheme was submitted for determination. The revised scheme removes the annexe entirely and reduces the depth of the first floor extension, however, the applicant has not agreed to reduce the depth of the ground floor extension.

The current proposal would create a seven bedroom property. It would still provide for two car parking spaces on the driveway. The proposed roof and facing materials would match the existing dwelling. The various elements of the proposals would comprise:

- alterations to the principal elevation to create an enclosed porch;
- the removal of the existing garage and summer room and replacement with a ground and first floor rear extension. The proposed extension would extend the existing dwelling to the south by 1.7m;
- the ground floor rear extension would have an overall depth of 12.8m providing an open plan kitchen, dining and living area. Part of the ground floor extension would project 8m beyond the first floor extension with a flat roof to a height of 3.2m;
- the first floor rear extension would extend by a reduced depth of 4.7m providing 2 ensuite bedrooms. It would have a hipped roof to match the existing dwelling;
- loft conversion for two ensuite bedrooms with rooflights;

Following referral of the application to Committee, the Applicant has submitted minor revised drawings. These amend a discrepancy between the floor plans and elevations in terms of the width of the first floor rear Juliette balconies, but also reduce the height of the single storey rear element along the northern boundary with No.42 Westwood Park Road (parapet removed, thereby lowering by 300mm). These amendments have not been subject to revised public consultation.

## 2 Planning History

Reference	Proposal	Decision	Date
96/P0825	Erection of conservatory and new detached garage/garden room/playroom (as amended by revised plans received 6 January 1997 - drawing number TL/P96/01A)	Permitted	11/03/1997
98/00546/FUL	Rear extension (including garage, conservatory and garden/play room)	Permitted	18/06/1998
05/01955/FUL	Two storey front extension	Permitted	03/02/2006

## 3 Planning Policy

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

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

#### **LP13 - Transport**

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.

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

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

### **4 Consultations/Representations**

#### **PCC Conservation Officer (06.07.21- first round consultation)**

No objection owing to the fact that it does not impact on the nearby Special Character Area – however, advice provided to case officer and agent on ways to substantially improve the proposals for front elevation.

#### **PCC Tree Officer (23.08.21)**

Concerns regarding the location of proposed annexe near to trees on the neighbour's plot.

#### **PCC Conservation Officer (03.09.21- revised plans)**

No objections.

It is noted that only some of the previous comments were taken on board and incorporated within the proposed plans however none of the minor alterations is considered to affect the previous position.

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

Initial consultations: 7

Total number of responses: 6 (from four neighbours)

Total number of objections: 6 (from four neighbours)

Total number in support: 0

### First round of consultations to the initial scheme:

The first round of consultations to the initial submission received five letters of representations from four neighbouring residents raising objections based on the following concerns:

#### 1- The outbuilding:

- the outbuilding at the rear of the site which has all the facilities and is sufficiently sized for a single dwelling, the proposals have potentially 8 double bedrooms giving a capacity for 16 people.
- The location of a building at the bottom of the garden, as the rear outbuilding is shown, is not in character with other properties in Westwood Park Road.
- The outbuilding appears to be a further dwelling in that it has all the amenities to serve as a permanent dwelling.
- It is described as a Gym/Relaxing Area but has kitchen/toilet/shower facilities. As it is a permanent structure, this could be very easily converted into a permanent residential use once planning officers have completed their final inspections. In any event, given the close proximity to the main house, there is no need to have such kitchen/toilet/shower facilities included if this is the true intention. We believe this outbuilding is intended ultimately to be additional residential accommodation, and strongly object.
- However, of more concern is the fact that the outbuilding's windows face back towards the rear of our house. In doing so, it infringes on the privacy of our first-floor bedroom windows that look out onto our rear garden, and where our children dress and sleep.
- We calculate this outbuilding to be 2.5 metres high, which is almost 1 metre higher than the existing fence between our properties. This will overshadow our garden and our ground floor extension roof lights.

#### 2- Size of the development:

- The footprint of the proposal occupies 50% of the area of the site which is clearly out of character for Westwood Park Road and raises concerns of over development given that the area is characterized by dwellings on large mature landscaped plots.
- The proposed outbuilding at the rear of the garden directly infringes our privacy to the rear of our property. Specifically our master bedroom on the first floor, bathroom and child's bedroom. According to the plans, the outbuilding will have a glass frontage that will allow occupants to look out directly into the rooms affected, thus infringing on our privacy. The outbuilding specifically is out of character with other properties on Westwood Park Road.
- The outbuilding has a kitchen and bathroom and therefore has the potential for permanent dwelling.
- there are no clear measurements of the height of the outbuilding but clearly the elevation will be higher than the existing fence which is approximately 6ft in height and therefore quite imposing.
- The development of a 7-bedroom house and the outbuilding at the bottom of the garden is an over development of the site, it being out of character with other properties in Westwood Park Road. The plans show that the ground floor foot-print has more than doubled in size and overall the buildings occupy over half of the site, in conflict with policy 6.15.5 of the Local Adopted Plan.
- The first-floor extension on the plans extend over 2 metres beyond the existing established building line at the rear of our property, and will be overbearing and overshadow our first floor bedroom window and our ground floor extension roof lights at that end of our property.

#### 3- Neighbour amenity impact:

- The plans for the first-floor extension are overbearing to our rear ground floor conservatory and therefore infringe on our privacy.
- The proposed plans for the kitchen indicate two windows adjacent to our conservatory. It's unclear from the plans the dimensions of the windows and whether they would infringe on our privacy.

#### 4- Parking:

- The site can only safely park 3 cars and given its likely occupancy the proposals will increase the on-street parking.
- In addition- to have an eight bedroom dwelling implies the need for many cars. The current parking space at the front would allow for probably 3 cars so I suspect there may be more parking

of cars in the future on the roadside which could cause danger to pedestrians and cyclists by impeding the view of the road.

5- Trees:

-Westwood Park Road is enhanced by the mature trees and planting both in rear and front gardens which adds to the attractiveness and character of the area for residents and visitors alike. It also forms a green corridor which attracts a substantial amount of wildlife.

- In recent months, prior to this application, the applicant completely stripped the trees and planting from both the front and rear gardens of no.40. Given the proximity to the special character area of Westwood Park Road this should be reinstated. If this is allowed to continue as a trend then there will be a significant loss to the character of Westwood Park Road which will not be sustainable for wildlife and will be detrimental for the wellbeing of residents.

- Our garden is mature. We have established planting and two very large trees (one approx 70 years old) in close proximity to the plans of the outbuilding. We are concerned they might be at risk due to the building works, foundations and infrastructure that's needed in order to supply the necessary services to the building, e.g. plumbing, drainage etc. Furthermore, one tree will be overhanging the proposed outbuilding and therefore within falling distance (as well as trees from the adjacent property on Thorpe Avenue).

- I object to trees being cut down indiscriminately in old established gardens before planning permission is granted and worry that further extensive building on this plot will increase the risk of surface flooding. This is a very green area of the city-an "Environment City"- and it seems a great pity to lose garden space in favour of buildings.

- We have an established mature garden and are concerned that the extent of the building works will damage our existing plants/bushes and mature tree.

- Westwood Park Road is categorized as a 'Special Character Area' in planning terms, as noted in clause 6.15.5 of the Local Adopted Plan, and whilst this property is not located within the area it is close to the boundary of it and therefore contributes to the local character. The Special Character Area refers to large spacious landscaped gardens. It should be noted that since the applicant purchased the property in March 2021, the existing mature landscaped garden has been stripped out and burnt on site prior to this application being submitted, as were all mature trees which were felled.

6- Other matters:

- More generally the plans lack clear dimensions, elevations, and an indication of the distances from the boundaries.

- There are no distances of the extension or of the outbuilding from the boundary.

Given the proximity of the works to our house, we are subject to a notice being served on us under the Party Wall Act 1996 etc. Would you please advise.

In addition, **Councillor M Hussain** requested that the application be referred to Committee for the following reason:

“If we were to refuse the application then we can set some conditions of amendments for the applicant to comply with so that applicant would be satisfying the planning requirements.”

**Second round of consultations to the revised scheme:**

Three letters of representations were received raising the following concerns.

1- Size and design of proposal:

- Whilst I admire the ambition of the plans, I do think these designs indicate the property will be overbearing. It doesn't feel like the site is large enough to accommodate the ambitious scale of the design

- I note your Conservation Officer's comment regarding the front central first floor window and as an architect would concur with his view.

- I would withdraw my objections to the overdevelopment if the proposed extensions were reduced in depth back to the natural building lines at ground and first floor levels and the second floor

accommodation removed.

## 2- Neighbour amenity impact:

- I also still have concerns over the boundary line of the proposals, specifically the first floor. The first floor extends out further than our property, and the Juliet balconies outlined will overlook our conservatory, a room in which we use as a family frequently and therefore potentially infringes our privacy.
- This is an overdevelopment of the site. In addition, the current plans indicate that the single storey extension will tower almost 1.5 metres above the existing 1.8 metre wooden boundary fence between the two properties. This will have an over bearing and detrimental effect on the light to our single storey extension at that end via our windows and roof lights, and will affect the use and amenity of the area which is used as a communal play area by our children and their friends.
- Given the proximity of the proposed works to No. 42 generally, for consistency, the proposed first floor extension should not extend beyond the building line of the existing double storey extension at the rear of No.42. This will also remove any potential overlooking issues via our windows and roof lights at that end where our children congregate.
- The rear elevation plans are incorrect in that the windows and Juliet balconies to bedrooms 1 & 2 do not match the revised first floor plan. I am concerned that if the Juliet balconies to bedrooms 1 & 2 are approved there will be a temptation to remove these at a later date and use the roof of the single storey extension as an accessible balcony. Again, this will create overlooking issues for No.42 via our windows and roof lights at that end of our property where our children congregate. Removal of any use as an accessible balcony should be specifically included as a condition should the applicant be granted any permission.
- The single storey ground floor extension appears to extend almost 5 metres forward of the natural building line of the single storey elements of no's 38 and 42.
- The single storey extension scales 1.5 metres higher than the fence between no's 40 and 42 and as such will not only overshadow no 42 it will be overpowering given its proximity to the boundary

## 3- Parking:

- I'd like to reiterate my concerns over the parking implications that come with a development of this size. Parking on the main road is already an issue on the street and it is extremely difficult to exit our property at peak times during the day. I fear there is risk this will become more of an issue in the future.
- The applicant is demolishing the existing garage and proposing to build out towards the boundary with No.38. Six or seven vehicles will not be able to park off road on the site, and in any event there is a single yellow line parking restriction running along the road immediately outside No.40
- In addition the objections raised in my previous correspondence on the public portal regarding potential capacity and parking remain as before.

