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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 22 MARCH 2022

1.30 PM

Engine Shed, Sand Martin House, Bittern Way

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

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

3. **Members' Declaration of intention to make representations as Ward Councillor**

4. **Minutes of the Meeting Held on:**

5 - 28

25 January 2022; and
8 February 2022

5. **Development Control and Enforcement Matters**

5.1 **21/01653/OUT - Helpston Garden Centre West Street Helpston Peterborough**

29 - 50

5.2 **21/01792/HHFUL - 9 Grange Road West Town Peterborough PE3 9DR**

51 - 58

5.3 **21/00009/TPO - Dogsthorpe Spinney Welland Road**

59 - 74



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Committee Members:

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

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

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

CASE OFFICERS:

Planning and Development Team: Sylvia Bland, Janet MacLennan, Louise Simmonds,, Amanda McSherry, Ishita Sheath Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, Carry Murphy, Mike Roberts, Karen Ip, Shaheeda Montgomery and Gerald Chimumu

Minerals and Waste: Alan Jones

Compliance: Lee Walsh, Amy Kelley and Alex Wood-Davis

NOTES:

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

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 25 JANUARY,
ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY, PETERBOROUGH**

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

Officers Present: Sylvia Bland, Development Management Group Lead
Dan Kalley, Senior Democratic Services Officer
Chris Gordon, Planning Solicitor
Joanna Turnhum, Legal, Governance
Alex Woolnaugh, Highways Engineer
Jez Tuttle, Highways Officer
Matt Thomson, Senior Developmental Management Officer
Louise Simmonds, Development Management Team Manager
Carry Murphy, Principal Development Management Officer

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Jones. Cllr Mahboob Hussain attended as substitute.

42. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 23 NOVEMBER 2021

The minutes of the meeting held on 23 November 2021 were agreed as a true and accurate record.

43. DECLARATIONS OF INTEREST

Councillor Hiller declared a non-pecuniary interest in item 5.2 by virtue of being a board member of the Peterborough Investment Partnership (PIP).

Councillor Brown declared a non-pecuniary interest in item 5.3 by virtue of having made representations on the application as Ward Councillor.

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

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

45. PLANNING AND ENFORCEMENT MATTERS

45.1 21/01448/FUL - 35 Westgate, Peterborough, PE1 1PZ

The Committee received a report, which sought planning permission for 'Subdivision of ground floor retail shop and associated alterations to form 6x Class E(a) retail units and taxi cab office (sui generis), change of use of second floor to restaurant (Class E(b)) and associated external alterations- Resubmission'.

The proposed shop front alterations comprise the installation of 3x new pedestrian openings serving a Cab Booking Office, retail units and the upper floors, as well as the installation of transom and stall risers. A smooth white render finish is also proposed for the upper floors on the front elevation, facing Westgate, and the installation of an external extraction flue to the rear elevation.

This resubmission has been accompanied by a Design and Access Statement, which commits to the following security measures:

- Security Marshals to be onsite Friday & Saturday 11pm till 4am
- Increased seating space within the taxi office
- Disability access and seating areas
- Disability double door access
- Online CCTV cameras to be positioned outside and inside
- Digital booking system

These measures have been put forward by the Applicant to try and address the previous reason for refusal.

The Principal Development Management Officer introduced the report and highlighted the key points in the application. Members were also directed to the update report which contained a number of revised and additional conditions.

Members were informed that the appeal with regards to the first application was still being processed. If members were minded to grant the application as before the committee and the appeal was successful then the applicant could decide which approval to implement. If there was a refusal on both applications then the applicant would not be able to carry out their proposals.

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

- It was noted that the applicant had made a fresh application with some amendments to the original application. There was nothing against the applicant or the proposals with regards to the restaurants, however the proposed taxi office location would cause a number of issues in the area if it was to go ahead.
- There had been a number of objections raised to the proposal which showed that there was a general feeling that this was going to be an issue.
- There was already a taxi office up the road from this proposed location and it arguable whether another office was necessary.
- By having marshals and CCTV installed there was an assumption that trouble was going to happen in the area. It was also difficult to distinguish what the role of the marshals were in terms of what had been produced by the applicant.
- People who went into the taxi office late at night would not be able to distinguish between the different taxi companies that were operating in the area.
- Figures had shown 113 incidents of crime and 62 acts of crime in that specific street and surrounding areas. By agreeing to this application it would only add to the number of incidents that would occur.
- The Licensing Department at the Council had voiced their concerns over the application and members of the committee needed to give weight to their expertise.

- Located near the proposal was four disabled parking bays which were small, in addition the double yellow line space was limited. Local businesses did want taxis parking in and around these disabled bays.
- There were a number of environmental concerns around the application. By having another taxi office this would cause cars to sit idle, increasing air pollution. In addition having a number of taxis would also increase noise pollution for any local residents.
- More people would now congregate on double yellow lines outside the taxi office, which in turn would create further issues around anti-social behaviour.
- The other taxi office was based on the opposite of the road to the proposal and would in fact not lead to people mingling on the same side of the road.
- By having marshals it would seem to suggest that the applicant was expecting trouble and that by having the marshals there they would be able to sort out any issues before they occur.
- If there were 10 to 12 people waiting for taxis that would bring in a large number of vehicles and cause congestion on the street. This was not the right location for another taxi rank.

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

- The taxi drivers currently located on Westgate strongly feel that extra measures being suggested by the applicant would not make any difference to the anti-social behaviour issues.
- CCTV operations already existed in the city centre, however there were still a high number of issues. In addition there were already a number of taxi marshals on site and this had not prevented issues from arising.
- As had already been stated another taxi office was located up the road and this had a number of issues associated with it.
- The booking office was already too busy for the area and caused a number of traffic congestion problems for taxis already using the ranks and for people waiting to get into taxis.
- The taxi company did not like people having to wait for long periods of time to get a taxi as this attracted anti-social behaviour and caused a nuisance for local residents.
- Digital applications made it easier for people to book taxis without the need for lots of taxi offices in one location.
- If the application was approved it would set a precedent for any potential future applications for taxi offices in the area.
- The taxi rank was busy at certain points during the day and evening. There were pressure points at night when venues closed that led to a large number of people waiting for taxis.
- There were a number of parking issues at the current time and with another taxi office this would be exaggerated.
- With the advances of technology and people using an app to book a taxi there was no need for a taxi office to be located so close to other taxi offices.
- Members of the committee were reminded that the need for another taxi office was not a planning consideration.
- CCTV and marshals had not been successful in reducing the number and incidents of crime on Westgate and near Queensgate.

Mr Simon Machen, on behalf of the applicants, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposal in front of committee was for six new shops, a restaurant and a taxi office/rank. This would actively promote the night time economy in the area and would necessitate the additional taxi office.
- The application had been assessed in detail with regards to the key planning issues. Officers had accepted the principle of development in planning terms.
- Many of the objections were based on competition grounds and this was not a matter for which committee could take into account.
- Although the Council's licensing team had raised objections based on their view that there was adequate taxi provision already in the city centre, this was not a reason to refuse the application.
- With regards to design and layout the officer had concluded that the proposal would improve the neglected building and would preserve the area and not harm the adjacent conservation area. The Conservation officer at the Council had raised no objections over the proposed design.
- Although there had been an increase in crime during the Covid pandemic this was partly down to lower levels of policing in the city centre.
- The police had stated that the majority of crime and anti-social behaviour had taken place in Queensgate or the bus station and not down Westgate. The police had not objected to the application subject to the permission being granted on a one year basis.
- The management regime would include security marshals, who would prevent any trouble from occurring, similar to door staff at pubs and clubs. Additional measures included CCTV cameras, digital booking systems and a larger space for the taxi office to be based at.
- Highways officers had raised no objections to the proposal subject to the granting of the temporary consent. If there were any issues with regards to illegal or improper parking this was a matter for the Council's parking enforcement team to deal with and was not a reason for refusing the application
- The Council's environmental officers had raised no objections to noise or air pollution with regards to the application.
- By granting the permission it would allow a neglected building to be used for the benefit of the city and create more jobs for local residents.
- The one-year temporary permission would allow officers and the police to monitor the crime and anti-social behaviour in the area and provide evidence as to whether this causes an increase with regards to those issues.
- It was not for the applicant to second guess the statistics held by the police in relation to anti-social behaviour. Members were informed that the police had identified that the majority of incidents had taken place in Queensgate and the bus station and not down Westgate. Since the original application was rejected the applicants had done all that they could to mitigate problems occurring.
- Planning officers had felt that the proposed measures around CCTV were acceptable in light of granting a one year temporary consent. The police had also agreed the proposed measures were acceptable.
- Most of the objections were focused around competition issues rather than planning issues.
- It was reiterated that the Council's highways officers had raised no objections to the proposals. Although there might potentially be a spike of activity in the evenings when pubs and clubs were shutting, this would be mitigated by a far lower level of cars driving into the city centre late at night.
- With regards to the digital booking system most people now do this via an app. The need for having a taxi office was not a planning consideration. There would always be people walking into the office needing a taxi.

- There was no car park provision set out in the proposal and there was no planning need for there to be any.
- Officers had set out in their report how the application would work in terms of the traffic flow. Not everyone who booked a taxi would get dropped off or collected from Westgate.
- The marshals were not there to pitch for business. Their primary purpose was to prevent a spike in anti-social behaviour.

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

- Members were informed that the taxi ranks had a certain capacity attached to them. If there was no more room for taxi's to park in their allocated bays they could use the loading bays that were nearby to drop off and pick up customers. With regards to the double yellow lines there were some marked up which prevented any vehicles from parking or using those areas.
- The Councils parking enforcement team had confirmed that private hire vehicles were not permitted to park in the hackney carriage ranks. They were however permitted to drop off and pick up from double yellow lines. This was also an enforcement matter and not a planning one.
- If there were any obstructions to free flowing traffic then if a taxi was causing this there would potentially be a road traffic offence and should be asked to move on by enforcement bodies. The taxis would need to find somewhere safe to drop and pick up customers.
- There was nothing for highways officers to believe there was a congestion issue on Westgate. It was also the highways officers' opinion that the proposal for a taxi office would not impact the traffic flow. There were enough loading bays for safe collection and drop-offs.
- Officers were of the view that if the application was not based in the city centre there would be no other logical place for it to be based as it would not generate a high enough degree of footfall.
- There had been some changes made to the proposal from the original application that was refused by the committee. Previous experience had shown that taxi ranks could be fraught places to work in, especially around busy periods when pubs and clubs were closing. The use of CCTV was not so much of a deterrent, it was better used to see who had committed a crime and bring them to justice. It was noted the extra measures the applicant had proposed but it was difficult to see how this would ultimately mitigate the issues around crime and anti-social behaviour that had already been raised.
- The use of a marshal was not going to solve any of the issues. The marshal's sole responsibility would be to get people into the correct taxis rather than prevent any anti-social behaviour.
- There was already an existing taxi office up the road and a further office would bring more people into an already congested part of the city centre, especially around closing time for pubs and clubs.
- Officers confirmed that the marshals purpose with regards to this application was similar to that of a doorman. They would be placed to ensure no trouble escalated, rather than trying to put customers into taxis.
- In terms of the application in front of the committee the main area of focus was around anti-social behaviour. The taxi office proposal included a large waiting area, which was to try and keep people in the vicinity while waiting for a taxi. This would also help prevent and possible incidents of crime. There was an understanding of

the competition element for the drivers who were already on Westgate, however this was not a planning consideration.