## 4- Trees:

- I also welcome the report from the tree officer and look forward to seeing a planting scheme to reinstate some natural screening between boundaries, though I am concerned that it might be difficult to do so due to the plans proposed.
- Any permission granted to the applicant should include a time limit within which this (Tree Officer's recommended) condition should be implemented - a suggestion is that this landscaping scheme should be implemented within the first planting season following completion of any main works.
- Also I concur with the Tree Officer's comment regarding adding a condition to provide a suitable and appropriate landscaping scheme. Any condition should include a time limit for implementation of the landscaping scheme eg. within the next planting season following completion of the building works.

## 5- Other matters:

- I welcome the revised plans and the removal of the outbuilding, and more generally the consideration to address our concerns. It's appreciated.
- The proposed ground floor and first floor new wall extensions abut right up against the boundary line between the two properties, leaving merely the width of a house brick on the applicant's side.

The wooden fence boundary line between us is the responsibility of the applicant, Mr Imran. However, of major concern for me is the fact that part of the boundary between the two properties is a brick wall that forms part of my living room structure. The outer surface of that wall forms part of the boundary at ground floor level. There are two main objections to the position of this new wall extension. Firstly, the living room structure/brickwork that forms the boundary is long established and is part of the structural integrity of my property. As this is our family living room it is also where our family mainly gather, so there is a use and amenity aspect to this issue. According to the applicant's plans, the gap between the applicant's new wall and our existing wall is approximately the width of a house brick. Digging fresh footings so close to my existing boundary wall will undermine the structural integrity of my property at this point and consequently affect the use and enjoyment of our family living room area.

- Secondly, I am advised that a gap of 1.5 metres as a minimum should be established between any new wall extension and our existing boundary wall and wooden fence boundary to prevent any such settling or other structural damage to my property following any new works. In addition, the advantage of having such a minimum gap will enable both the applicant and myself to gain adequate access between our respective properties to maintain and repair our respective walls. The Access to Neighbouring Land Act 1992 (as amended) permits access to adjoining or adjacent land for the purpose of carrying out maintenance or preservation works to one's own property. The applicant's current plans would prevent me from being able to carry out my legal rights as the gap is wholly insufficient for anyone to carry out any such works. To be unable to carry out maintenance or prevention works on this boundary wall would have a detrimental effect on the value of my property. As the City Council is the local planning authority in this matter, it has a duty to act reasonably and to avoid issues that can cause conflict between neighbours. This issue is one of them, and I would respectfully request that a step back gap of a minimum 1.5 metres as indicated above would be the solution to this matter.

- In any event, the ground floor and first floor plans do not align. The ground floor proposals do not appear to be able to support the first floor proposed works?

- Please take into account the objections I have referred to above, and I would respectfully request that the City Council planning department, acting reasonably, consider the applicant's plans carefully with a view to avoiding issues that will cause conflict between the applicant and myself as neighbours.

- It should be noted that the extents of the single storey extension shown on the ground floor and first floor plans do not match

- Whilst I note that the first floor extension has been reduced in depth this still extends forward of the natural building line at first floor level

- The rear elevation is incorrect in that the windows and Juliet balconies to Bedrooms 1 & 2 do not match the revised first floor plan

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

The main considerations are:

- Design and impact on the character of the site and surrounding area,
- Neighbour amenity
- Highway safety and parking provision
- Trees
- Other matters

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

The application site is in close proximity to the Westwood Park Road Special Character Area. Accordingly, the Council's Conservation Officer was consulted on due to the proximity of the application site to the Special Character Area and has not raised any objections.

The proposed development would be of large proportions and Officers note the proposal would change an existing four bedroom dwelling into a sizeable seven bedroom with en-suite bathrooms

and result in a footprint which would be larger than adjacent properties on Westwood Park Road. Notwithstanding, the increase in the footprint of the dwelling would be 45%, and as a proportion of the available open space, the proposed scheme would not lead to the overdevelopment of the application site itself. It would, however, bring the extent of potential development on the site close to its limit before resulting in adverse impact on the amenity of the site and surrounding area.

Officers note that properties along the western side of Westwood Park Road immediately north of the application site are generally built up to span the width of the plots and do not provide for visual relief by way of gaps between the properties. As such, there is evidence of existing development with roof eaves which overhang the boundary line or development which are sited on or hard up against the boundary line.

The generous size of the application site itself would be able to absorb the current proposal whilst retaining an adequate portion of the garden amenity space, which would be in character with the existing development pattern of the area, where development is sited across the width of the plot towards the front and with sizeable open garden to the rear. In addition, Officers note that the main volume of the proposed development would be to the rear of the existing dwelling as well as absorbed within the loft conversion and hence, it would not impact significantly on the streetscene or the wider public realm. However, the outlook from the rear garden spaces in the surrounding would be altered by the massing of the proposal and by virtue of this proposed development projecting further out from the predominant building line as existing along the rear of the properties on the west side of Westwood Park Road.

The proposed alterations to the principal elevation and to enclose the existing porch would not be widely viewed from the streetscene owing to the 6m setback from the public footway. Furthermore, although the application site is situated in close proximity to the Westwood Park Road Special Character Area, in light of the mixed variety of design and features in evidence within the streetscene, these proposed alterations would not be considered to have an unacceptable level of harmful impact on the setting and surrounding area. The Council's Conservation Officer's comments also support Officers view that the proposed development would not have an unacceptably adverse level of impact on the setting and surrounding area and would not be of significant level to warrant a refusal. On the basis of the above, Officers do not consider there is justification to secure further amendments regards to the principal elevation.

The proposed development would be finished in facing brickwork with roof tiles and fenestration to match the host dwelling which would ensure that the proposed alterations would be integrated into the existing dwelling without appearing awkward or incongruent.

On the basis of the above, it is considered that on balance the proposal would be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

## **b) Neighbour amenity**

The main impact of the proposals would be on the occupants of 38 and 42 Westwood Park Road which are considered in turn below.

### 42 Westwood Park Road

No.42 is located due north of the application site and benefits from a two storey and single storey rear extension sited close up along the shared boundary. The single storey rear extension contains a kitchen and living area with an outdoor seating area and garden beyond.

The proposed first floor level rear extension would project beyond the rear wall of the existing two-storey development at No.42 by 1.1m. The proposed single storey rear extension would project beyond the existing rear wall of the ground floor extension at No. 42 by an additional 4.5m.

At first floor level, Officers note that considering the 45 degree rule and the 1.1m additional depth

of the projection of the proposed first floor extension, the proposed scheme would not result in a significant loss of light, overshadowing or overbearing impact on the amenity of the first floor bedrooms and ground floor kitchen and living area of this adjacent property. Furthermore, whilst the existing ground floor extension at No.42 incorporates roof lights, only one roof light situated closest to No.40 would be affected by some level of overshadowing for a limited time of the morning. Furthermore, Officers note that the roof lights are not the primary source of light and outlook to these main habitable spaces due to there being windows and bi-fold doors facing the garden.

The proposed ground floor extension would project 4.5m beyond the rear wall of the kitchen and living area at No.42, and this proposed development would be sited 310mm from the boundary fence. The extension, at 3m in height, would be 1.3m higher than the level of the existing timber fencing. The siting, orientation and massing of the proposed single storey rear extension would result in an unacceptable level of harm and overbearing impact on the neighbour at 42 Westwood Park Road's outdoor seating area as well as from the living and kitchen area within. Officers are of the view that the minor reduction in height by 300mm from the earlier scheme, is not sufficient to prevent the harm identified.

### No.38 Westwood Park Road

This southward adjacent property comprises of a two-storey dwelling with a rear conservatory. The existing garage and summer room at the application site is located 150mm from the shared boundary. The existing summer room already projects forward of the conservatory at 38 Westwood Park Road with eaves height of 2.5m sited next to the boundary.

The proposed first floor level rear extension would have its rear wall projecting 0.5m further from the rear wall of the dwelling at No.38. Considering the orientation, scale and depth of this additional projection beyond the line of existing development at No.38, the proposed scheme would not result in adverse level of overbearing or overshadowing impact on the living accommodation of the neighbouring property.

Looking to the proposed ground floor extension, it is noted that the existing garage and summer room are located close to the shared boundary. The proposed ground floor extension would be in line with the existing rear wall of the summer room albeit with a greater relief between the two properties, with a gap of approximately 1.2m. Considering the height of the existing hipped roof of the garage and summer room along the southern boundary, and the proportions of the proposed scheme in the same position, the proposal would not result in an unacceptable level of overbearing or overshadowing impact on this southward neighbour than the current situation.

### Impact of Juliette Balconies

The proposal would include two Juliette balconies on the first floor level which have received objections from both adjacent neighbours. There are four existing rear windows on the first floor level of the host dwelling, with the window closest to No.42 serving a main habitable room and the rest serving bathrooms. Therefore, Officers acknowledge that a degree of overlooking currently exists. Whilst the proposed development would further extend the building line at first floor level to the rear; the potential for overlooking and loss of privacy impact on the neighbouring properties would not be adversely increased by the siting of the Juliette balconies. Officers note that the concerns around this element of the proposal also hinge on the potential for the flat roof of the proposed ground floor extension being altered in future to provide accessible space as a balcony. Therefore, in the event of this application being approved, a condition would be added to prevent increased loss of privacy in case future alterations may lead to an accessible roof or creation of a balcony, with the condition secured in perpetuity.

There are objections from adjacent neighbours regards to overlooking of the conservatory or rear extension at the neighbouring properties from the Juliette balconies. The Juliette balcony nearest No.38 would be located approximately 4.2m from the south boundary of the application site. The

Juliette balcony nearest to No.42 would be sited approximately 1.4m away from the north boundary. Officers note that the viewing angle from these Juliette balconies, considering the location as well as the eye level of a person standing at the first floor level looking towards the conservatory at No.38 or the roof lights on the rear extension at No.42 would be relatively narrow. Officers note that a degree of overlooking is possible, albeit not enough to warrant a refusal based on the existing fall-back position of existing windows and the viewing angle from the proposed balconies.