- It was important to take into consideration the police report and the fact that they had raised an objection to the application if it was granted for a 12 month period. The applicant had done a lot to try and mitigate any potential acts of anti-social behaviour.
- All the planning committee could go was the report. The application would improve the local area and the applicant had done all they could to try and mitigate any potential issues of anti-social behaviour.
- In terms of the anti-social behaviour there were a number of cases that went unreported and therefore the figures given in the report did not in fact give a true reflection of the situation on Westgate. Although the change of use for the building was welcomed it did not need to include a taxi office. The applicant had not sufficiently addressed the concerns around anti-social behaviour. There were serious question marks over how effective CCTV and marshals would be when there were so many people waiting in close proximity. If a lot of people used apps to book taxis why was there a need for a taxi office, especially in the same location as two other offices. It was concerning that officers had not taken into account the licensing teams expertise and as a committee these objections needed to be given weight. The road was already busy with a number of lorries and pedestrians, a further taxi office would add far more traffic and congestion to this location.
- There was nothing in the report of from the police that another taxi office would add to the congestion in the area.
- As a minimum it was essential for a taxi company to have an office available for people to wait in for their taxi. There was a need to make it easier for people to come into the city centre.
- It was important for members to take into account that if the application was refused the applicant could appeal to the planning inspectorate and if successful costs could be awarded against the Council.
- The police did not have any objections and were in favour of granting a temporary permission so that they could evaluate the addition of another taxi office on Westgate.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (6 for, 4 against) to **GRANT** the planning permission subject to relevant conditions being delegated to officers.

REASON FOR THE DECISION:

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

- The proposed change of use would go towards providing a diverse range of uses within the City Centre, and would not result in congregation of non-retail or non-restaurant uses. The proposal would therefore preserve the vitality and viability of the City Centre and Primary Shopping Frontage, and the proposal would accord with Policies LP6, LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed external alterations would enhance the setting and significance of the Conservation Area and adjacent locally listed building, and would not harm the character

or appearance of the host building or immediate area, and would accord with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies LP16, LP18 and LP19 of the Peterborough Local Plan (2019);

- The proposed uses and external alterations 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);

- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019)

45.2 21/01908/R3FUL - Land Adjacent 35-59 Bridge Street, Peterborough,

At this point Councillor Hiller stood down from the Committee as he had declared an interest in the item.

Members of the Committee unanimously agreed to appoint Councillor Amjad Iqbal as Chair for this item.

The Committee received a report, which sought planning permission for the erection of three market gondolas to facilitate an outdoor market.

Each gondola would have a floor area of 3.6m x 6.4m and propose to stand at 3.5m to the highest point, finished in timber and coloured in Heritage Green. Each gondola would be capable of being occupied by up to 4x traders, with dedicated storage areas for goods and associated equipment. The gondolas would have retractable canopies for each unit, which would create 6sqm of covered space which could be opened up at the start of the day and retracted in the evening. Each unit would comprise 15.96sqm in total.

Loading and servicing could take place from Wentworth Street and Priestgate, which currently takes places for a number of other units along Bridge Street. Future occupiers would have access to fresh water and w/c facilities within an adjacent address on Bridge Street.

It was understood that traders would operate from the site at least 5x days a week.

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

David Turnock, on behalf of Peterborough Civic Society, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- In November the Civic Society withdrew their objection to the application to regenerate the city. It was important that the city centre had a market that it could be proud of and that this was based in the centre of the city. There was a need to create a vibrant market for local residents and to allow market traders to prosper.
- The real concern for the Civic Society was around the detail and design of the application. The market traders had been shown a design in December that they had approved of. However the design that was currently being proposed was different and was not as welcomed by the market traders.
- The Council needed to see how successful the 12 stalls were and how the proposed pop-up stalls would work in conjunction with the permanent ones. It was hoped that the market would expand further north up Bridge Street in time.
- There were some concerns over the potential noise the market could make in the early morning for local residents. It would be useful to have a time restriction placed on the opening of the market to ensure those living in close proximity were not disturbed by the noise of deliveries. In addition there was nothing in the report that

dealt with refuse or waste, a condition should be included in the application to deal with this.

- The Council have to make sure the market is successful. The Heads of Terms for the market traders were proposed to treble in the next three years which seemed excessive if encouragement was to be given to expand the number of traders.
- The Civic Society understood the reasons behind having 12 units to start with. It was hoped that within a short time frame this could be doubled and so on.
- It was advisable to approve the application, but on the basis of the original drawings and not those that had been submitted to the committee.

Felicity Paddick and Ian Philips, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The current market was located away from the main city centre. It currently did not benefit from what a city centre market would get and what was usual practice across other major cities.
- The Covid pandemic had a massive impact and the intention was to move the market and give it a stronger vibe for traders and to benefit other small businesses in the centre of the city.
- The Council had taken a balanced view and approach to the market to ensure it met the current needs of the traders. The application also took into account the Council's financial situation.
- A further 12 pop-up stall locations were being proposed to allow for seasonal traders or occasional weekend markets, including local festivals.
- The traders had been consulted on the proposals throughout the consultation and had been supportive of the proposal to move the market onto Bridge Street.
- The designs that had been submitted to committee were minor tweaks and nothing substantial to what had been proposed to the market traders.
- Officers had taken a balanced view of the offer of the market and this proposal would benefit both the traders and the city centre.
- The changes in design revolved around the way the stalls are opened and closed and this was the only change that had been made.
- It was expected that the stalls would last at least ten years with the proper maintenance being carried out. In addition members were informed that the stalls would be of wooden construction.
- In terms of waste and refuse the customer service centre was being converted into a food hall and the traders would be able to use those facilities for their stalls. In addition the trade waste would not be left on the street to pile up and cause issues for local residents.
- Officers were continuously working with the traders to ensure that the design and build of the stalls worked for them.
- At the current time the traders were all on different leases and terms with regards to rental levels. It was proposed that moving to a premium location would require charging a reasonable rent. It was therefore proposed to stagger this increase over a three year period.
- Officers had no concerns over the security of the stalls, there were a number of CCTV cameras and marshals walking around the area.

- There were large facilities nearby that the traders could use to fill up with water during the day and could go back and forward as much as they needed. The traders did not see this as barrier to them being able to trade.
- It was not thought that the overall design of the stalls would change to those that had been presented to committee. There were two options with regards to what the stall would look like when they were open. One option was to have the doors open horizontally and one option was for the doors to open vertically. The original drawing that was presented to traders had the doors opening vertically.
- Members were advised that the overall appearance of the stalls was similar to that which had been proposed to traders in December 2021. As the drawings with doors opening vertically had not been submitted officers could not ask the committee to make a decision on that proposal. Members had the option to either make a decision on the application as was submitted, the applicant would have the opportunity to make a change to the way the stalls looked when opened by way of a non-material amendment application. This would not need to go to the Planning and Environmental Protection Committee. Members could defer this application however it may have an impact on the movement of the market and the deadlines that had been put in place.

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

- It was disappointing that this had come to committee in a form that it did not need to. The revised drawings that had been approved by the traders needed to be shown to the committee. It was difficult to understand why the designs had not been presented.
- There was overall support for the move to Bridge Street. There was the matter of timings with relation to the funding and the construction of the flats on the Northminster site.
- There were still some concerns over the security of the stalls, however this did not outweigh the need for the application.

RESOLVED:

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

REASON FOR THE DECISION:

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

- The proposed gondola's would be situated within the City Core, where it would go towards improving the vitality and viability of the City Centre, therefore the principle of development would accord with Policies LP6, LP12 and LP46 of the Peterborough Local Plan (2019) and Paragraph 86 of the NPPF (2021);
- The proposed gondolas would not harm the significance or setting of the City Conservation Area, adjacent locally listed buildings, or character or appearance of the immediate area, and would accord with Sections 66 and 72 of the Planning (Listed

Building and Conservation Areas) Act 1990, Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);

- The proposed gondolas would not have an unacceptable harmful impact to neighbouring amenity, as such the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019);

- Subject to receiving a detailed arboricultural impact assessment and method statement, the proposed development would not have an adverse impact on adjacent trees, and would accord with Policy LP29 of the Peterborough Local Plan (2019); and

- There are no Highway safety concerns and parking and servicing could be accommodated within the City Centre, in accordance with Policy LP13 of the Peterborough Local Plan (2019)

At this point Councillor Hiller re-joined the Committee.

45.3 19/00836/OUT - Land East Of, Eyebury Road, Eye, Peterborough

At this point Councillor Brown stood down from the Committee as he had declared an interest in the application.

The Committee received a report, which sought outline planning consent for the construction of up to 265 dwellings. The application seeks approval of the access only at this stage with matters relating to the appearance and design of the buildings, scale, layout and landscaping reserved to a later stage, if outline planning permission is granted.

The application was initially a scheme for up to 300 dwellings, but this was then reduced to 284 dwellings, with a further recent reduction bringing the number of dwellings proposed down to 265. The proposal would provide 30% affordable homes.

The proposal would also provide for up to 2.54ha of public open space which would also include a locally equipped area of play (LEAP) and allotment land.

The proposal also includes an area of land (1ha) to be given over for the purposes of extending the adjacent primary school and the creation two additional access points into the school site. One will be a vehicular access along its southern boundary abutting the application site and the other a pedestrian access only on the eastern boundary of the school site south of Fountains Place.

The primary vehicular access is proposed off Eyebury Road. The access proposals include an on-site cycleway at the site access, along with pedestrian crossing improvements near the school.

Revised proposals also submitted include a footpath/ cycle way to be constructed to the north of the site on a strip of land between properties at Fountains Place and the recent Allison Homes (previously Larkfleet Homes) development linking up to Thorney Road. The cycle way would then continue in a westerly direction alongside the footpath on the south side of Thorney Road up to where it meets with Eyebury Road and the High Street. There will also be upgrades to two bus stops on Thorney Road along this section.

As required by Policy LP40, a masterplan has been submitted with the application and this also includes further details via a parameters plan, strategic movements plan and indicative public open space areas drawing. These plans would provide controls on future Reserved Matters applications.

The Local Planning Authority (LPA) has undertaken a screening opinion in respect of the outline application as to whether or not the development would require an Environmental Impact Assessment (EIA). The project falls under Schedule 2, item 10 (b) 'Urban development projects,' of the Regulations. The LPA considered that the development would not have significant environmental effects and as such an Environmental Impact Assessment was not required (ref. 21/00013/SCREEN).

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

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

- There were many issues with the application. These included the size of the application which was far too large for the land identified. In addition there had been over 300 objections from local residents, ward councillors, parish councillors and local MP.
- Although the site had been identified in the Councils Local Plan, it was stated that it would be built with adequate infrastructure, however there was no evidence of this from the proposal.
- A fit for purpose link road from the A47 to Fengate was required, which was originally discussed with Larkfleet over two years ago, however it would seem that this was not the developer's intention.
- The report of officers had stated that the application could be rejected on highways grounds if the impact on the road networks was severe. In addition LP40 stated that a transport assessment was required. The report of this nature that had been produced was difficult to understand. The assessment had been carried out during school holidays whilst in the middle of the pandemic.
- Some of the roads around Eye were already at full capacity. It was difficult to leave and enter Eye at certain points of the day.
- Highways officers had accepted that the road was going to be fine when the cycle and footpath was created, along with traffic calming measures that were going to be put in place on Eyebury Road. With a large increase in the number of cars and lorries that would now use Eyebury Road it was difficult to see how these measures would mitigate road safety concerns.
- With regards to LP14 and infrastructure the policy stated that planning permission would only be granted if there were mitigating measures in place to support the development, which was not shown in this case.
- It was disappointing as to how officers could recommend approval of the scheme. The transport survey that was undertaken was done during school holidays whilst in a pandemic. This was unacceptable and needed to be thought through again.

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

- There had been a number of objections from local residents, parish councillors, ward councillors and the local MP. One of the key objections was in relation to LP40.
- A number of proposed conditions was suggested to officers, including further work on the internal drainage which was not compliant with policy. In addition the application needed to adhere to the Council's local plan and not exceed the 250 home limit as outlined for the site in the local plan.

- The main internal drainage board drain running through the whole of the site needed to have a 9 metre easement on both sides. This drainage was 20 feet deep and needed fencing for the safety of residents. This would in turn reduce the number of properties on the development and be more in line with what the site could reasonably accommodate.
- The Council's open spaces officer had strongly objected to the plan and had stated that the drainage areas should not be used or classed as open space.
- The site access also needed to have a traffic light system in place.
- There were concerns raised by the Council's highways officers, who had requested further information such as cycleway policy, safety audit issues and visibility displays. Issues surrounding LP40 was needed to be agreed on upon with this application and not at reserved matters stage.
- The traffic survey was outside of the proposed site and was completed four and half years ago. A further drive by survey was undertaken in July 2021, this was done during lockdown and school holidays.
- Officers in the highways department had stated that the increase in traffic would be mitigated by the inclusion of the cycleway, however it was difficult to see how this could be the case. In addition the inclusion of the cycleway was a key component of adhering to LP40.
- The proposed design of the properties for the site were already three and half years old. It was not possible to determine what types of homes would be included on the site as these drawings were now out of date.
- The proposed cycle path needed to be 5 metres wide and not 3 metres as proposed in the application and should be separated out from where people would also walk on the paths.
- Local schools and doctors surgeries were already at capacity. In addition extra care facilities needed to be put in place with the large increase in the number of residents that this site would bring to the village.

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

- The plans in front of the committee were supported by a meticulous evidence base which had been completed over a five year period.
- The proposals had been informed and altered in line with Allison Homes consultants and feedback from all statutory bodies.
- Officers at the Council had worked collaboratively with Allison Homes throughout the process and working with the developer over a number of key issues that affect both the site and local residents.
- This was an allocated site within Peterborough City Council's Local Plan, which had an indicative number of dwellings proposed at 250. The current plans had a figure of 265 dwellings, however the final number of dwellings would be determined at reserved matters stage.
- The reduction in the number of dwellings had been as a result of direct discussion with ward councillors for the area and the local MP. It was important to note that the reduction in the number of dwellings was a result of the developer listening to residents and not from any feedback from statutory consultees.
- The highways impact survey was originally undertaken when the proposal was drawn up to have over 300 homes. At the time this was deemed acceptable for the number of dwellings that were proposed, so now that the number of dwellings had reduced the highways quantum's were still valid.
- The main emotive issue was around highways impacts. The developers had done everything that they could to combat any issues.

- With regards to a link road between the A47 and Fengate this was outside of the allocation area and was not an option for the developer.
- The original assessment for the highways impacts was undertaken in 2017, since then a number of subsequent assessments had been carried out.
- One of the key benefits of the scheme was the donation of land adjacent to the site to the local primary school. In addition this would create a new access point for the school, which would offer a benefit of pulling traffic away from Eyebury Road.
- The masterplan had been derived from assessment of evidence provided to the developer. Concerns raised by the residents had been taken on board and was reflected by the buffer areas included on the masterplan.
- The developers had done all that they could to ensure the site was policy compliant and to deliver a scheme that would enhance the local area.
- There would be 30% affordable housing on the site, ensuring that this was policy compliant.
- The way the developments had been designed and developed did not allow for a further access road from north to south on the site as they did not have the requisite road to allow lorries and trucks to drive down.
- In terms of the traffic surveys the original one was carried out in June 2017. Further surveys had been carried out at peak traffic times during the day. There was some confusion in terms of surveys looking at conditions in 2017 and then again in July 2021.
- The access point currently on Eyebury road for the school would likely remain but would, as understood, be used primarily for deliveries.
- There would be no benefits to having another access road around the smaller and narrower part of the masterplan.
- Numerous consultations had taken place with the ward councillors, parish councillors, local MP and residents in the area. The pandemic had precluded further events being held, however this was rare once an application had been submitted. The focus was holding meetings with the ward members and the local MP. These meetings had helped inform the reduction in the number of dwellings.
- In terms of the infrastructure the developer had worked closely with officers and statutory consultees to ensure any concerns were addressed. In terms of the internal drainage board concerns had been addressed by a 9 metre barrier from the proposed drainage scheme.

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

- This was an outline application. A further application with reserved matter may come to committee if it is asked to be heard by Ward or Parish Councillors.
- There could be up to 265 houses but the final number would be determined at the reserved matters stage.
- There were a number of positives to the application. There was the inclusion of footpaths and lots of open space provided for. One of the key issues was around the access road. Similar issues arose when the development around Hampton was taking place and caused issues for local residents.
- A vast majority of residents would be using the road which would also be used to access the site. This would affect residents especially during school drop offs and collection times. It was disappointing that this access road had not been thought through at the beginning of the overall development of the area and should have been planned better.
- The size of the development would lose the character and feel of a village location. The plans seemed like an over development of the site. It was clear that the local community were fighting hard against the application and they were supported by their local Ward Councillors.

- It was important to take into account that the Council's planning officers had worked closely with the developers to try and ensure that the application was policy compliant.
- It was up to the developer to ensure that the correct infrastructure was in place to and that they were complying with conditions set out by officers.
- There had been a large number of objections made against the application, in particular the local Ward Councillors had all objected. It was also important to note that the developer had taken the time to consult with local residents and had reduced the number of dwellings down based on these conversations.
- Members needed to give weight to the objections by those who were elected representatives as they knew the local area well and understood the concerns of local residents.
- Although there were concerns over safety the developers had shown that they were willing to work with highways over this. There was a need in the city to have more affordable housing and this development complied with policy by providing 30% affordable homes.
- It was essential that if the application was to be refused it needed to be on planning grounds.
- Members needed to take into account that this site had been identified in the Council's Local Plan and it was important that these developments went ahead to meet housing targets. The application also needed to be balanced in light of the address made by the Ward Councillor.
- The application made provision for a number of affordable homes. In addition there was a fair amount of open space and the developer was making a CIL contribution.
- With regards to concerns over highway safety and the access road, any plans would need to be submitted to officers and signed off before any construction could take place.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go with officers recommendations and **GRANT** the application. The Committee **RESOLVED** (7 for, 3 against) to **GRANT** the planning permission subject to other necessary conditions delegated to officers.

REASON FOR THE DECISION:

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

- The site is an allocated residential site therefore the principle of housing is considered to be acceptable and in accordance with Policies LP02, LP39.7 and LP40 of the Peterborough Local Plan (2019).
- Subject to conditions and mitigation, the impact on the highway network is considered to be acceptable, in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- The application would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area including the preservation of Eye Conservation Area. In accordance with Sections 66(1) and 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), NPPF (2021) and Policies LP16, LP17 and LP19 of the Peterborough Local Plan (2019).
- It is considered that the site can be developed without any unacceptable adverse impact upon neighbour amenity and that it can afford the new occupiers a satisfactory level of

amenity, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- Issues of noise, air quality, contamination and drainage can be suitably dealt with by way conditions in accordance with Policies LP17, LP28 and LP32 of the Peterborough Local Plan (2019).

- A policy compliant position in respect of affordable housing and other contributions can be achieved. The development will also pay CIL in accordance with Policy LP14 of the Peterborough Local Plan (2019).

- The development will not have any unacceptable ecological and trees/ landscaping impacts. The layout can also be designed to accommodate existing on-site trees and hedgerows with new landscaping and biodiversity enhancement measures proposed. The proposal therefore accords with Policies LP27, LP28, and LP29 of the Peterborough Local Plan (2019).

At this point Councillor Brown re-joined the Committee.

45.4 21/00736/R4FUL - Land R/o 30 Hallfields Lane, Gunthorpe, Peterborough, PE4 7YH

The Committee received a report that sought planning permission for 'Proposed development of three residential dwellings'.

The scheme would form a pair of semi-detached dwellings (Block 1) in a dog-leg layout and a detached dwelling (Block 2) in an L-shaped layout, and Block 2 would utilise a flat roof single storey side element with what appears to be a fence above. These dwellings would utilise a shared design theme, they would be of modular construction utilising a modern design (render and boarding), framed windows and a monopitch roof.

Block 1 would have an overall floor area of 13m x 9.8m and proposes to stand at 6m in height. Block 2 would have an overall floor area of 8.5m x 9.8m and proposes to stand at 6m in height. The single storey side element would be flat roof stand 2.6m in height.

Access to the site would be from Hallfields Lane, sharing the existing vehicle access with Kingdom Hall, and would provide 5x parking spaces and associated turning.

The proposed dwellings would be run and operated by Hope into Action, a Peterborough based charity, who currently have 18x houses in Peterborough catering for 34 tenants, however, have housed 154 persons, including children, since 2010. Across the country, Hope into Action run 91x homes for over 250 tenants.

This proposal would allow Hope into Action to provide accommodation for 6-8 vulnerable persons.

This application has been subject to amended plans, which has introduced cladding to Blocks 1 and 2, additional planting around the site and illustrates 2x parking spaces to serve No. 30 Hallfields Lane.

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

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

- The Council's local plan, in particular LP8 stated that thought needed to be given to meet the needs of the most vulnerable in the city. This was the primary reason for referring the application to the committee.
- The applicants had been working for 12 years on similar projects to help assist homeless and vulnerable people. They had done this at their own expense. This was therefore a worthwhile cause and would help people turn their lives around.
- There would only be a small loss of green space, which was a hotspot for fly-tipping and had been reported by local residents as a problematic area.
- Initial concerns were around the proposed accommodation units and vehicle access, however this had now been altered and was no longer a major issue.
- The needs of those who were vulnerable outweighed policy concerns and therefore the application could proceed.

On behalf of the applicants, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicants had been providing support and homes to vulnerable people for over 14 years. At the current time there were 17 homes run by the organisation in the city. Figures had shown that the support of a home for those who were vulnerable had stopped them from offending.
- The organisation had won numerous awards over the years for their work in the local community. Their aim was to help people and keep the streets safer.
- Work had been undertaken with a number of local authorities. Draft contracts had been drawn up however could not be handed over until the application had been approved.
- The current space was underutilised and was often a spot for vandalism and fly-tipping.
- The design of the accommodation had been worked on with officers and it was the applicant's view that this was an acceptable compromise.

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

- The main issues were around the loss of open space. The Council had placed an emphasis on retaining the open space areas as far as it could.
- Most open space across the city was rundown or neglected, this application would improve the local scene.
- Taking away this small section of open space would not have an impact overall on the open space provision across the city.
- Most of the objections related to the size of the development and the impact on the neighbourhood amenity.
- The Council needed to do all it could to work charities such as this to help and support homeless people. With regards to the footpath the developers would put a footpath than what was currently in place.
- It was important to note that there had been an objection from the police. It was important that if planning permission was granted that the developer ensured the site was maintained.
- Developers had shown that they were willing to work with Ward Councillors in getting support for the application.
- There had been a lot of focus on losing green space. There had been occasions in the past where applications had been granted which were contrary to local plan policies. The project was welcomed however it needed to be balanced against the loss of open space.

- Although it is understandable the concerns over loss of amenity the design of the property was not overly big in nature. In addition the open space was not used by anyone and it had become an area for fly-tipping.
- The site had been neglected and left to overgrow. There were no recreational facilities with regards to the open space and this application was a better use of the space.
- The loss of open space was minimal and the application outweighed policy. If this was to be granted officers would need to be able to attach conditions to the application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officers recommendations and **GRANT** the application. The Committee **RESOLVED** (10 for, 1 against) to **GRANT** the planning permission subject to other necessary conditions delegated to officers.

REASONS FOR DECISION:

Reasons given were that the minimal loss of a low-quality area of POS was not outweighed by the benefit of providing accommodation for the homeless or ex-offenders and that objections from the Police and Fire Service could be overcome. Officers to add standard conditions for new residential development together with additional conditions for a landscape buffer to mitigate the impact on 44-48 Swale Avenue, external lighting (or crime prevention measures) to the proposed footpath and restriction on occupation to that stated in the application. Officers to check the proposal will comply with the fire safety requirements of the Building Regulations as indicated by the Agent

45.5 21/01734/HHFUL - 40 Westwood Park Road, Peterborough, PE3 6JL

With the agreement of the Committee the item was deferred to a future meeting.

45.6 21/01803/HHFUL - 39 The Green, Werrington, Peterborough, PE4 6RT

With the agreement of the Committee the item was deferred to a future meeting.

CHAIRMAN
1.30 – 6.35PM

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 8 FEBRUARY,
ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY, PETERBOROUGH**

Committee Members Present: Harper (Chair), Hiller (Vice-Chair), A Bond, Dowson, Hogg, Amjad Iqbal, Jones, I Hussain, Rush, Sharp and Warren.

Officers Present: Dan Kalley, Senior Democratic Services Officer
Chris Gordon, Planning Solicitor
Louise Simmonds, Development Management Manager

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Brown. Cllr Rush attended as substitute.

47. DECLARATIONS OF INTEREST

There were none.