Based on the above, Officers note that whilst the potential for overlooking as well as a degree of overshadowing impact would result from the proposal, these would not be of an unacceptably harmful level to justify a refusal. However, Officers would consider that the proposed scheme would result in unacceptable level of harm to the enjoyment of the outdoor amenity space of 42 Westwood Park Road as it is located immediately next to the proposed single storey rear extension. The single storey extension, by virtue of the proposed depth, mass and height; would result in an overbearing impact on the neighbouring property and as such, the proposal as submitted would not accord with Policy LP17 of the Peterborough Local Plan (2019).

### **c) Highway safety and parking provision**

The proposed development would increase the number of bedrooms to seven whilst a small existing garage would be removed as part of the proposal. Notwithstanding, the internal dimensions of the existing garage would not comply with current car parking standards set by the Council. In addition, the Council's parking standard requirement for new residential dwellings with upwards of four bedrooms is two on-site spaces.

The application site benefits from gravelled area to the front of the dwellinghouse, of clear dimensions of approximately 6m deep x 13m wide with access off the carriageway. Therefore, based on the Council's parking standards for residential dwellings of similar size, Officers consider there to be adequate on-site car parking space available to the occupants which comply with the Council's parking standards and therefore, the proposal would not lead to highway safety issues, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

### **d) Trees**

It is noted that officers sought consultation from the Council's Tree Officer with regards to the initial scheme submitted due to this former scheme consisting of a proposed annexe sited close to mature trees which were within the neighbouring properties. The Tree Officer has made a note of the trees and greenery which has been felled or removed from the application site in recent weeks and made recommendations to secure a landscaping plan to replace these lost trees/greenery by way of a condition. A site visit conducted in July showed evidence that there had been some tree felling in recent weeks however, the trees felled on the application site did not have Tree Protection Orders nor do they form part of a woodland area. Furthermore, aerial views of the area from before the trees were felled show that these trees were not within or near to the siting of the proposed development.

Officers have deliberated on the matter and consider that whilst trees and greenery would contribute positively to the urban setting and environment, and that the felling of the existing trees on the application site were regrettable, the activities were carried out before the application could be assessed or site visit carried out, and in the absence of an existing Tree Protection Order, Officers would not be able to justify such a condition in this instance for a residential dwelling.

Based on the above, it is considered that on balance, the proposal would accord with Policy LP29 of the Peterborough Local Plan (2019).

### **e) Other matters:**

Representations received from neighbours also included the following concerns:



- Concerns regarding proposed development sited against boundary and request from No.42 that the Council should mediate between the neighbours towards Party Wall notice.

The proposed scheme has been assessed on planning merits and Officers would not be able to mediate between neighbours over planning applications as this is a matter outside of the planning assessment. A proposal sited close to a shared boundary would be subject to serving notice under the Party Wall Act 1996. However, this would be a civil matter between adjacent neighbours and separate from obtaining a planning permission and thus, would not fall within the remits of assessing this planning application. If the application is successful, an informative on Party Wall Act 1996 would be included with the decision notice issued by the planning authority for the benefit of the applicant.

Furthermore, at the request of the neighbours, contact details of occupants of No.42 were passed on to the applicant via the agent handling the application on his behalf. Officers have explained to the neighbours that mediation between neighbours would not be a matter which the Council can intervene in.

- Concerns regarding that ground floor plans do not support the first floor plan, drawings lacking dimensions, etc, and incorrect locations of windows etc.

The submitted scheme has been assessed for the purposes of planning approval and officers note that the information and level of details provided in the application drawings fall within the minimum standards required to validate the application as per the Council's application guidance for the purposes of a planning assessment. Officers are would not assess details regarding construction, structural stability as part of planning assessment. Where discrepancies have been found at a level which would affect the Council's ability to approval submitted drawings, Officers have approached the applicant for revised drawings to remove any doubts.

## **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.

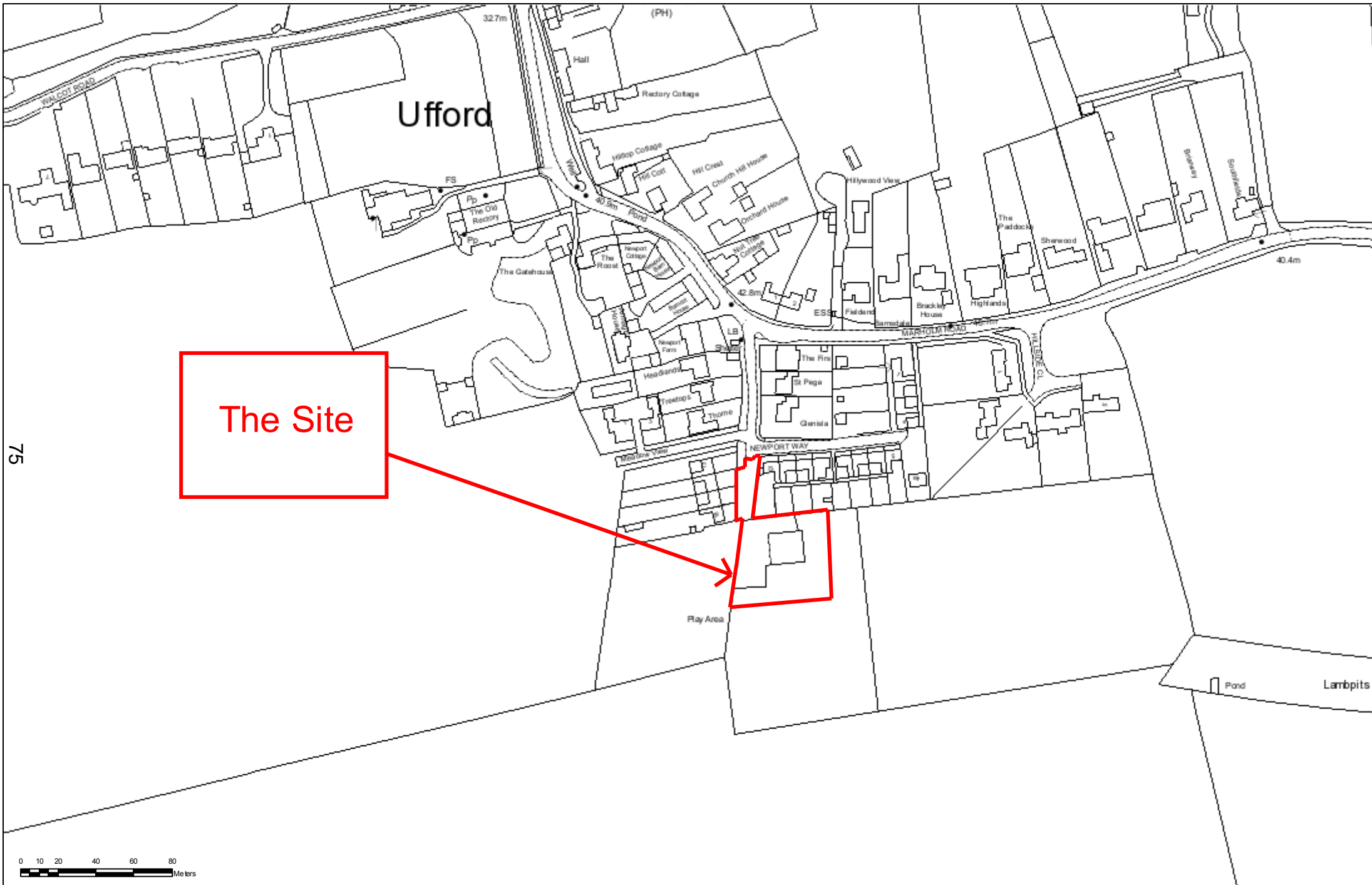
## **7 Recommendation**

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

- R 1 The proposed development, by virtue of its siting, height, scale and orientation of the single storey rear extension, would result in an unacceptably overbearing impact to the adjacent residential dwelling of No.42 Westwood Park Road. The proposal would result in significant overbearing impact to the immediate outdoor seating area and main habitable spaces located to the rear of the property such that unacceptable harm to the amenity of occupants would result. The proposal is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

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Planning Committee Location Plan 21/00335/FUL Newport Farm, Newport Way, Ufford, Peterborough

Scale 1:2,500  
Print Date: 04/10/2021

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**Application Ref:** 21/00335/FUL

**Proposal:** Construction of a single dwelling house

**Site:** Newport Farm, Newport Way, Ufford, Stamford  
**Applicant:** Mr A Brown

**Agent:** John Dickie Associates  
**Site visit:** 26.05.21

**Called in by:** Ufford Parish Council  
**Reason for Call-In:** Concerns relating to the design of the proposal and its associated visual impact, situated on a significantly larger plot. The scheme does not offer a betterment over the Prior Approval scheme.

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

**Recommendation:** **GRANT** subject to no new material planning matters being raised subject to public consultation, and conditions

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

**Site Description**

The application site comprises a standalone steel-framed agricultural building accessed via a private access road from Newport Way. The access is laid to gravel and also serves the village recreation area and 5x residential dwellings, some of which park on the access road at an angle.

The agricultural building and paddock are situated outside the settlement boundary. There is a mature hedge that runs along the northern boundary, backing onto residential gardens as well as to the recreation area. The application site is not situated within the Conservation Area, and is situated within Flood Zone 1.

**Pre-Amble**

In 2016, a prior approval application was submitted under App Ref: 16/01189/PRIOR for the 'Conversion of agricultural barn to two four-bed dwellings', however prior approval was refused for on the grounds that significant structural works would be required that did not fall within the limits of permitted development.

In 2020, prior approval was granted under App Ref: 20/00657/PRIOR for the conversion of the agricultural building to a single residential dwelling (C3). External works were proposed, which would include re-roofing the building in zinc, cladding the exterior of the building and installing windows at ground and first floor, as well as a mezzanine. The application was accompanied by a structural survey (JDA/2020/985, May 2020), which stated the building could be converted without substantial rebuilding, including supporting the proposed mezzanine floor. This prior approval application was subject to a number of conditions, some of which were pre-commencement conditions.