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

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

49. PLANNING AND ENFORCEMENT MATTERS

49.1 21/01734/HHFUL - 40 Westwood Park Road, Peterborough, PE3 6JL

The Committee received a report which sought planning permission for the following elements:

- 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 ground floor rear extension with 3nos. roof lights, 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 3.3m. On the south (towards No.38 Westwood Park Road) this single storey height section of the ground floor rear extension would project up to the line of the rear wall of the existing summer room and to the north (towards No.42 Westwood Park Road) the extension would be cut back from the shared boundary line by 3.43m
- the first floor rear extension would extend by 4.7m providing 2 en-suite bedrooms. It would have a hipped roof to match the existing dwelling; and
- loft conversion for two en-suite bedrooms with rooflights.

The application is a re-submission with an amendment to the previous application reference 21/00832/HHFUL, which was refused in October 2021 for the following reason:

R1- Neighbour amenity 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 amenity 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).

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

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

- This was a revised application set out by the applicant following the original application being refused by the committee.
- Although there were issues with the original application these had now been rectified and resolved satisfactorily.
- The plans showed that the extension had been scaled back and was now going to be an attractive addition to the street scene.
- The applicant had liaised with the planning officers to address the issues that resulted in the application being refused the first time.
- It was understandable that some of the objections raised related to the house potentially turning into a House of Multiple Occupation (HMO) however the applicant had given assurances that this was not the case.

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

- Many of the objections that had been brought before this committee previously still remained. There was no objection to the applicant developing his property there had been no communication made by the applicant despite a number of attempts to meet up and discuss the proposals.
- This new application was against LP17 for a number of reasons, including the boundary fence which was now 1.8m high. This affected the light into the property.
- The new application impacted on amenities and it was surprising to see officers accept the new proposals, especially as the plans were rejected last time when the extension was 3.2m high and was now 3.2m high. There were planning precedents that set this height at 2.4m.
- The boundary fence was just 23cm from the objector's ground-floor extension. It was noted that the plan was overbearing in terms of its height, scale and proximity to the property that it had an adverse impact on the family's enjoyment of the property.
- It was not acceptable to build closer than 1m from a boundary wall and this practice was not advised by surveyors.
- The committee were urged to take all of this into account when deciding on the application and it should be refused on these grounds.

Paul Sharman, agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included

- The previous application was refused by the committee as a single storey extension as this was going to be overbearing on neighbouring properties.
- The one ground for refusal of the previous application had now been addressed and overcome.
- The applicant had the opportunity to appeal the decision of the committee at the last application which would have cost everybody a lot of time and money; but instead, they chose to listen to the advice given to him by planning officers and then amend the application accordingly.
- Planning officers had worked with the applicant and altered the application in line with these recommendations.
- There had been extensions granted for other applications on the same street that were larger than what was being proposed.

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

- Officers were now satisfied that the application was compliant with LP17. Committee members were reminded that the original application had been refused due to the massing and amenity loss to the neighbouring property. The current proposal had taken away some of this massing and was now satisfactory.
- The alteration made by the applicant was now acceptable and there were no planning grounds to refuse the application.
- The applicant could have appealed the last decision, however they had listened to the planning officers concerns and addressed these sufficiently.
- It was understandable why the objections had been made against the application, however the applicant had done all they could to comply with the officers recommendations.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (10 for, 1 abstention) to **GRANT** the planning permission subject to other necessary conditions delegated to officers.

REASONS FOR DECISION:

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

- The proposal would not unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- Neighbours surrounding the application site would retain an acceptable standard of amenity, and is considered that on balance would comply with Policy LP17 of the Peterborough Local Plan (2019).
- The proposal would meet the Council's parking standards as required for dwellings of this scale, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

49.2 21/01803/HHFUL - 39 The Green, Werrington, Peterborough, PE4 6RT

The Committee received a report which sought planning permission for the construction of a first floor side extension to form bedroom and bathroom and to include internal alterations.

The proposed first floor extension would be sited above the existing ground floor study, with the front, side and rear elevations flush with to the ground floor footprint. With regards to the roof, an existing front gable would be extended to the width of the extension, with an additional gable to the rear. The window to the existing ground floor study would be reduced in size to match the proposed first floor window, which would serve a new bathroom.

It should be noted that this is a resubmission application of ref 21/01317/HHFUL, for which Officer recommendation was refusal. The application was withdrawn by the Applicant before the decision could be issued. This resubmitted proposal is largely the same, with the only change being a reduced sized window to the ground floor study.

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

- There was a property to the left of the application site that had an extension which overlooked a number of properties. The applicant was looking to build upwards over the single storey so that this would be level across the property.
- This property was 100ft away from the highway so it did not have an impact on the conservation area in Werrington.

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

- The application was simple in design and did not have any impact on the properties at the bottom of the drive as these were more than 35ft away.
- It was not acceptable to set the extension back 400-600mm as this would create an ugly looking property and required more work than what was being proposed.
- The purpose of the extension was to create an upstairs bathroom and one further bedroom. The property had been lived in for 16 years and the family felt part of the local community.
- It was not the intention to bring harm to the conservation area and it was difficult to see how this would affect the conservation area.

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

- If the applicant had agreed to the setting back of the extension it would most likely have had to include a mono pitch roof. This would also most likely have included some supporting structure.
- Historic England tended not to comment on household applications, instead leaving technical comments to the Council's conservation officer.
- With regards to the conservation area there was a statutory duty to preserve or enhance the conservation area with any development or alteration. If this was not the case it was automatically deemed harmful.
- Officers concluded that the benefit to the owner with this extension did not outweigh the conservation area statutory duty and did not enhance the conservation area for the benefit of the public.
- The house in question was a long way back from the main road and people would only be able to glance at the property as they drove by. It was felt that this therefore did not harm or impact the conservation area.

- The current flat roof for the single storey was more of a dominating view than if the property had a level roof across its entirety.
- A common sense approach was needed for this application and it was difficult to justify not allowing the extension to go ahead.
- Officers recommended that conditions be attached if the committee were minded to go against officers recommendations.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officers recommendations and **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to other necessary conditions outlined below to be delegated to officers.

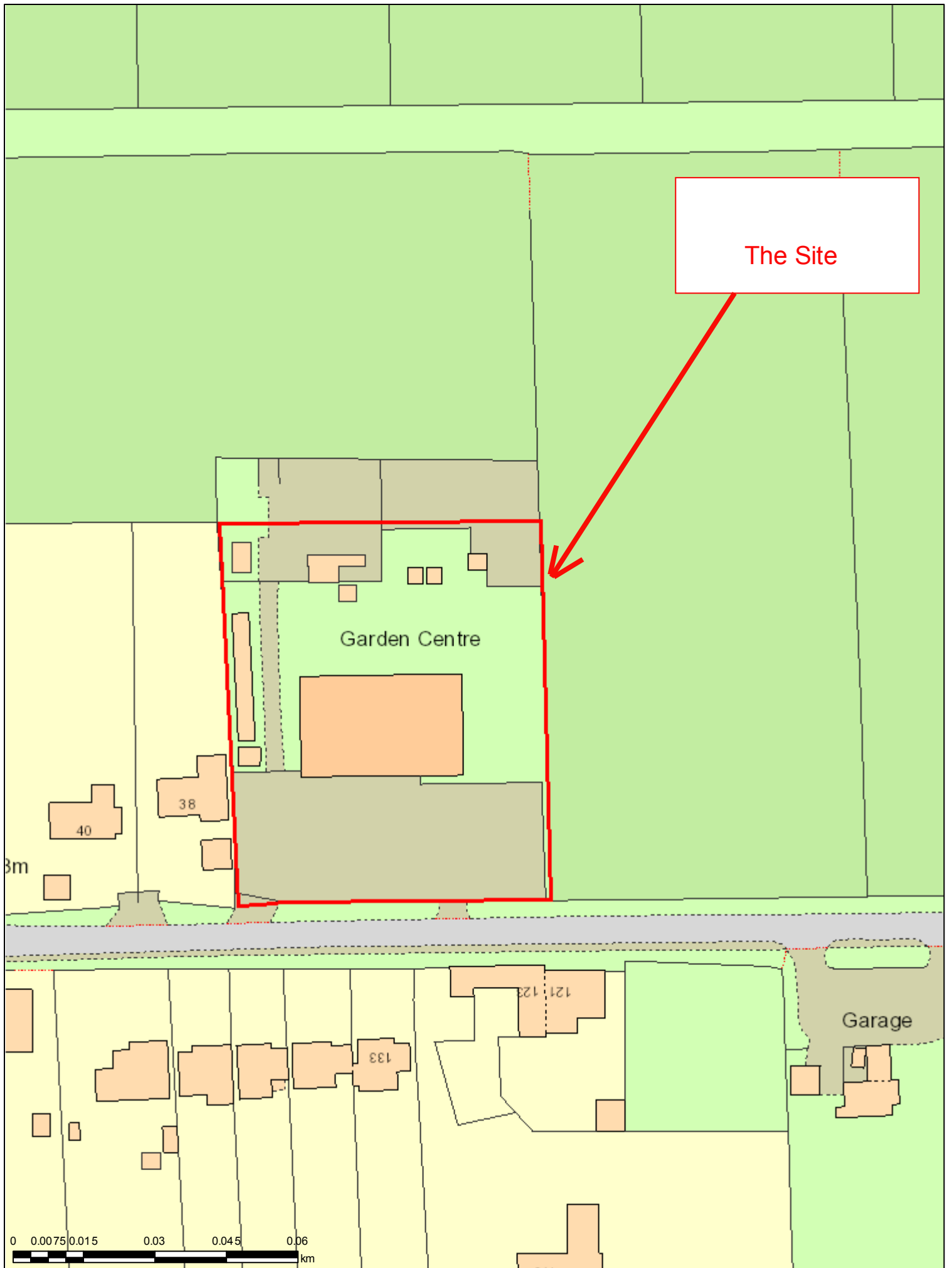
1. Standard time limit
2. Compliance with the approved plans
3. Submission of material samples (N.B. this will likely be a pre-commencement condition given the nature of the development so will need to be agreed by the Agent before the decision can be issued)
4. Obscure glazing and non-opening windows (unless openable parts are 1.7m or more above floor level) to the side elevation

REASONS FOR DECISION:

The proposal was acceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan.

CHAIRMAN
1.30PM - 2.25PM

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Planning Committee Plan 21/01653/OUT Helpston Garden Centre West Street Helpston Peterborough PE6 7DU. NTS

Scale 1:1,000
 Print Date: 09/03/2022

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Application Ref: 21/01653/OUT

Proposal: Outline application with all matters reserved except for access for the demolition of the existing garden centre and associated buildings; closure of the existing commercial accesses and replacement with three private driveways; and, erection of up to 3 residential dwellings

Site: Helpston Garden Centre, West Street, Helpston, Peterborough
Applicant: Mr R Goodfellow

Agent: DLP Planning Ltd
Site visit: 08.03.21

Called in by: Councillor Over and Executive Director: Place and Economy
Reason for Call in: Development would be in the open countryside, outside the settlement boundary and application is a departure from the Local Plan

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

Recommendation: **GRANT** subject to conditions

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

Site Description

The application site extends to approximately 0.63ha (1.55 acres) and comprises a former garden centre (Use Class A1) with car parking, ancillary outbuildings and external storage and sales areas.

At the front of the application site there is a large gravel car park running the entire width of the site to a depth of approximately 20m, where there are two points of vehicle access onto West Street.

Beyond the car park is the main garden centre complex, which comprises a number of glass houses located centrally within the plot, with external sales areas to the east and north, and external storage at the rear of the site. There are a number of other buildings within the site, including office and staff rooms along the western boundary. The site is bounded by a number of mature trees and established landscaping along the north, east and western boundaries, with a manicured hedge and ditch along the front of the site.

The application site is situated 175m west from the current built form of the village and the identified settlement boundary. To the north and east of the appeal site lies open fields, with residential development in ribbon form to the south and west. West Street garage is located to the south-east, which is also outside the settlement boundary, and there is a parcel of land between West Street garage and the edge of the village which has been allocated for residential development under Policy LP41.5 of the 2019 Local Plan. This allocated housing site is situated within the settlement boundary whilst the application site is not. The site is therefore, in policy terms, located within the open countryside.