**Proposal**

The Applicant seeks planning permission for the 'construction of a single dwelling house, formation of pond and re-wilding of land'.

The proposed dwelling would for all intents and purposes demolish the existing barn, and in its

place erect a new dwelling within the original footprint and roofscape of the existing building.

At ground floor there would be an entrance, snug, study, open plan living, dining and kitchen space, a boot room and utility space, larger and plant room, with a guest suite with its own en-suite bedroom and living room. At first floor, there would be three en-suite bedrooms, all served by roof terraces.

Materials proposed include dry stone walling, vertical oak boarding and zinc cladding with a zinc roof. Solar panels are proposed on the southern elevation. The scheme includes provision for parking two cars on the driveway.

The Applicant sets out within the Covering Letter, and expanded upon within the Design and Access Statement, that the principle of residential development has been established due to the 2020 prior approval application. The Agent refers to case law and a scheme which was approved by South Kesteven District Council, whereby this approach was supported by Officers. This is discussed in detail below.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/01189/PRIOR	Conversion of agricultural barn to two four-bed dwellings	Not PD	09/08/2016
20/00657/PRIOR	Change of use of agricultural building to a dwelling house	Prior Approval Permitted	19/08/2020

## **3 Planning Policy**

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

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

**Section 12: Achieving well designed places**

**Section 14: Meeting Climate Change**

**Section 15: Conserving and enhancing the natural environment**

**Section 16: Conserving and enhancing the historic environment**

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

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

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

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

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

#### **LP08 - Meeting Housing Needs**

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

#### **LP09 - Custom Build, Self-Build and Prestige Homes**

b) Proposals or residential development will be considered more favourably if they provide appropriate opportunities for custom build and self-build.

### **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.

### **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.

### **LP27 - Landscape Character**

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

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

Part 1: Designated Site

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

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

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

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have

an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

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

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

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

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

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

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

#### **LP32 - Flood and Water Management**

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

#### **LP33 - Development on Land Affected by Contamination**

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

#### **Other Documents**

Peterborough Design and Development in Selected Villages SPD (2011).

## **4 Consultations/Representations**

### **Ufford Parish Council**

#### *First Round*

Object - Ufford Parish Council object to the current proposal. The Parish Council supported the original Class Q application (20/00657/PRIOR) for the subtle conversion of the existing barn. Due to the location outside the village envelope the proposed development should maintain an agricultural presence and be visually un-intrusive.

The Parish Council oppose a transfer from Class Q to standard planning permission on a site outside the village envelope and in open countryside. Normal planning permission in this location would be invalid under local policy.

The Parish Council would not wish to see a change in status to this plot which could set a precedent for other houses or further development outside the village envelope.

#### *Second Round*

Ufford Parish Council maintain their objection.

The proposal for a new dwelling in the countryside is contrary to Local Plan policies due to the development being sited outside the village envelope and in open countryside, therefore strict controls must be exercised in determining this proposal.



It is the view of the parish council that the proposed new build scheme does not offer betterment beyond the Class Q barn approval and strongly believe the re-consultation amendments should be refused. The proposed development does not provide betterment as:

1. It is more visible and obtrusive, creating a larger impact. The building is seen by a number of close properties and from public amenity space (the recreational play park and field).

Private vehicle parking is no longer hidden within the building's structure, unlike the previous Class Q approval.

There is an increased number of windows with larger areas of glazing and the addition of balconies. The materials proposed are significantly different in style and mass giving a much greater visual impact to the existing barn.

2. It would be detrimental to village design. Ufford was and still is a farming village. Land and buildings outside the village envelope should seek to maintain the very simple agricultural style that was achieved through the Class Q. This would not be achieved with the new (and more suburban) proposal.

3. The overall residential area (compared with the Class Q approval) including the garden is significantly larger and leads to greater visual impact on the open countryside. This area should remain as agricultural land – as with the Class Q requirement. The Parish Council see no reason why the residential land area identified should increase beyond that of the Class Q.

Ufford Parish Council request that the application be determined at a meeting of the Planning Committee.

**PCC Tree Officer**

No objection - Further to the receipt of amended plans, no objections subject to a landscaping condition being secure, using native species.

**PCC Wildlife Officer**

No objection - It is noted that the biodiversity checklist was filled out incorrectly with two boxes asking if agricultural buildings were being disturbed by the proposal being ticked 'no', when the proposal clearly described the renovation of an old barn. Further to undertaking a site visit, it was established that no further surveys were necessary.

A site visit was conducted on the 9<sup>th</sup> of September 2021. The site visit confirmed that the building had no significant potential for roosting bats or larger nesting birds due to the close construction of the building and unsuitable materials being used. This would be the assumption unless evidence proves otherwise, as it is illegal to disturb the resting place of any protected species regardless of reason. As such if there is any doubt during construction that protected species are being disturbed a consultant ecologist should be contacted as soon as possible.

The potential for smaller nesting birds is very difficult to discount for any agricultural building however. As such, a suitably worded condition shall be attached to ensure nesting birds are not disturbed during construction.

A bird and bat box condition is also sought, to ensure that any roosting features are maintained.

**PCC Local Highway Authority**

No objection – Subject to conditions being appended with the creation of an improved pedestrian access, provision of parking and turning, wheel wash and temporary facilities during construction.

**PCC Archaeological Officer**

No objection - The proposed development site contains no known heritage assets, However,

Roman occupation debris, including a silver spoon, are located at c. 200m to the NW. Further to the NE there is additional evidence of Roman occupation. Although presently unknown, buried archaeology may be present.

Archaeological monitoring of the excavation of the pond and any temporary/permanent deep excavations, including subsoil surface preparation, is recommended

### **PCC Pollution Team**

No objection – The Pollution Control team originally raised an objection to the proposal, advising that an asbestos survey had been submitted which evidenced that that 1 sample contained Chrysotile / Amosite asbestos, therefore in accordance with the NPPF, adequate site investigation information prepared by a competent person was required to enable an informed decision on the sites suitability for its proposed use.

A revised Phase 1 contaminated land assessment (August 2021) has been submitted, of which the Councils Pollution Control team have raised no objections, subject to a condition being appended with respect to uncovering contaminated land. The disposal of asbestos is handled by the Health and Safety Executive.

With respect to the air source heat pump, it is ultimately the landowners responsibility to ensure that all of the conditions and limits to be permitted development will be met, the installer of the equipment should check to ensure that the installation complies with the Microgeneration Certification Scheme planning standards (MCS020), including requirements on noise. If the installation does not comply with MCS 020, a noise assessment will be required to demonstrate acceptability of the air source heat pump prior to installation.

### **PCC Open Space Officer**

No objection – Please note however, the application site is situated next to PCC's Playing Fields with access being restricted down Newport Way. Please make the Developer aware of the need to keep a clear and unrestricted access through to our Playing Fields for Children and all users to enjoy plus Ground Maintenance Staff carrying out Operations

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

Initial consultations: 25  
Total number of responses: 24  
Total number of objections: 11  
Total number in support: 12

**A revised site notice was posted on the 24<sup>th</sup> September 2021, which expires on the 15<sup>th</sup> October 2021, therefore should any additional letters of representation be received, these will be added to the Update Report.**

### First Round

4x letters of **objection** have been received from 4 adjoining neighbours raising the following concerns:

- The proposed works enlarge the building and bring the living quarters closer to the northern boundary, when considering the prior approval scheme;
- Given the number of rooflights, this would emit more light pollution;
- The west facing balcony would overlook neighbour gardens;
- The application site has never been a farm, it is a field with a shed on it. It has never been used for livestock;
- Loss of protected species
- The building has been constructed out of asbestos
- There are concerns that the re-wilding of the field will become a development site for residential in the open countryside;

- This part of the village suffers with poor water pressure;
- The sewerage system will not be able to cope;
- There are issues of surface water drainage to neighbouring properties;
- Noise and disruption caused by construction traffic.

### Second Round

13x letters **support** have been received from 9x addresses situated within the village, and one from Stamford, raising the following:

- The proposal would be a beautiful modern home, rather than a fake barn;
- The design is a brilliant blend of the shape of a barn with the strength and purpose of a modern and beautiful home;
- This house will replace a poor design with a better design and will widen the choice of high-quality homes;
- It is clearly an improvement on the current building and a betterment to the previous application;

7x letters of representation have been received from 5x addresses, which adjoin the application site, raising the following **concerns**, which have raised the following additional matters:

- The proposal would increase the amount of traffic using the access road;
- Children play in the field adjacent;
- Concerns as to where the existing machinery and storage containers would be situated in the future;
- Concerns with respect to a Walnut Tree adjacent to the existing vehicle access, specifically root protection and overhanging branches;
- The shed has historically been used for the storage of cars, a mechanic, storage of corn and machinery, it is not a farm;
- Additional time should be allowed for members of the public to comment. Neighbours did not receive notification by post, and the site notice posted on the Council's website is situated in another village; and
- A number of the comments in favour of the proposal are not from the neighbours which immediately adjoin the application site.

3 x letters of **objection** has been received, raising the following:

- Since moving to Newport Way in 2016, the barn has not been in agricultural use, so unsure why conversion has been granted?
- Design is entirely out of keeping with the agricultural setting;
- Increased number of windows and balconies would be obtrusive and is unnecessary;
- Only reason that this is a full application as opposed to a revision of Class Q is to establish precedent for new houses in the open countryside. It is the Council's duty to prevent this from happening;
- One supporter is no longer purchasing a property in Newport Way and so cannot be considered a near neighbour;
- The northern area of the new build is in unreasonably close proximity to existing dwellings and gardens;
- Very important to consider whether today's architectural designs will become tomorrow's architectural carbuncles;
- The fall of the land from the application site is downward sloping towards other properties on Newport Way, particularly no.16. The gravelled highway lacks sufficient drainage and following rainfall a small stream often forms from the application site, running along the highway and down to our front doorstep. There were occasions last winter where surface water originating from the application site was pooling by our front door and was threatening to breach the threshold;
- If there is any doubt whatsoever that the proposed development may adversely impact surface

water run off, conditions should be imposed to improve drainage both on the application site and the highway;

- None of this is helped by the current poor state of the highway where much of the gravel has been worn away from the volume of traffic, turning it into a mud bath in inclement weather. The boundaries of the park and highway are becoming blurred as the greenery is expanding due to the substandard condition of the road. I would request that highways revisit to observe the current state if they have not attended site recently.

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

The main considerations are:

- Principle of development
- Design and layout
- Access and parking
- Neighbour amenity
- Amenity of future occupiers
- Biodiversity
- Contamination

### **a) The Principle of Development**

#### Policy Considerations

In accordance with Paragraph 47 of the NPPF (2021), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

Paragraph 12 states that, 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.

Paragraph 80 of the NPPF advises that local planning authorities should avoid the development of isolated homes in the countryside unless certain circumstances apply such as an essential need for a rural worker, enabling development to secure a heritage asset, re-use of redundant or disused buildings, sub-division of an existing dwelling or the design is of exceptional quality.

This proposal is for a dwelling situated outside the village settlement boundary of Ufford within the open countryside. Policy LP2 states:

'... development in the countryside (ie outside the boundary of all settlements in the hierarchy) will be restricted to that which is:

- Demonstrably essential to the effective operation of local agriculture, horticulture, forestry ,outdoor recreation and access to natural greenspace, transport or utility services; or
- Residential development which satisfies the 'exception' test set out in policy LP8 (Meeting Housing Need); or
- Development in accordance with Policy LP11 (Development in the Countryside); or
- Minerals or waste development in accordance with the separate Minerals and Waste Development Plan Documents.

All other residential development outside of village envelopes and outside of Peterborough Urban

Area boundary will, by definition, be contrary to the vision, objectives, development strategy and policies of this Local Plan, and should be refused, unless otherwise acceptable within a made Neighbourhood Plan'.

To confirm, Ufford does not have a Neighbourhood Plan.

Policy LP8 (Meeting Housing Needs) states, 'development proposals for housing will be supported where they provide a range of high quality homes of varying sizes, types and tenures to meet current need, including homes for market rent and plots for self-build (LP9)'. Policy LP8 does specifically refer to Rural Exception Sites, which are for affordable housing situated outside but adjacent to the village envelope, however, for the avoidance of any doubt, this application is not proposing to form an affordable dwelling, nor is there demonstrable local support.

Policy LP9 does make provision for Custom Build, Self-Build and Prestige Homes, and that 'proposals for residential development will be considered more favourably if they provide appropriate opportunities for custom build and self-build'.

Policy LP11 relates to 'Development in the Countryside' which, amongst other things, allows new residential development in the countryside providing that they fall under certain types of development. These include the re-use and conversion of non-residential buildings, the replacement of a permanent existing dwelling and where the new dwelling would be for agricultural, forestry and other enterprises where a countryside location is essential. The proposal does not fall within any of these types of development and therefore does not benefit from this policy. The proposal is therefore contrary to Policy LP2 which restricts development in the countryside.

Whilst the application site is considered to be located in the countryside as it is outside the settlement boundary of Ufford, it is not considered to be in an isolated location in the context of paragraph 80 of the NPPF(2021). The site is immediately adjacent to the built up area and is accessed from a private drive that is also shared by existing residential development located within the village.

#### The 'Fall-back Position'

The Applicant argues that, 'across the UK, there have been a great many successful applications for complete re-builds of agricultural buildings previously consented under Class Q...' These have been based on the existence of a fall-back position where a previous prior approval under Class Q is considered to be a material planning consideration that should be given weight in the decision-making process when assessing proposals for a new dwelling to replace an agricultural building.

In support of his argument, the Applicant has referred to the following cases;

#### *Zurich Assurance vs North Lincolnshire Council (Case number is CO/4764/2012)*

Turning to the first example, the case for Zurich Assurance vs North Lincolnshire Council, this is from 2012 and relates to 'Foundry Shopping Centre' which lies in the centre of Scunthorpe, comprising 19,000sqm of retail floor space in 45 units. Officers understand that in this Case, which relates to a large retail development, has been submitted to demonstrate Officers consider material fall back positions.

#### *Planning permission for new dwelling at King Street, Baston (App Ref: S18/2188)*

The planning permission granted by South Kesteven District Council for the demolition of an existing poultry shed and erection of a new dwelling. The site previously had permission for the conversion of an agricultural building under the Class Q prior approval process. The Case Officer Report stated, '*... it is established that relevant previous decisions constitute material planning considerations and there are previous planning decisions on this site which are considered relevant to this application, the most relevant being S18/0741 under which prior approval was granted for the conversion of the existing poultry shed to a larger dwelling house. The above mentioned approval allows a dwellinghouse on the site irrespective of the location being*

*considered unacceptable under the spatial strategy. Importantly, it is considered that there is a real prospect of this approval being implemented and as such, a significant weight is accorded to the approval as a material consideration in the assessment of the current proposal'.*

The Case Officers continues, *'in addition, it is important to point out that whilst the location may not be acceptable for new developments as set out within the Core Strategy, the site is however not isolated in that there are some commercial developments as well as dwellings in close proximity to the site. As such, the erection of a dwelling on the site would not have the same effect on the character of the area as that of a new dwelling in an open countryside location'.*

The Case Officer then goes on to assess matters of character of the area, neighbour amenity, highway issues, as well as crime and disorder and human rights implications, and concludes '... notwithstanding the location of the site, it is considered that a new dwelling is now accepted in principle at this unsustainable location having regard to the planning history of the site'.

*Court of Appeal in Mansell v Tonbridge And Malling Borough Council (2017)*

With respect to the Court of Appeal in Mansell v Tonbridge And Malling Borough Council (2017) EWCA Civ 1314 (Case Number, C1/2016/4488), the Applicant states that this example was discussed with the Case Officer in advance of the application being submitted, and 'Officers attached no weight'. It is important to understand the context of the planning application to which this Case relates, specifically, it was for change of use of an agricultural barn and the erection of new build residential development within the open countryside. The application of which was being reported to members of the relevant Planning Committee as it was 'a departure from the Local Plan', and the Case Officer was simply highlighting that part of a 600sqm agricultural building, could be converted to residential use under the prior approval process. In the opinion of Officers, in relation to that specific case, a positive recommendation was being put to the Planning Committee, contrary to the local plan as they felt a better scheme could be achieved. However, it is not clear whether any such prior approval had in fact been permitted for the Case in question, therefore Officers cannot say for certain whether this was indeed a legitimate fall back that met all of the tolerances under Part 3, Class Q.

Officers have identified a recent appeal decision for 'the replacement of agricultural buildings and erection of 2no. dwellings with associated works (following previous prior approval under Class Q – Ref 36/18/0008/CQ) in Taunton, Somerset (APP/W3330/W/20/3248009), whereby the Inspector concluded under Paragraphs 28-30:

*'I have found that the appeal proposal would enhance the appearance of the site and would not harm the character of the area or designated heritage assets. It would also comply with other development plan policies in relation to parking, highway safety and the living conditions of neighbours. It would not however be an appropriate location for housing given the limited access to services and facilities. As such, the proposal would conflict with the development plan taken as a whole.*

*However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances I afford the conflict with the development plan moderate weight. The appeal proposal would however deliver significant benefits to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the appeal proposal.*

*Overall, taking account of the Framework and the above considerations, I find that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and justifies granting planning permission for the proposal. Consequently, I conclude that the appeal should be allowed'*

In general, it is accepted under case law that previous planning decisions on a site may be capable of being material planning considerations in the consideration of subsequent applications. The potential for a fall-back position in the circumstances of Class Q prior approvals has been identified

in case law, appeal decisions and decisions made by other Local Planning Authorities. The cases identified above are not considered to be an exhaustive list but provide Members with some recent examples. One important factor is that the prior approval permission must be extant and have a realistic prospect of being implemented. In this case, the applicant has demonstrated that there are no constraints that would prevent the prior approval from being implemented. It is therefore accepted that the existence of a fall-back position can be a material planning consideration in the determination of this application.

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

As detailed above, the application site is located within the open countryside and at the edge of the settlement of Ufford. There is little by way of existing vegetation or screening to the south and east of the site and it is therefore readily visible from the surrounding countryside. The existing barn is of a utilitarian appearance and typical form of many agricultural buildings not only within Peterborough, but also the country. It is not considered to be attractive, but owing to its typical appearance, nor is it considered to be incongruous or offensive in visual amenity terms.

The fall-back position in regards to the current proposal - the permitted conversion of the existing building to residential use with associated external changes – is set out above. As there is a reasonable prospect of this conversion taking place, this is a material consideration and therefore the design of the proposal should not be considered from a baseline of no development within the site, but instead, in comparison to the consent already in place.

The proposal seeks to maintain the siting, footprint, height and mass of the existing building. It would also maintain a dual pitched form, with a single storey side off-shoot, typical of many barn buildings. However, the proposal seeks a far more modern architectural style with the introduction of dry stone walling, oak boarding, glazed recessed balconies and zinc cladding and roofing. This is in contrast to the conversion which has been permitted, which permitted slate grey cladding across the entire expanse of the building, and zinc roofing. A copy of the elevations and visuals for this previous consent are attached for Members reference at **Appendix A**.

The concerns of the Parish Council in regards to the design of the development are noted. It is accepted that the proposal does not accord with the Ufford-relevant policies set out within the Peterborough Design and Development in Selected Villages SPD (2011) which seeks that ‘the design of any new building or an extension to an existing building should be sympathetic to its neighbours and in keeping with the village environment.’

Furthermore, it is acknowledged that paragraphs 52 and 53 of the National Design Guide (2021) state, ‘local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings. These special features can be distinguished by their uses and activity, their social and cultural importance, and/or their physical form and design. Most places have some positive elements of character, particularly for their users. These can help to inform the character of a new development.’

Well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents, the characteristics of the existing built form, the elements of a place or local places that make it distinctive, and other features of the context that are particular to the area’

Paragraphs 56 and 57 goes on to state ‘Well-designed places contribute to local distinctiveness. This may include adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area ... using local building ... materials, creating a positive and coherent identity that residents and local communities can identify. Materials [and] construction details ... are selected with care for their context. They are attractive but also practical, durable and affordable. They contribute to visual appeal and local distinctiveness...’