Pre-Amble

This site has extensive planning history, which started with a pre-application enquiry in 2016 seeking to establish the lawful use of the land, but also sought advice on the erection of 14x dwellings. Officers noted that the lawful use of the land as Class A1 (retail), now Class E, and that the site would meet the definition of previously developed land under the National Planning Policy

Framework definition, now the 2021 version, however, Officers also provided clear advice that any such proposal for residential development in this open countryside location would not be supported.

In 2017 planning permission was sought under App Ref: 17/00848/OUT for the 'Demolition of existing buildings and erection of up to 7 dwellings (all matters reserved)'. After lengthy discussions with the Agent it was concluded that the application was to be refused on grounds of principle, character, and loss of a community facility. This application was withdrawn on the 10th September 2019.

In 2019, outline planning permission was sought under App Ref: 19/01865/OUT to clear the application site and erect up to 7x dwellings, committing to access only and all other matters were reserved. During the consideration period there was correspondence between the Case Officer and Agent, where it was concluded both parties were at an impasse with respect to the principle of development and the site being outside the settlement boundary, as well as concerns of character. On the 6th April 2020 planning permission was refused for the following reasons:

R 1 The application site is located outside of the designated village envelope of Helpston, and therefore lies within the open countryside. The proposed development, for 7no. self-build residential dwellings, is not demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services; does not satisfy the 'exception' test set out within Policy LP8 of the Peterborough Local Plan (2019); does not accord with Policy LP11 of the Local Plan; and is not minerals or waste development. Accordingly, by definition, it is contrary to the vision, objectives, development strategy and policies of the Local Plan, as set out in Policy LP2 of the Peterborough Local Plan (2019).

R 2 Notwithstanding that matters of layout and appearance are to be reserved, the proposed dwellings would be required to be sited in such a way as to result in a form of development which is at odds with the sparse, spacious ribbon form of development located adjacent and opposite to the site. The resulting development would therefore appear incongruous to this established character, and the site overdeveloped and cramped compared to nearby residential development. The proposal would appear a dominant feature in wider views and would unacceptably alter the edge of village character of Helpston when approaching from the north-west. Accordingly, the proposed development is contrary to Policy LP16 of the Peterborough Local Plan (2019).

The 2019 application was subject to an appeal (APP/J0540/W/20/3253778); whilst the Appellants did not challenge the Council's 5-Year Housing Land Supply, an argument was made in respect of Policy LP8 and self-build development. The appeal was dismissed by the Planning Inspectorate, and a copy of this decision is attached at Appendix 1. Of particular note are paragraphs 8, 11, 12 19 and 22.

Proposal

The Applicant seeks outline planning permission with all matters reserved except for access (appearance, landscaping, layout and scale) for: the demolition of the existing garden centre and associated buildings; closure of the existing commercial accesses and replacement with three private driveways; and erection of up to 3 residential dwellings.

Whilst all matters are reserved, in support of the application are indicative plans which illustrates three detached dwellings with independent access points from West Street, detached double garages and off-street parking to front and rear gardens extending beyond to the rear.

2 Planning History

Reference	Proposal	Decision	Date
19/01865/OUT	Outline application for the demolition of existing buildings and erection of up to 7 dwellings (self build purposes) with access secured and all matters reserved	Refused	04/04/2020
17/00848/OUT	Demolition of existing buildings and erection of up to 7 dwellings (all matters reserved)	Withdrawn by Applicant	10/09/2019
06/00947/FUL	Continued siting of two mobile storage units and one lock-up unit	Permitted	10/08/2006
91/P0097	Change of use from agriculture to garden centre	Withdrawn by Applicant	23/03/1992

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Section 9 - Promoting Sustainable Transport

Section 11 - Making Effective Use of Land

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 Settle Hierarchy and the Countryside

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

LP03 - Spatial Strategy for the Location of Residential Development

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

LP08 - Meeting Housing Needs

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

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP09 - Custom Build, Self-Build and Prestige Homes

a) Permission will not be granted for development involving the loss of prestigious, top-of-the market housing unless there is clear evidence of appropriate marketing or new prestigious homes would be created, the dwelling has been realistically marketed and does not contribute to the

historic environment.

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

LP11 - Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure, and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well-established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

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.

LP21 - New Open Space, Sport and Recreation Facilities

LP21 Part A New Open Space, Outdoor Sport and Recreation Facilities- Residential schemes of 15 or more dwellings will be required to make appropriate provision for new or enhanced open space, sports and recreation facilities in accordance with the standards. The council's first preference is for on-site provision.

LP21 Part B: Indoor Sports and Recreation Facilities- All residential development below 500 dwellings will contribute to the provision of 'off site' strategic indoor sports and recreation facilities by way of CIL. For sites of 500 dwellings more a S106 Planning Obligation will be sought.

LP21 Part C Designated Sites- Mitigation of Recreational Impacts of Development- Where development has the potential to have a significant adverse effect on the integrity of a designated international or national site for nature conservation as a result of recreation pressure, the development maybe required to provide open space of sufficient size, type and quality over and above the standards to mitigate that pressure.

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.

Helpston Neighbourhood Plan

Helpston Parish Council is preparing a neighbourhood plan for the parish of Helpston. The parish council held a formal consultation on their draft neighbourhood plan during summer 2021. The Parish considered all responses, and formally submitted their neighbourhood plan to the Council in December 2021. The Council held the 'Regulation 16' consultation on the submitted neighbourhood plan from Friday 17 December 2021 to Tuesday 15 February 2022.

The Local Plan is currently being assessed by the Planning Inspectorate to ensure the Plan accords with the basic conditions and whether the plan should proceed to referendum.

In accordance with Paragraph 48 of the NPPF (2021), Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

As such, the following Neighbourhood Plan Policies shall be given weight in the determination of this application:

Policy A: Built Environment

Peterborough Design and Development in Selected Villages SPD (2011)

4 Consultations/Representations

Helpston Parish Council (08.11.21)

No objection - Helpston Parish Council has given considerable thought to this outline application which concerns a site that lies outside of the Local Plan Village Envelope. Also note and record that this is a site for which the City has refused a previous application for seven self-built properties, and which was upheld by a government appointed inspector at appeal.

Helpston Parish Council is fully supportive of the aims and objectives of the Local Plan and Village Envelope and its relevance to applications concerning land outside of that envelope.

However, the land in question now falls under Class E regulations, which the agents for the applicant have made abundantly clear, would permit applications for a variety of Commercial, Business and Services uses, and which would be difficult to oppose under current planning guidelines.

Additionally, the Parish Council is aware that the opinions of many of the occupants of nearby properties would be against any of these categories of use being practically applied to this site. Reluctantly therefore, the Parish Council has determined not to oppose the development of three residential dwellings on the site as detailed in the subject application on condition that:

- a) the site is not incorporated into the existing village envelope as an extension to that envelope;
- b) that this decision of non-opposition is not taken as a precedent for approval of further linear development on land along West Street between numbers 36 and 38 or, indeed, on land on the opposite side of the road;
- c) that the Parish Council and City Council be fully involved in all reserved matters concerning the specification of the materials used in the construction of the dwellings and is given an opportunity to express its opinions about them so that City take them fully into account when considering a full application;
- d) that the applicant and City Planning department consider a slightly "staggered" building line for each of the proposed dwellings so as to remove any possibility of a hard-line frontage to this north side length of West Street.

PCC Tree Officer (19.11.21)

No objection – Further to the receipt of amended plans the access arrangements to Plot 3, by locating the access outside of the root protection area (RPA) of the semi-mature, category B Alder NT5, is acceptable, to avoid unnecessary disturbance to the tree. Please condition accordingly the revised detail with regards to the access to Plot 3.

PCC Wildlife Officer (21.12.21)

No objection - The site is placed within relatively poor habitat for biodiversity and the buildings on site have no significant bird or bat roosting interest. The hedgerows surrounding the site, however, are significant ecological constraints. Conditions are sought to be attached to ensure that the Local Planning Authorities position on ensuring that ecological connectivity is maintained.

As the site is currently almost entirely hard standing and buildings, it is expected that the proposal would result in a net gain of biodiversity.

A site visit was undertaken on the 21st of December where it was determined that the buildings only had significant interest for nesting birds and no bat roosting interest.

PCC Archaeological Officer (08.03.22)

No objection – Further to clarification that ground works to the car park at the front of the site would

be shallow, however, the application site sits in an area of known archaeological significance. Some 70m to the west King Street (B1443) follows the course of the Roman road which ran northwards from the town of *Durobrivae*, near Waternewton in Cambridgeshire, to join Ermine Street near Ancaster in Lincolnshire. To the west of King Street are the scheduled remains of the medieval motte and bailey complex known as Torpel Manor (SM NHLE List entry 1006812). In October 2015 test pits excavated within the property of Torpel House immediately to the west of the proposed development site produced residual pottery of Early Medieval and Medieval date. Medieval stray finds have also been recorded within the general area.

Some degree of truncation of upper deposits caused by the use of the site as a nursery may be anticipated. However, given the close proximity of the site to Torpel Manor, the area of proposed groundwork should be subjected to an evaluation by trial trenching. The archaeological work may be conditioned. In compliance with NPPF and Peterborough Local Plan, the programme of evaluation by trial trenching aims to gain information about the archaeological significance of the proposed development area, including the presence, character, extent, date, integrity, state of preservation and quality of known and/or potential heritage assets.

As such, a condition is sought with respect to securing a programme of archaeological work including a Written Scheme of Investigation.

PCC Pollution Team (11.11.21)

No objection - Subject to conditions being appended securing a contaminated land assessment, as well as informatives with respect to dealing with hours of construction, and dealing with dust, smoke and odour.

PCC Peterborough Highways Services (25.11.21)

No objection - The proposal has been amended to show each individual access measuring 3.5m in width, which is acceptable to the LHA. The proposal is considered unlikely to have a material impact upon the public highway, however, a number of conditions are sought with respect to access, parking, turning and visibility splays, removal of redundant access(es), a construction management plan, as well as relevant informatives.

PCC Open Space Officer (23.11.21)

No objection – the amount of development falls below the requirement for off-site public open space contribution and would not affect any existing public open space or amenity landscaping.

Welland Deeping IDB (03.11.21)

No objection - If this application were to reach a full or reserved matters stage then we would expect to be informed of what the foul water provisions will be, as well as what form the proposed SUDS (Sustainable Urban Drainage Systems) scheme will take.

It is noted from the proposed access arrangements drawing submitted that some new accesses to cross the private frontage dyke are to be installed with an existing access to be made redundant. Should planning permission be granted then applications for consent to alter a watercourse would need to be submitted to the Board in advance of any site works. These are subject to the agreement of technical details with the Board and are currently free of charge to submit.

Local Residents/Interested Parties

Initial consultations: 29

Total number of responses: 2

Total number of objections: 1

Total number in support: 0

Ward **Councillor Over** has objected to the proposal as the development site is situated outside the settlement boundary of the village in the open countryside. Therefore, if Officers were minded supporting the application, he requested it be called into Planning and Environmental Protection

Committee for final determination.

The second representation received relates to Parish Council comments, which are summarised above.

5 Assessment of the planning issues

- a) The Principle of Development
- b) Design and Character
- c) Access and Parking
- d) Neighbour Amenity
- e) Future Occupier Amenity
- f) Biodiversity
- g) Archaeology
- h) Contamination

a) The Principle of Development

The application site is situated within the open countryside, outside of the settlement boundary of Helpston village. This was confirmed by the Planning Inspector under Paragraph 12 of the 2021 appeal statement (APP/J0540/W/20/3253778), which states, '...that the appeal site was physically detached from the settlement boundary of Helpston, forming part of the fringes of the settlement, lying within the countryside'.

As such, Policy LP2 is the starting point, which states development in the countryside (i.e. 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; or
- development in accordance with Policy LP11; 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

The proposed development would be for open market housing, it would not be related to agriculture et al., nor would it be forthcoming as affordable housing. As such, the principle of development is contrary to Policies LP2, LP8 and LP11 of the Peterborough Local Plan (2019).

i) 5-year housing land supply (5YHLS)

With respect to the Peterborough City Council Five Year Land Supply Report (October 2021), the Council has identified land that is estimated to be capable of delivering 4,527 dwellings. The five-year requirement during this period is 4,190. The Council can therefore demonstrate 337 additional dwellings, above minimum requirements, for the five-year period. As such, the Council can demonstrate 5.40 years' worth of supply over the five-year period.