However, the National Design Guide and NPPF do not seek to ensure that innovation and modern development cannot take place. Instead, consideration must be given as to whether or not the

proposal would result in harm to the amenity of the locality. The barn conversion already permitted would not respect the local vernacular, and it is considered that the current proposal represents a far greater quality of and more sympathetic design compared to that consent. The materials proposed, their application and the use of glazing would strike a balance between an appearance of a barn-style agricultural structure, whilst securing a high quality modern form which is striking and attractive. Officers are of the view that the current proposal would represent a betterment in design and character terms that that which has already been permitted.

In addition, the opportunity is available to secure appropriate soft landscaping of the site boundaries which would, over time, assist in reducing the impact of the proposal upon the open countryside beyond. Whilst Officers do not consider that it would be reasonable or appropriate to seek a dense soft boundary to the site, appropriate landscaping can be secured such that reduced views are possible such that the hard edge created by development on this site is softened.

As the quality of materials to be used is essential in securing an acceptable appearance, a condition requiring submission of samples to be viewed on site shall be secured.

As such, the proposed development is considered to represent good quality of design that would not unacceptably harm the character and appearance of the area, or detract from the wider landscape character. It is therefore considered to be in accordance with Policies LP16 and LP27 of the Peterborough Local Plan (2019). The overall design quality is considered to be a betterment compared to development which has already been permitted on the site, and this benefit is considered to outweigh the conflict with the Peterborough Design and Development in Selected Villages SPD (2011).

As noted by the Parish Council, this scheme does not make provision for garaging, therefore vehicles as submitted would park outside, and the dwelling would be served by a larger garden than previously secured. It is considered reasonable and necessary to attach a planning condition which restricts permitted development rights for extensions, alterations and outbuildings. The reason for this is that the design of the new build has been accepted on the basis that it is a betterment than the prior approval scheme, and that it fits within the original scale and mass of the original barn. Officers wish to avoid the expansion of the building and the associated domestication and spread of residential paraphernalia outside the village envelope.

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

The Local Highway Authority (LHA) have raised no objections to the proposal, however have advised that the gravel surfacing of the existing access track would make access difficult for vulnerable users, and should therefore be improved if possible (even a bound material surfacing for a pedestrian route along one side of the track would be an improvement on the existing provision).

The LHA acknowledge that this is an existing access, but would still like to see access improvements carried out (to accord with Policy LP13). These improvements would be essential for any additional development of the land.

The LHA have recommended conditions, which include the provision of temporary facilities. In this instance, the would have sufficient space off the public for the storage of materials and parking of materials, however, depositing on the highway is a matter for the Local Highway to enforce, therefore Officers would not be seeking to include this condition in any event.

Subject to conditions being appended with respect to the provision of parking and turning, wheel wash facilities, and access improvements, the proposal would provide satisfactory off-street parking and would not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

A letter of representation has been received, raising concerns that the proposal would increase the amount of traffic using the access road. The site has planning permission to be used for



agricultural purposes, which could generate movements by HGV's and large agricultural machinery 24 hours a day, 7 days per week. The proposal would change the nature and type of traffic using the access road, however, for the reasons set out above it is not considered the proposal would exacerbate the amount of traffic using the access, which would constitute an adverse highway safety hazard.

#### **d) Neighbour Amenity**

The proposed dwelling has been designed so first floor north facing openings would be rooflights only; given the internal floor levels it would not be possible to see out of these windows, and the rooflights on the north elevation at first floor serve bathrooms, and would be sought to be obscurely glazed by condition.

The scheme does introduce balconies at first floor on the east, south and west elevations, however when considering the juxtaposition of neighbours to the north and north-west, the distances involved and intervening landscaping, it is not considered the proposed balconies would give rise to unacceptably adverse levels of overlooking, or a loss of privacy, and the relationships are accepted in this instance.

Subject to a condition being appended with respect to obscurely glazing the bathroom rooflights, the proposal would not give rise to an unacceptably adverse impact to neighbouring amenity, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

The proposal would introduce an air source heat pump; such apparatus could fall under permitted development provided it meets set tolerances. A condition shall therefore be attached ensuring the equipment complies with the Microgeneration Certification Scheme planning standards (MCS 020), including requirements on noise. If the installation does not comply with MCS 020, a noise assessment would be required to be submitted by way of a planning condition, to demonstrate acceptability of the air source heat pump prior to installation.

#### **e) Amenity of Future Occupiers**

Further to the receipt of amended plans, the red line has been redrawn so that the dwelling would be served by a garden commensurate in size and scale with the host dwelling. Rooms would be afforded satisfactory levels of natural light, and whilst vehicle access is to be retained for the Fitzwilliam estate along the northern and western boundaries, such movements would not be intense and the relationship is accepted in this instance.

It is noted that a ground floor en-suite bedroom is proposed, which has a northern outlook, however, given the overall size and scale of the proposed dwelling, accompanying plot, and links to public rights of way and the open countryside, this relationship is accepted in this instance.

As such, future occupiers would be afforded satisfactory living conditions, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

#### **f) Biodiversity**

##### Trees

Further to the receipt of amended plans, the Tree Officer has withdrawn his original objection, subject to a landscaping scheme being secured which would utilise native species.

##### Wildlife

Notwithstanding that the Biodiversity Checklist was incorrectly filled out, the Council's Wildlife Officer visited the site to undertake a visual inspection, and has raised no objections to the proposal subject to conditions and informatives being attached.

In the absence of an ecological survey being submitted, the Council's Wildlife Officer has stated that the demolition of the barn should not take place during the bird breeding season, which is considered reasonable in this instance.

Conditions and informatives also include no removal of trees or hedgerows during bird breeding season, the submission of a landscaping scheme utilising natural species, and the provision of a new bird and bat boxes. Subject to these conditions, the development would preserve the biodiversity value of the site, in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019).

Letters of representation have been raised with concerns of impact to protected species, however, as set out above, subject to relevant conditions and informatives the biodiversity value of the site, including protected species, would be preserved. It is worthwhile noting that it is an offence to kill or injure any wild animal listed in Schedule 5 of the Wildlife and Countryside Act (1981), and it is also an offence to intentionally or recklessly damage or obstruct any place used for their shelter or protection. As such, the protection of such species are covered by their own legislation.

A letter of representation has also been received with respect to a Walnut Tree adjacent to the existing vehicle access, specifically root protection and overhanging branches. Matters of hard landscaping would be secured by planning conditions; if any hardstanding were to be within the vicinity of the tree, it would be required to take the roof protection area into account, however if no works are to take place within this location, or the branches are affected, this is a civil matter between the two parties, separate to the planning process.

#### **g) Contamination**

Further to initial comments from the Council's Pollution Control Officer, additional contaminated land information has been submitted, and the Council's Pollution Control team have withdrawn their objection, subject to attaching a condition with respect to uncovering unsuspected contamination.

A letter of representation has raised concerns of asbestos, however, the control and disposal of asbestos rests with the Health and Safety Executive, and any undertaker would be required to accord with HSE guidance. That said, should planning permission be granted, an informative shall be attached advising that the Applicant, Agent or Successor in Title inform neighbouring residents when the building would be demolished, so that they might close their doors and windows, bring in their washing etc.

#### **h) Other Matters**

The following matters were raised within letters of representation, which have not been addressed above:

*- The proposed works enlarge the building and bring the living quarters closer to the northern boundary, when considering the prior approval scheme*

Officer Response: The proposed works would be within the confines of the overall scale and massing of the existing barn. The internal layout would differ to that of the previous approval, however, for the reasons outlined above this is not considered to give rise to unacceptably adverse levels of neighbour amenity harm.

*- Given the number of rooflights, this would emit more light pollution*

Officer Response: It is recognised that the rooflights would introduce light pollution, however, the amount of lighting is not going to give rise to levels of harm which would affect wider night-time sky glow, and as it currently stands, external lighting could be installed to the building and around the barn without the need for planning permission. An external lighting scheme has been sought by condition.

*- The application site has never been a farm, it is a field with a shed on it. It has never been used for livestock*

Officer Response: As established as part of the previous Prior Approval application, Officers are content that the historic use of the building has predominantly been for agricultural purposes.

*- There are concerns that the re-wilding of the field will become a development site for residential in the open countryside*

Officer Response: This no longer forms part of the proposal, however, planning permission is not required to re-wild an agricultural field, or plant ornamental fruit trees. The residential curtilage of the property is clearly shown on the submitted Site Plan.

*- This part of the village suffers with poor water pressure*

Officer Response: This concern should be directed to the relevant water authority, and is a matter outside of the planning remit.

*- The sewerage system will not be able to cope*

Officer Response: A dwelling has already been permitted on this site through the granting of prior approval consent, and therefore this proposal would not alter from the fall-back position in this regard. Therefore, whilst these concerns are noted, this is not a matter for which the current proposal could be resisted.

*- There are issues of surface water drainage to neighbouring properties*

Officer Response: Officers do not considered the proposed change of use would exacerbate issues of surface water run-off; should planning permission be granted a detailed hard landscaping scheme would be sought by planning condition(s).

*- Noise and disruption caused by construction traffic, and children play in the adjacent field*

Officer Response: Any noise or disruption caused by construction traffic would be temporary and limited to the period of construction; noise generated by construction sites is covered by separate Health and Safety legislation.

*- Concerns as to where the existing machinery and storage containers would be situated in the future*

Officer Response: The site would become residential in nature; the permanent storage of agricultural machinery and storage containers would require planning permission in their own right.

*- Additional time should be allowed for members of the public to comment. Neighbours did not receive notification by post, and the site notice posted on the Council's website is situated in another village*

Officer Response: Neighbours have been notified in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement. A new site notice has been erected for the avoidance of doubt.

*- A number of the comments in favour of the proposal are not from the neighbours which immediately adjoin the application site*

Officer Response: Officers have made it clear that adjoining residents have objected to the proposal.

*- Only reason that this is a full application as opposed to a revision of Class Q is to establish precedent for new houses in the open countryside. It is the Council's duty to prevent this from happening*

Officer response: All applications are considered on their own merits and in accordance with the adopted Local Plan, taking account of all material considerations. Planning decisions do not therefore set precedence, and any future development would be considered against the current policies of the Local Plan. The proposal in this instance is only considered as acceptable owing to the fall-back position whereby conversion of the existing barn for residential use has already been permitted.

*- If there is any doubt whatsoever that the proposed development may adversely impact surface water run off, conditions should be imposed to improve drainage both on the application site and the highway*

Officer response: The concerns of the objector are noted and, whilst not usually sought on an application for non-major development, Officers have requested that the Council's Drainage

Engineer review the proposal and provide comment. These shall be provided to Members within the Briefing Update Report.

## 6 Conclusions

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

- The application site is situated within the open countryside outside the settlement boundary, however, there is a legitimate fall-back position which has a realistic prospect of being implemented. The proposed scheme is considered to be an improvement in design terms, whilst sitting within the original mass and scale of the agricultural building. As such, the overall design quality is considered to be a betterment compared to the development which has already been permitted on the site under Class Q prior approval. This benefit is considered to outweigh the conflict with Policy LP2 and the Peterborough Design and Development in Selected Villages SPD (2011), and is accepted in this instance;
- The application site is not considered to be in an isolated location and accords with paragraph 80 of the NPPF(2021);
- The proposed dwelling would not have an unacceptable harmful impact to neighbouring amenity, and would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019);
- The proposal would not have an adverse impact on the biodiversity value of the site, and would accord with Policies LP28 and LP29 of the Peterborough Local Plan (2019);
- The development would make provision for dealing with known and unsuspected contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019);
- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019)

## 7 Recommendation

The Case Officer recommends to the Planning and Environmental Protection Committee that Planning Permission is **GRANTED** subject to receipt of no new objections raising new material planning considerations as part of the revised site notice, and the following conditions:

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

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

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

- JDA/2020/800/OS.001A – Site Location Plan
- JDA/2020/800/BLOCK.002B – Existing Block Plan
- JDA/2020/800/BLOCK.001A – Proposed Block Plan
- JDA/2020/800/SITE.001A – Proposed Site Plan
- JDA/2020/800/STR.001 – Existing Elevations
- JDA/2020/800/PLANNING.001A – Proposed Floor Plans and Elevations
- JDA/2020/800/DRAINAGE.001A – Proposed Drainage and Lighting

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

- C 3 No development shall take place above slab level unless and until material details of walling, roofing and external doors have been submitted to and approved in writing by the

Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

- C 4 Prior to occupation of the development hereby permitted, the parking and turning areas shall be laid in accordance with Drawing JDA/2020/800/SITE.001A (Proposed Site Plan) and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the use of the dwellings hereby permitted.

Reason: To ensure the development is provided with satisfactory parking, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 5 Prior to the commencement of development a wheel cleaning system for construction vehicles (i.e. a portable wheel wash) including a contingency measure should this facility become in-operative shall be installed on site. The wheel cleansing equipment shall remain on site throughout construction and be capable of cleaning the wheels, underside and chassis of all construction vehicles that shall visit the site during the construction/demolition phase.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 6 Notwithstanding the submitted information no land raising is permitted and the finished floor levels of the dwelling hereby permitted shall be no more than 100mm above existing ground floor level.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers and the visual amenity of the surrounding area, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019)

- C 7 The air-source heat pump hereby permitted shall accord with the standards set out under the Microgeneration Certification Scheme for air source heat pumps (MCS 007).

Reason: In the interest of protecting neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C 8 Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied unless and until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- Planting plans including retained trees, species, numbers, size and density of planting; and
- Details of any boundary treatment(s).

The approved hard landscaping scheme shall be carried out prior to the occupation of the dwelling, and retained thereafter.

The soft landscaping shall be carried out within the first available planting season following first occupation or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are

removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity and enhancement of biodiversity, in accordance with Policies LP16, LP27 and LP28 of the Peterborough Local Plan (2019).

- C 9 During construction works, all construction trenches shall be covered overnight and a method of escape for mammals, specifically hedgehogs, shall be provided to each trench. With respect to any impenetrable barriers hereby approved adequately sized gaps shall be provided every 10 metres to enable the movements of hedgehogs.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019)

- C10 Notwithstanding the submitted external lighting details (Drawing JDA/2020/800/DRAINAGE.001A (Proposed Drainage and Lighting)), any external lighting for the site shall not, either individually or cumulatively, exceed Zone E1 of the Guidance notes for the reduction of obtrusive light 01/21 (Institute of Lighting Professionals, 2021) (or any such guidance note replacing that note with or without modification).

Reason: In the interest of protecting the character of the area and biodiversity value of the site, in accordance with Policies LP16, LP17 and LP28 of the Peterborough Local Plan (2019)

- C11 The development hereby permitted shall not be occupied unless and until details of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the bat and bird boxes shall be implemented prior to first occupation in accordance with the approved details, and thereafter retained and maintained as such in perpetuity.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C12 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C, D, E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be constructed other than as those expressly authorised by this permission or those expressly authorised by any future planning permission.

Reason: In order to protect the character of the area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C13 The development hereby permitted shall achieve the Optimal Technical Housing Standard of 110 litres of water usage per person per day.

Reason: To minimise the impact on the water environment, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

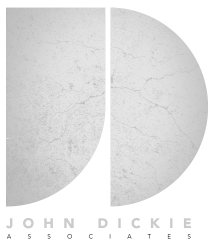
- C14 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 183-185 of the NPPF (2021) and Policy LP33 of the Peterborough Local Plan (2019).

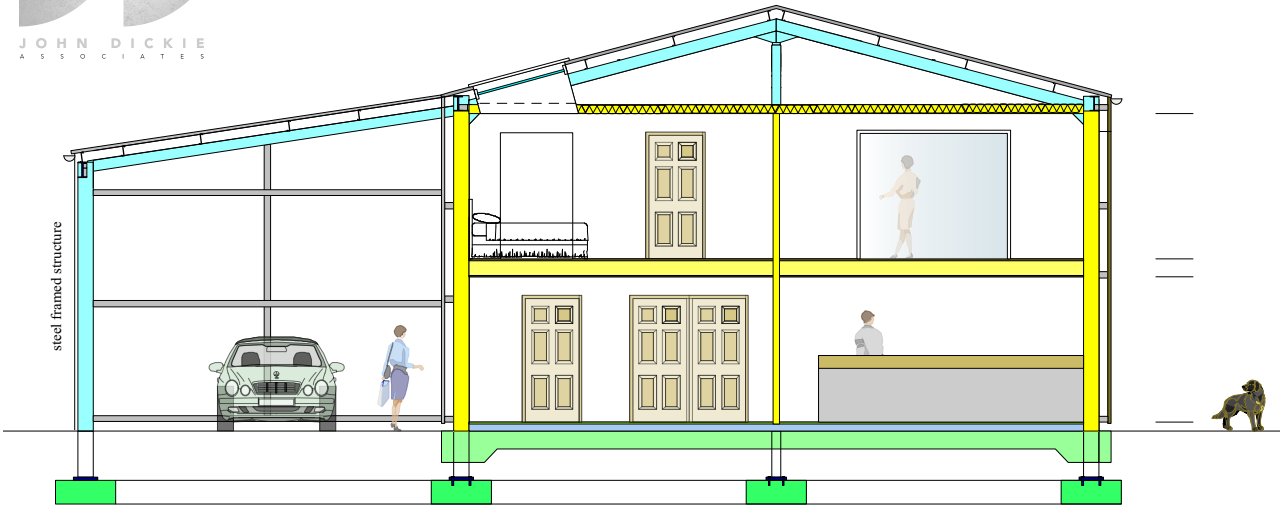
Copy to Councillor David Over

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Remove ex profile roof sheets and replace with Zinc



EXISTING SECTION THROUGH BUILDING

NOTES
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All details shown on this drawing are based upon typical site conditions related to the area. No responsibility can be accepted for abnormal conditions unless they have been reported in detail so that design amendments may be considered.
All works and materials are to be in full accordance with current British Standards, Building Regulations, Agreement Certificates and Manufacturers printed instructions.
All Building Regulations inspections are to be carried out at the appropriate stages of work.

PLANNING CONSENT COMPLIANCE
The soft landscaping scheme shall be carried out as approved no later than the first planting season following the occupation of the dwelling to which it relates or the completion of development, whichever is the earlier. The management plan shall be implemented in accordance with the details contained therein.
Any trees, shrubs or hedges forming part of the approved landscaping that die, are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.
Thereafter the planting scheme shall be carried out in accordance with the approved details at the first available planting season.

John Dickie Associates
Chartered Building Engineers
5, Victor Way, Cherry Holt Road,
Bourne, Lincs PE10 9PT
Tel 07778 297733 jda@ndirect.co.uk