In addition to this, based on the 2017 to 2020 housing monitoring data, this showed that the Council had met 114% of the Housing Delivery Test requirements.

In short, the Council has a 5YHLS and is meeting its delivery test and is doing so comfortably. Therefore, whilst this proposal would go towards helping meet this requirement, the weight which this benefit can be attached to the planning balance is extremely limited.

ii) Self-Build Register

At the time of the previous appeal, the Council reviewed its Self-Build Register, where applications had come forward for self-build dwellings and/or a CIL exemption was sought. It should be noted that it is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging authority in response to a requirement under the CIL Regulations. The Local Planning Authority is required to take this declaration in good faith, as the onus is on the Applicant to sign and demonstrate that the property qualifies as a self-build.

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area; at the time of writing the 2020 appeal statement, the combination of permissions granted, and exemptions received demonstrate that the demand for self-build and custom housing (as identified by the register) is comfortably being met.

The following tables were taken from the Council's 2021 Annual Monitoring Report, which illustrates the number of CIL self-build exemptions is up from 62x to 76x over last year, and the number of self-build exemptions on part 1 of the register is up from 26x to 30x during the same period. As such, the demand for self-build and custom housing (as identified by the register) continues to be comfortably being met. This therefore also holds limited weight in the planning balance.

Table 8: Self-build and Custom Housing Register

Base Period	Number On Part 1 at end of base period	Number On Part 2 at end of base period	Permissions Granted
31 Oct 2015 – 30 Oct 2016	3	0	N/A
31 Oct 2016 – 30 Oct 2017	17	0	1
31 Oct 2017 – 30 Oct 2018	5	0	5
31 Oct 2018 – 30 Oct 2019	1	0	1
31 Oct 2019 – 30 Oct 2020	4	0	0

Table 9: Self-build and Custom Housing Permissions

3 year period	Permissions Required (doesn't apply to anyone on Part 2)	Permissions Granted to date in period	Requirement met?
31 Oct 2016 – 30 Oct 2019	3	7	Yes
31 Oct 2017 – 30 Oct 2020	17*	6	No**
31 Oct 2018 – 30 Oct 2021	5	1	To be confirmed post 30 Oct 2021
31 Oct 2019 – 30 Oct 2022	1	1	To be confirmed post 30 Oct 2022
31 Oct 2020 – 30 Oct 2023	4		To be confirmed post 30 Oct 2023

*one entry on the register is for an association seeking 7-8 plots.

** Please see paragraph 5.17 for full explanation

Table 10: CIL Self Build Exemptions

Base Period	CIL Self-build Exemptions	Number on Part 1 of Register
31 Oct 2015 – 30 Oct 2016	22	3
31 Oct 2016 – 30 Oct 2017	18	17
31 Oct 2017 – 30 Oct 2018	10	5
31 Oct 2018 – 30 Oct 2019	15	1
31 Oct 2019 – 30 Oct 2020	11	4
Totals	76	30*

*this figure does not take account of renewals, if these are removed the total would be 28.

iii) Marketing Exercise and Loss of the Employment Use

It is noted that, in respect of the recently dismissed appeal on the site, the Inspector made reference (paragraph 8 at Appendix 1) to the lack of attempt having been made to market the site, either to remain as a nursery, or other suitable use. The Inspector also stated that it was unclear as to why this site should not continue to be attractive and viable, albeit with a different operator, not least because of the growth taking place in the area. Crucially however, the Inspector did not cite this as a reason for dismissing the appeal and nor did it form a reason for refusal from the LPA.

The application has been accompanied by a Valuation Report (Richardson, May 2021), where Officers accept in good faith that, financially, the site is in a poor state of repair and there are financial difficulties in refurbishing the site, securing a positive return in face of Covid, Brexit, changing market habits and nearby competition.

Notwithstanding this, Officers are of the view that the application site is not in 'employment use' which is generally accepted as being office use or Classes B2 (general industry) and B8 (storage and distribution). It is accepted that the lawful Class E use of the site does have the potential to generate employment opportunities, but it is not classed as an 'employment use'. Further, the site is not readily capable of being adapted or modified for office use. As such, the provisions of Policy LP4, and the requirement for a marketing exercise to be undertaken do not bite in the case of the application site.

iv) Previously Developed Land

Paragraph 119 of the NPPF (2021) states, 'planning ... decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'.

This is however subject to sub-paragraph 47, which states, 'except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity'.

Paragraph 119 should be read in conjunction with 120 of the NPPF (2021) which states, 'planning ... decisions should ... give substantial weight to the value of using suitable brownfield land within settlements for homes...'

As such, Officers may give weight to the development being on previously developed land, however, Officers cannot give 'substantial' weight as the application site is situated within the open countryside and is detached from the settlement boundary.

v) Discussion

The Parish Council have not objected to this proposal, advising that they have given this proposal considerable thought, that they are aware it is outside the settlement boundary, and the site has been subject to a number of refusals. However, the Parish Council are conscious that the application site has a lawful Class E use, the site could therefore be used for a variety of commercial, business and service uses, which would be difficult to oppose given the wide range of uses which currently fall within Class E. In addition to this, Officers understand that occupants of nearby properties would be against any of these uses being carried out from the site, therefore, the Parish Council have stated they do not object to the proposal. The Parish Council have caveated that a lack of objection does not mean that they support development in the open countryside.

Officers note the Parish Council's comments, that the site is in the open countryside, and that there are concerns the proposal could form an alternative, unrestricted Class E use. In addition, the submitted viability report advises that the application site would require considerable investment and would likely achieve a poor rate of return which gives cause for concern that the site would likely remain in its current partially derelict and unsightly state without redevelopment for an alternative use. This gives rise to significant harm to the visual amenity of the area.

The proposal would remove these unsightly buildings, and for the reasons discussed in detail below, providing the scheme came forward as per the submitted indicative layout, the redevelopment for 3no. residential dwellings would represent an appropriate form of development given the ribbon development along West Street. Accordingly, it is not considered that the proposal would improve the wider landscape character of the area, and would reflect the character and appearance of the immediate area to the betterment of the existing situation.

As such, whilst the Council can demonstrate a robust 5 year housing land supply, is meeting its housing delivery test and is meeting its demand for self-build and custom housing, and the proposal would represent residential development in the open countryside which is to be tightly controlled, the proposal would remove a number of unsightly buildings situated adjacent to a number of residential dwellings within a prominent location in the open countryside and improve the visual amenity of the area. Dwellings on the site would follow the established form of ribbon development, and would represent an effective use of previously developed brownfield land. , Accordingly, and in this instance, Officers are content to depart from the Local Plan and support the principle of development.

vi) Helpston Neighbourhood Plan

As set out within the Draft Helpston Neighbourhood Plan, the majority of dwelling types within the village are 3+ bed properties, there are very few smaller dwellings, and even fewer of these are available to meet the need for affordable or social housing. In addition to this, built development in Helpston has not followed a unified pattern or design. There is a mixture of domestic dwellings that include single storey rented accommodation through to multi-story private accommodation, almshouses, former railway buildings, and converted former public houses. As such, Policy A: Built Environment states that development of more than 2x dwellings, but less than 5x, should provide a range of dwelling sizes in terms of bedrooms.

Officers are conscious that this scheme has been submitted to address previous reasons for refusal and has been designed to address the most recent appeal decision (January 2021). In addition to this, Officers are mindful that the Neighbourhood Plan is currently being considered by the Inspectorate, however, it has not yet been subject to a referendum, nor has it been found sound, therefore Officers may only attach limited weight in this instance.

For the avoidance of any doubt, should outline planning permission be granted, the permission would be extant therefore the requirements of the Neighbourhood Plan to dictate dwelling sizes could not take effect at the Reserved Matters stage.

b) Design and Layout

Whilst this is an outline application, indicative drawings have accompanied the proposal which illustrate three dwellings set back from West Street, on a similar building line to No's 38 and 40 West Street, with detached double garages to front and long rear gardens.

It's important to emphasise that No's 38 and No. 40 West Street are indeed new houses, however, these replaced a pair of semi-detached dwellings, therefore these dwellings are not 'new' in the sense that these are new build properties which have been permitted in the open countryside (App Ref: 08/00564/FUL).

Paragraphs 11 and 12 of the 2021 appeal decision raised a number of concerns with the proposed development, relating to the indicative depth of development, the cramped and overdeveloped form, the significantly smaller gardens when compared to adjacent residential properties, and the visual impact the proposal would have had from the public realm:

'...of most concern, however, would be the effect that the development would have on views of the appeal site approaching along West Street from the east and looking across from the B4143 on the approach to Helpston from the northwest. The appearance of the grouping of new properties would be prominent and incongruous, arising not only from the height of the buildings but especially from the depth of the development' (Paragraph 11, APP/J0540/W/20/3253778).

The Inspector concluded under Paragraph 12 that, *'the development on the lines envisaged would have a substantial and harmful urbanising effect on the character and appearance of the area because it would break the existing single depth linear pattern of development characteristic of this part of Helpston. The proposed dwellings would be substantial in size (4/5 bed) but would appear cramped and over-developed in their local context. In the longer run, the likely effect, if this scheme were allowed, would be to encourage further development'.*

As noted above, there are a number of dwellings situated to the west and south of the application site, these dwellings of which are situated outside the settlement boundary of Helpston and in the open countryside. However, the character of the immediate locality comprises linear dwellings with large rear gardens – a ribbon form.

The scheme has been reduced to three dwellings; whilst the submitted plans are indicative, there is a clear steer that these would be large 4/5 bed dwellings with large rear gardens and detached double garages to front, as such the development as indicated would no longer be cramped, it would be single depth and linear, and would appear as a continuation of dwellings at 38-40 West Street. As such, the visual amenity of the immediate area would be improved, and subject to appropriate design and landscaping, would be more a sympathetic development give the open countryside location.

Policy A5 of the emerging Helpston Neighbourhood Plan states that all proposals will be required to demonstrate the use of sustainable materials and reuse of existing resources. In addition to this, all new dwellings shall be provided with a minimum of 1 electric vehicle charging point on-site and housing development of more than one house must use renewable energy as the sole source of heating the dwellings, for example through the use of biomass, heat recovery, solar or heat pumps systems. As such, this matter shall be secured by planning condition.

Subject to attaching conditions which would secure materials, levels, the use of renewable energies and hard and soft landscaping, the proposal would be representative of the established character and context of the immediate locality, significantly enhance the overall visual amenity of the area through appropriate redevelopment of a redundant brownfield site, and the proposal would accord with Policies LP16 and LP27 of the Peterborough Local Plan (2019), Paragraph 130 of the NPPF (2021) and emerging Policy A of the Helpston Neighbourhood Plan (Submission Version 2021).

c) Access and Parking

As set out above, the matter of access is sought in detail as part of this application. The Local Highway Authority (LHA) originally raised concerns with respect to the proposed access widths, however, further, to receiving amended plans the LHA have raised no objections to the proposal. The LHA notes that the proposal would provide satisfactory access for the dwellings proposed, and would not result in a highway safety hazard. Conditions are sought with respect to the provision of the vehicle access points, parking, turning and visibility splays, removal of redundant access(es), submission of a construction management plan, as well as relevant informatives.

The Local Highway Authority have sought a condition be attached with respect to securing details of temporary facilities to facilitate construction works and ensure that no deposits are made onto the public highway. However, were the undertakers to obstruct the public highway, they would need to apply for a licence from the Highway Authority. As this matter is covered by separate legislation, an informative shall be attached and a condition is not considered necessary.

Whilst there are currently no requirements within the Local Plan for the provision of electric vehicle charging points, there is a requirement for each dwelling to be provided with an electric vehicle charging point within Policy A of the Helpston Neighbourhood Plan. In this instance, it is considered reasonable to secure EV charging points by condition.

Notwithstanding this matter, subject to securing all other relevant conditions the proposal would not give rise to an adverse highway safety hazard, and would accord with Policy LP13 of the Peterborough Local Plan (2019).

d) Neighbour Amenity

This is an outline application where only matters of access have been committed, which limits the extent of consideration to access only. All other neighbour amenity matters would be considered at the Reserved Matters stage, should outline planning permission be granted.