Proposal : Conversion of Barn into Single Dwelling

Location : Newport Way, Ufford,
Peterborough, Cambs

Drawing :
Proposed Floor Layouts and Section

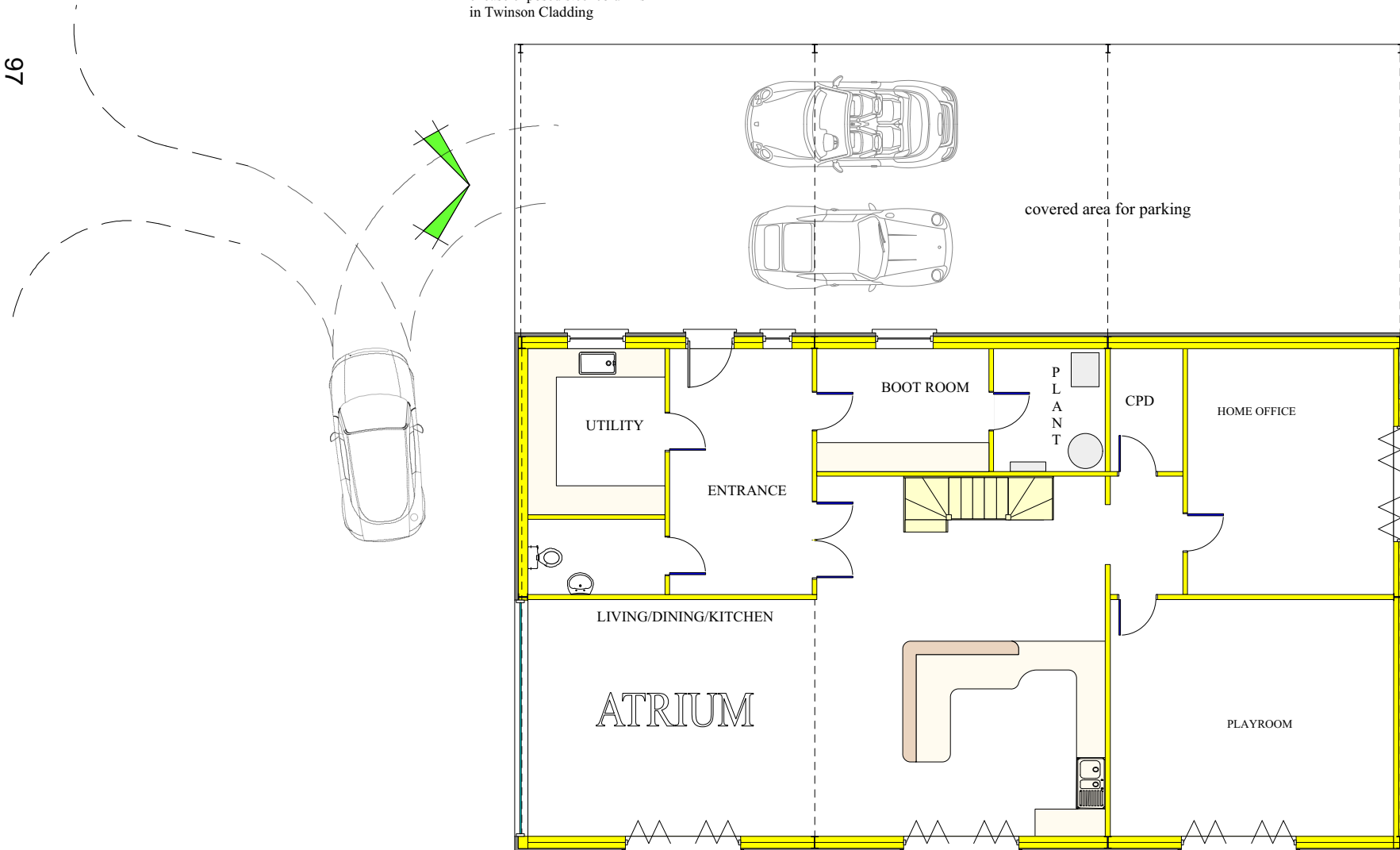
Client : Mr A. Brown
May 2020
Scale 1 To 125

Drawing No JDA/2020/800/LAYS.001A
Rev A July 2020 Vehicular access revised

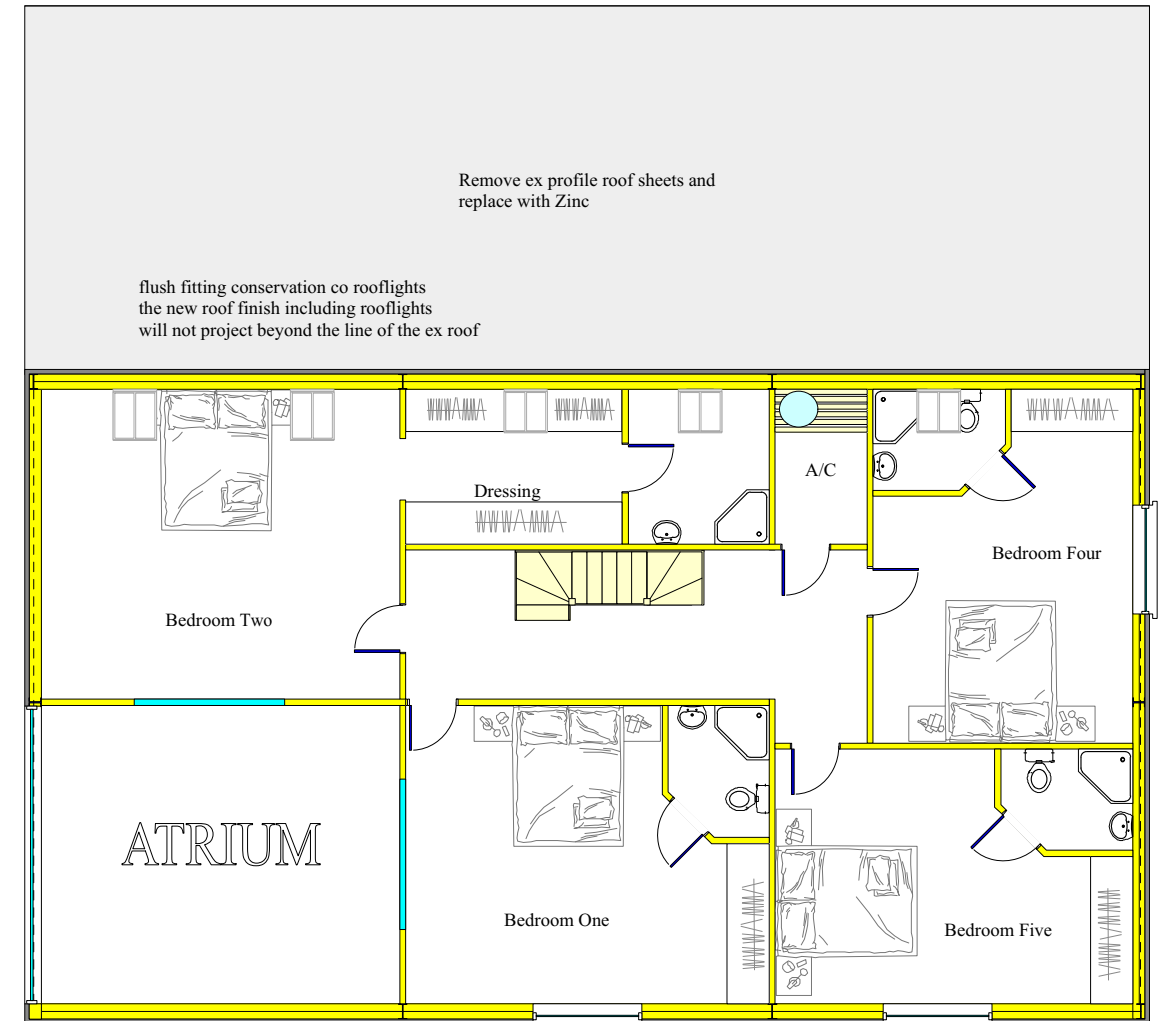
PLANNING APPLICATION DRAWING

encase exposed steel columns
in Twinson Cladding

97



PROPOSED GROUND FLOOR LAYOUT



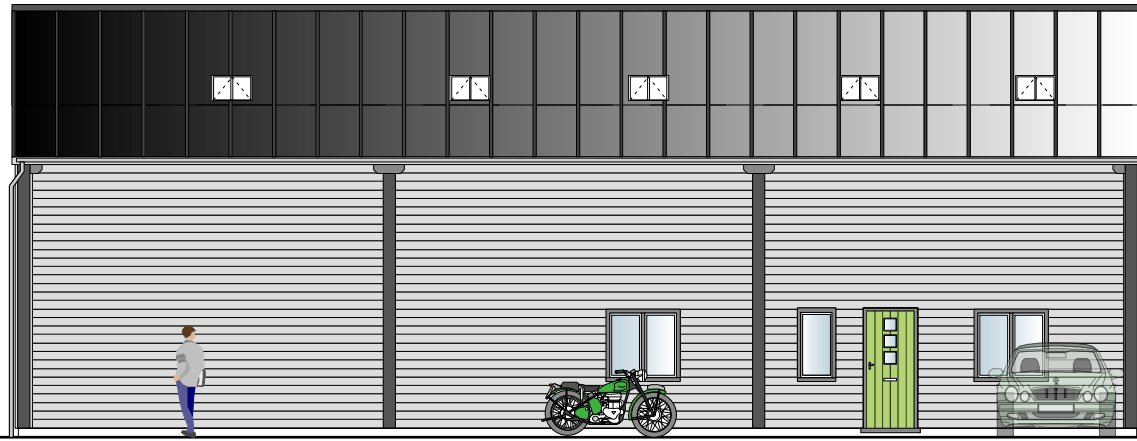
PROPOSED FIRST FLOOR LAYOUT

Remove ex profile roof sheets and
replace with Zinc
flush fitting conservation co rooflights
the new roof finish including rooflights
will not project beyond the line of the ex roof

# PLANNING APPLICATION DRAWING



flush fitting conservation co rooflights  
the new roof finish including rooflights  
will not project beyond the line of the ex roof



replace profiled roofing  
with Zinc

encase exposed steel columns  
in Twinson Cladding



PROPOSED NORTH ELEVATION

PROPOSED SOUTH ELEVATION

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All Building Regulations inspections are to be carried out at the appropriate stages of work.



98



PROPOSED WEST ELEVATION

PROPOSED EAST ELEVATION



Twinson Premium Cladding  
in Slate Grey



'zinc effect' roofing where shown



### AIR SOURCE HEAT PUMPS

It is proposed to install 2no Air Source Heat Pumps - they will be located in the hardstanding areas as indicated  
The units will be Mitsubishi Ecodan single phase PUAZ-W85VHA2 or equivalent.  
SOUND PRESSURE LEVEL AT 1M (dBA) - 45The system will provide hot water and heating and, in summer months can be switched to provide cooling.

### PLANNING CONSENT COMPLIANCE

The soft landscaping scheme shall be carried out as approved no later than the first planting season following the occupation of the dwelling to which it relates or the completion of development, whichever is the earlier. The management plan shall be implemented in accordance with the details contained therein.  
Any trees, shrubs or hedges forming part of the approved landscaping that die, are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.  
Thereafter the planting scheme shall be carried out in accordance with the approved details at the first available planting season.

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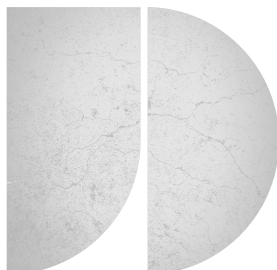
**Proposal : Conversion of Barn into Single Dwelling**

**Location : Newport Way, Ufford,  
Peterborough, Cambs**

**Drawing :  
Proposed Elevations**

**Client : Mr A. Brown  
May 2020  
Scale 1 To 125**

**Drawing No JDA/2020/800/ELEVS..001**









100





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102





103

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