It should be emphasised that properties along West Street have very high levels of privacy and amenity. The indicative layout illustrates a dwelling which reflects No. 40 West Street, with parking to front and the dwellings parallel to the road. There are dwellings opposite the application site, whereby if the development were permitted this would increase the comings and goings of vehicles at the extremities of the day of and evening, however, it is considered the site would generate less movements than the current lawful use and would no longer require regular servicing and deliveries. Therefore, on balance, it is not considered that the proposed access points, in isolation or cumulatively, would give rise to unacceptable levels of nuisance or disturbance, and the development would accord with Policy LP17(a) of the Peterborough Local Plan (2019).

e) Future Occupier Amenity

Based on the indicative layout it is considered future occupiers would be afforded satisfactory outlook and levels of natural light to principle rooms, and would be provided with satisfactorily sized gardens, however, this matter would be considered in detail at the reserved matters application, should outline planning permission be granted.

f) Biodiversity

Wildlife

The Council's Wildlife Officer has raised no objections to the proposal, noting that the site is largely laid to hardstanding and the buildings only have potential for nesting birds. However, the surrounding hedgerow is considered to be significant value. Conditions have been sought with respect to the use of native species and no hedgerow removal during bird breeding season. A comprehensive landscaping scheme and associated management would also be sought.

Given that the proposal would remove large areas of hardstanding and existing buildings, and these areas would be replaced with garden, subject to securing the above conditions the proposal would result in an overall enhancement to the biodiversity value of the site, and would accord with Policy LP28 of the Peterborough Local Plan (2019).

Trees

The Council's Tree Officer has raised no objections to the proposal, further to the receipt of amended plans, which has relocated the access serving Plot 3 so that it no longer sits within the root protection area of NT5, a Category B tree (Alder). Subject to the development being carried out in accordance with the revised access arrangement, the proposal would accord with Policy LP29 of the Peterborough Local Plan (2019).

g) Archaeology

The Council's Archaeologist has raised no objection to the proposal, further to clarification with respect to the construction depth of the car park, however, the application site is situated within an area known for its archaeological significance, therefore, should planning permission be permitted, a condition is sought with respect to securing a Written Scheme of Archaeological Investigation. Subject to this condition, the proposal would accord with Policy LP19 of the Peterborough Local Plan (2019).

h) Contamination

The Council's Pollution Control team have raised no objections to the proposal, however, have noted that the application site is a former garden centre with extensive areas of hardstanding, office and horticultural buildings, and motor vehicle parking areas. Therefore, there is potential for contamination from the historical use and storage of chemicals, the presence of made ground, and oil/fuel contamination. As such, an investigation into site contaminates is required.

Subject to conditions being appended securing a contaminated land assessment, as well as informatives with respect to dealing with hours of construction, and dealing with dust, smoke and odour, the proposal would make provision for uncovering contaminated land, and accord with Policies LP17 and LP33 of the Peterborough Local Plan (2019) and Paragraphs 183-185 of the NPPF (2021).

i) Water efficiency

To accord with Policy LP32 (water efficiency) a condition shall be appended to minimise impact on the water environment, and all new dwellings shall achieve the Optional Technical Housing Standard of 110 litres per day for water efficiency, as described by Building Regulation G2.

j) Lifetime homes

In accordance with Policy LP8 (Meeting Housing Need), Housing should be adaptable to meet the changing needs of people over time. All dwellings should meet Building Regulations Part M4(2), unless there are exceptional design reasons for not being able to do so (e.g listed building constraints or site specific factors such as vulnerability to flooding or site topography). As such, a condition shall be appended for the avoidance of any doubt.

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, however, it is situated on a former employment site; the proposed development would remove this historic retail use, including the demolition of a number of tired buildings, and would allow the erection of three detached dwellings which follow the established character of the immediate area. As such the proposal would, on balance, present an overall betterment, which would preserve the character and appearance of the area, and the proposal would accord with Policy LP16 and LP27 of the Peterborough Local Plan (2019), Paragraph 130 of the NPPF (2021);
- There would be adequate space within the curtilage of the site to accommodate three dwellings without resulting in unacceptable harm to the amenities of neighbouring occupants, and there would be sufficient space to provide dedicated gardens to serve the proposed and existing dwellings, therefore the proposal would be in accordance, in accordance with Policy LP17 of the Peterborough Local Plan (2019);
- The proposed development would not constitute a highway safety hazard and it has been demonstrated that satisfactory on-site parking would be provided to serve future occupiers, in accordance with Policy LP13 of the Peterborough Local Plan (2019);
- The proposed development would improve the biodiversity value of the site, in accordance with Policies LP28 and LP29 of the Peterborough Local plan (2019); and
- The development would make provision for surface water drainage and uncovering unsuspected contamination, and would accord with Policies LP32 and LP33 of the Peterborough Local Plan, and Paragraphs 183-185 of the NPPF (2021).

7 Recommendation

The case officer recommends to the Planning and Environmental Protection Committee that Outline Planning Permission is **GRANTED** for the following planning reasons:

- C 1 Approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, landscaping, layout and scale, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 5 No development other than groundworks and foundations shall take place in respect of each dwelling unless and until details of the proposed external materials to be used for that dwelling e.g. walling, roofing, windows and doors have first 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 Policies LP16 and LP27 of the Peterborough Local Plan (2019) and emerging Policy A of the Helpston Neighbourhood Plan (Submission version 2021).

- C 6 The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Implication Assessment (Belson, 4449.Helpston GC.DLP.AIA, 24.09.21) and Drawings 4449.Helpston GC.DLP.AIP (Arboricultural Implications Plan) and C5091-6PD-001 Rev A (Proposed Access Arrangements).

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP28 of the Peterborough Local Plan (2019).

- C 7 The plans and particulars to be submitted under Condition 1 shall include a scheme for the hard and soft landscaping of the site. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting;
- Existing and proposed finished site and slab levels;
- Details of any boundary treatments, which shall include adequately sized gaps at 10 metre intervals to enable the movements of hedgehogs where impenetrable;
- All hard surfacing materials; and
- Any external lighting.

The approved hard landscaping scheme (boundary treatments, hard surfacing and lighting) shall be carried out prior to first occupation of the dwelling to which it relates, and retained thereafter.

The soft landscaping shall be carried out within the first available planting season following first occupation of the dwelling to which it relates 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, LP28 and LP29 of the Peterborough Local Plan (2019) and Policies A and B of the Helpston Neighbourhood Plan (Submission Version 2021).

- C 8 Prior to the first occupation of the first dwelling hereby permitted, or on completion of the development whichever is sooner, a scheme for the provision of bird nest (House Sparrow, Starling & Swift) and bat roost boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to the first bird nesting season following occupation of the dwelling to which the boxes relate, and shall be maintained and retained as such in perpetuity.

Reason: To provide biodiversity enhancement to the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019) and Policy B Helpston Neighbourhood Plan (Submission Version 2021).

- 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.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019) and Policy B of the Helpston Neighbourhood Plan (Submission Version 2021).

- C10 The development hereby permitted shall not be commenced unless and until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with Paragraphs 183-185 of the NPPF (2021) and Policy LP33 of the

Peterborough Local Plan (2019). This is a pre-commencement condition because contamination must be adequately remediated prior to construction works taking place to prevent risks of pollution during the ground works and construction process.

- C11 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with Paragraphs 183-185 of the NPPF (2021) and Policy LP33 of the Peterborough Local Plan (2019). This is a pre-commencement condition because contamination must be adequately remediated prior to construction works taking place to prevent risks of pollution during the ground works and construction process.

- C12 On completion of remediation, a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with Paragraphs 183-185 of the NPPF (2021) and Policy LP33 of the Peterborough Local Plan (2019).

- C13 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).

- C14 The vehicle access points, as shown on Drawing C5091-6PD-001 Rev A (Proposed Access Arrangements), shall be constructed and made available for use prior to the first occupation of the dwelling to which they relate. Those accesses shall thereafter be retained and maintained as such in perpetuity.

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

- C15 Notwithstanding the approved drawings and provisions of condition C7 above, no gates shall be installed across the vehicle access points hereby permitted unless in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Any gates or other means of enclosure provided across the vehicular access points shall be

set back a minimum of 6 metres from the edge of the public highway where it adjoins the site.

Reason: In the interests of Highway and pedestrian safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C16 The plans and particulars to be submitted under Condition 1 above, shall include details of vehicle parking and turning to serve future occupiers of the dwellings hereby permitted. The details shall ensure that all vehicles can enter, turn and exit the site in forward gear and make provision for 1no. electric vehicle charging point per dwelling. The parking and turning spaces shall be laid out in accordance with the approved plans 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 dwelling to which they relate in perpetuity.

Reason: In the interest of providing satisfactory parking to serve the development and in the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019) and emerging Policy A of the Helpston Neighbourhood Plan (Submission version 2021).

- C17 The vehicle access points hereby permitted shall not be brought into use unless and until the following visibility splays are provided to either side of each access:

- 2.4m (measured from the back edge of the carriageway along the centre line of the proposed access) x 45m (measured along the channel line of the public highway from the centre line of the proposed access road) vehicle-to-vehicle splays; and
- 2m x 2m (measured from and along the back edge of the public highway boundary) vehicle-to-pedestrian splays.

The splays shall be kept clear of any obstruction above a height of 600mm in perpetuity.

Reason: To ensure the development does not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C18 No development shall take place above slab level unless and until details of the electric vehicle (EV) charging points which shall serve each dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.

Reason: In the interest of providing sustainable means of transport and futureproofing the development, in accordance with Policy LP13 of the Peterborough Local Plan (2019) and Policy A of the Helpston Neighbourhood Plan (Submission Version 2021)

- C19 The existing accesses serving the site, shown on the approved layout plans, shall be permanently closed to vehicular traffic before the new accesses hereby approved are brought into use. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority.

The permanent closure shall be carried out prior to first occupation of any dwelling or within 3 months of any of the new accesses being brought in to use, whichever is sooner. Suitable temporary barriers shall be placed near but off the public highway as an interim measure if required.

Reason: To ensure the development does not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C20 The dwellings hereby permitted shall be constructed to accord with the requirements of Part

M4(2) of the Building Regulations 2010. The plans and particular to be submitted under Condition 1 above shall demonstrate compliance with this requirement.

Reason: To ensure the dwellings are capable of adaptation for occupiers needs in the future, in accordance with Policy LP8 of the Peterborough Local Plan (2019).

C21 The dwellings hereby permitted shall be constructed such that renewable energy is the sole source of heating. The plans and particulars to be submitted under Condition 1 above shall include details of the renewable energy source to be applied to each dwelling.

Reason: To ensure that the dwellings reduce reliance upon fossil fuels and meet the climate change aspirations of Helpston, in accordance with emerging Policy A of the Helpston Neighbourhood Plan (Submission version 2021).

C22 The dwellings hereby permitted shall be constructed to achieve the Optional Technical Housing Standard of 110 litres of water usage per person per day.

Reason: To reduce the impact of the proposed development upon the water environment, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

C23 No development shall take place/commence unless and until a programme of archaeological work including a written scheme of investigation for proposed trial trenching of undisturbed areas on site has been submitted to, and approved by, the Local Planning Authority in writing. No development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports

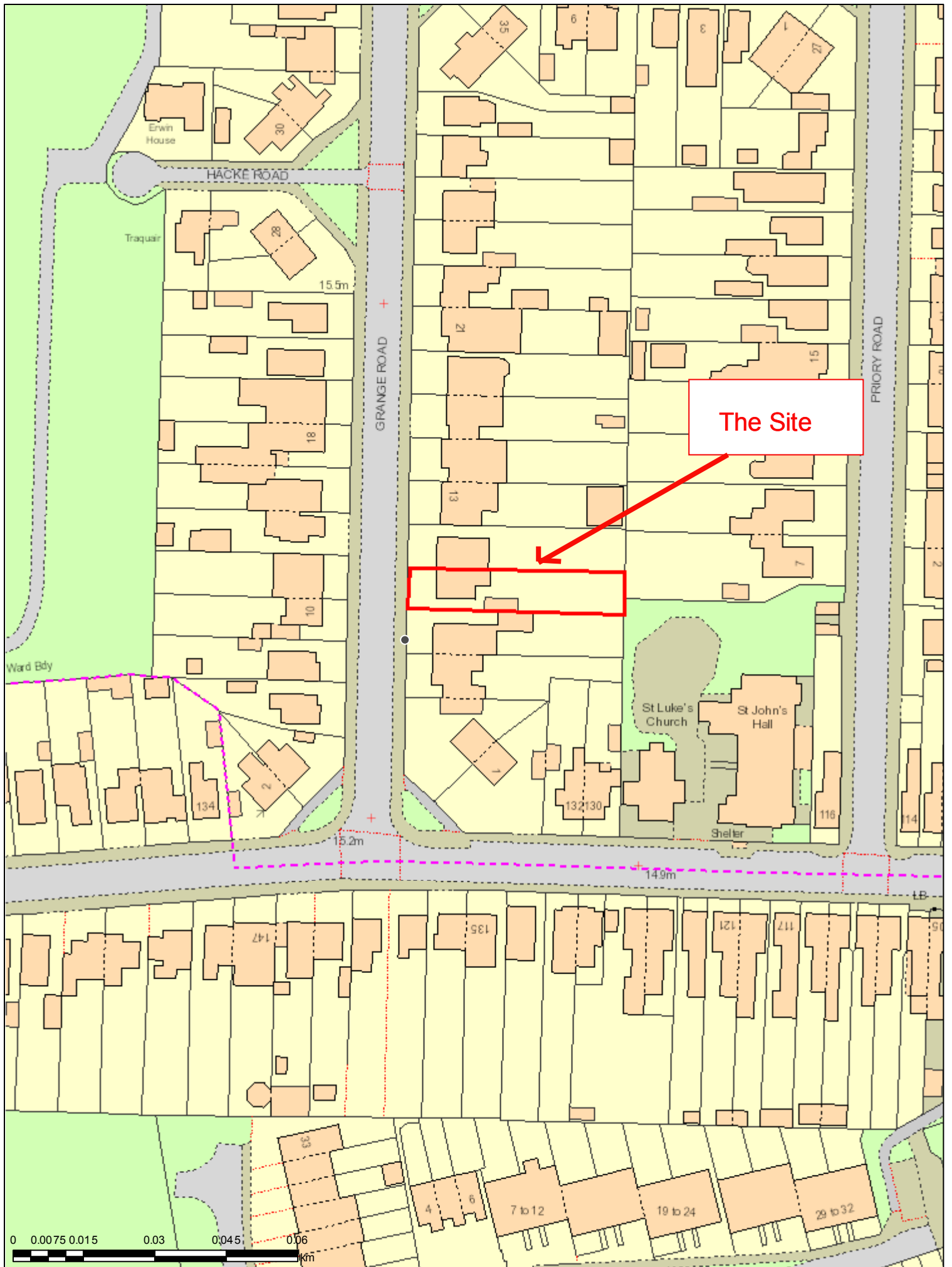
Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Policy LP19 of the Peterborough Local Plan (2019) and Paragraph 189 of the NPPF (2019). This is a pre-commencement condition as the details need to be agreed before development commences on site.

C24 The development hereby permitted shall be carried out in accordance with the following approved plans:

- C5091/1-PL01 - Site Location Plan
- C5091-6PD-001 Rev A - Proposed Access Arrangement
- 18501ea-01 - Topographical Survey
- 4449.Helpston GC.DLP.AIP – Arboricultural Implications Plan

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

Copies to: Cllr David Over



Planning Committee Plan 21/01792/HHFUL 9 Grange Road West Town Peterborough PE3 9DR. NTS

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Application Ref: 21/01792/HHFUL

Proposal: Demolition of detached garage and erection of two storey side extension and single storey rear extension

Site: 9 Grange Road, West Town, Peterborough, PE3 9DR

Applicant: Mr M Shahid

Agent: Mr Iqbal
M.A.Iqbal Architecture

Site visit: 08.12.2021

Case officer: Karen Ip

Telephone No. 01733 453405

E-Mail: karen.ip@peterborough.gov.uk

Recommendation: REFUSE

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

Site and Surroundings

The application site comprises a two storey semi-detached residential dwelling located on the eastern side of Grange Road, close to the junction with Mayor's Walk. The property is of a brick and tile construction, with a rendered principal elevation and ground floor projecting gable. Parking is provided on a hardstanding area to the front and side of the property, with a detached single garage to the rear.

The surrounding area is of relatively uniform character, with detached and semi-detached dwellings of similar period and style. The site sits within a short row of dwellings of identical design.

Proposal

The application seeks planning permission for the construction of a two storey side extension and single storey rear extension. It is proposed to demolish the detached garage.

The two storey side extension would infill the gap to the side boundary, extend to the depth of the original dwelling and be set back from the principal elevation by some 0.5 metres. It would have a hipped roof to match the existing dwelling. The single storey rear extension would project 6 metres from the existing rear elevation of the dwelling and extend across the entire width of the plot (including to the rear of the proposed two storey side extension). This would be of flat roof design to a height of 2.9 metres.

The application was amended after submission from a part two storey part single storey rear extension and two storey side extension, to remove the two storey rear element. It is now identical to the previous proposals (21/01222/HHFUL and 21/01550/HHFUL) which were either withdrawn or refused.

2 Planning History

Reference	Proposal	Decision	Date
P0111/82	Erection of garage and single-storey extension to rear	Permitted	16/03/1982
21/01222/HHFUL	Two storey side and single storey rear extensions	Withdrawn by Applicant	13/09/2021
21/01550/HHFUL	Two storey side and single storey rear extension	Refused	10/11/2021

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.

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

Local Residents/Interested Parties

Initial consultations: 6
Total number of responses: 3
Total number of objections: 2
Total number in support: 0

On the original proposal for this application, 2 objections were received from, one from no.7 and no.11. The proposal has been revised and no longer features the first floor rear extension which was of concern to no.11.

Based on the current revised proposal, one letter of objection has been received from the owner/occupier of No.7 Grange Road, raising the following:

- Proposed side extension by virtue of its siting, height and mass would result in enormous overbearing and overshadowing.
- Considering the "Party Wall Act 1996 Section 6" there has been no communication of any excavation dimensions of the structure from the boundary wall and the adjoining property. Taking into account the 45 degrees code, we are apprehensive on the foundation footings that could negatively impact our property.
- Habitable rooms such as the kitchen and the side of the conservatory will then face a large extended wall and roof at all angles which would diminish quality of natural light entering our house and result in a complete loss of amenities.
- Would require considerable and heavy excavation work through ground which will put in a considerable pressure to the retaining wall forming part of the combined boundary.
- Concerns over demolition of the Side Garage which is also part of the boundary wall.

One letter of objection has also been received by Cllr Gul Nawaz, although the comment arrived after the proposal was revised and first floor rear extension was removed from the proposal, he may have been referring to the original plans in his comments.

- The Proposed 2 Storey Side and Rear Extension will undoubtedly block out direct and indirect sunlight to both Primary habitable rooms for 11 Grange Road and 7 Grange Road causing a significant loss of light and consequential loss of amenity to both properties.
- Mr Masaud of 7 Grange Road has also advised the proposed side extension will also be overlooking into his property affecting privacy of his amenity.
- It is clear that the proposal for the Side and Rear extension would fail to comply with LP17 and as such in accordance with NPPF para 2 should be refused for the plans submitted for 9 Grange Road as the previous applications have been refused by the planning officer.

5 Assessment of the planning issues

The main considerations are:

- **Design and impact upon the character and appearance of the surrounding area**
- **Neighbour amenity**
- **Parking provision**

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

Within the surrounding area, there are numerous examples of two storey side extensions and therefore the proposed two storey side extension would not appear incongruous its wider context. The width, architectural detailing and set back with reduced ridge line would replicate those other examples within the street scene such that it would not appear incongruous or at odds. Furthermore, the existing gap between the dwelling and its neighbour to the south would be retained, preventing the site from appearing terraced.

To the rear, whilst the proposed single storey extension would be considerable, it is considered to be acceptably accommodated within the plot without appearing as overdevelopment. It would partially be a replacement of the existing detached garage and 1.5 storey rear element and would not appear unduly dominant or obtrusive.

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

b) Neighbour amenity

It is noted that an objection has been received from the owner/occupier of 7 Grange Road, which is the neighbouring dwelling to the south of the application site. Amongst other matters, this neighbour has raised concern in respect of impact of the proposal to their amenity.

Turning first to the proposed two storey side extension, this would be sited such that it would abut and form the shared boundary to No.7. This neighbouring dwelling has a ground floor facing window which serves the kitchen and is the only window to this primary habitable room. The proposal would be sited 3 metres from this window, introducing a blank two storey flank elevation. This would result in an unacceptably overbearing impact to the neighbouring kitchen and result in a loss of natural daylight. The proposal would result in an undue darkening effect to this neighbouring room, creating an oppressive and poor level of amenity for occupants.

In terms of overlooking impact, the proposal would introduce 2no. new rear facing windows in close proximity to the shared boundary with No.7. These windows would serve an en-suite and be a secondary window to a bedroom. Accordingly, these could be secured by condition to be obscurely glazed and non-opening below 1.7m above floor level which would be sufficient to prevent direct overlooking towards the garden area of No.7.

With regards to the proposed single storey rear extension, this would abut the side boundaries to both 7 and 11 Grange Road. To No.7, the rear extension would be visible from not only the kitchen window, but also the rear conservatory. However, taking account of the limited overall height and the intervening driveway, it is considered sufficient to prevent an unacceptable level of overbearing impact from this element. With regards to No.11, whilst the depth of projection along the shared boundary would be considerable and located to the south of the neighbouring property, it has itself been extended to the rear such that the proposal would result in a projection of only 3 metres beyond their existing rear elevation. It is not considered that this would result in an unacceptably overbearing or overshadowing impact to neighbouring occupants.

On the basis of the above, the proposed two storey side extension would result in unacceptable harm to the amenities of neighbouring occupants at 7 Grange Road and is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

c) Parking provision

The proposal would maintain 2no. on-site parking spaces to the front of the dwelling. This level of parking accords with the Council's minimum adopted parking standards for the size of dwelling and would ensure that no undue pressure to parking within the public highway results. The proposal is therefore considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

6 Conclusions

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

7 Recommendation

The case officer recommends that Planning Permission is **REFUSED**

- R 1 The proposed two storey side extension, by virtue of its siting, size and scale, would result in an unacceptably harmful impact to the amenities of neighbouring occupants at 7 Grange Road. The proposal would introduce a blank two storey flank wall sited on the side boundary of the site. It would face a primary habitable ground floor window serving the neighbouring dwelling at a distance of only 3m. This would result in an unacceptable loss of natural daylight to and overbearing impact upon this primary habitable room to the harm of the amenities of neighbouring occupants. The proposal is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to: Cllr Gul Nawaz, Cllr Ed Murphy and Cllr Lucinda Robinson

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P & EP Committee: 22nd March 2022

ITEM NO. 3

PROPOSAL: Confirmation of Tree Preservation Order 21/00009/TPO

SITE: Dogsthorpe Spinney, Welland Road, Peterborough

REFERRED BY: Head of Planning

CASE OFFICER: Stephen Chesney-Beales - Tree Officer

TELEPHONE: 01733 453465

E-MAIL: stephen.chesney-beales@peterborough.gov.uk

RECOMMENDATION: Confirm – Tree Preservation Order 20/00009/TPO

1. DESCRIPTION OF THE SITE AND SURROUNDINGS & SUMMARY OF THE PROPOSALS

Purpose of Report

A provisional Woodland Tree Preservation Order (TPO) 21/00009/TPO at Dogsthorpe Spinney, Welland Road, Peterborough was made and served on 6th October 2021. This was because of the authority becoming aware of proposals to carry out tree felling in preparation for future development on land, where there are trees that it wishes to see retained.

In accordance with best practice the persons interested in the land affected were notified of the provisional TPO. As a result of this process an objection has been received and thus the Committee are required to consider the objection, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations are:

1. The Woodland subject of the TPO is worthy of a TPO in terms of its public visual amenity value?
2. Is the making of the TPO reasonable and justified having regard to the objections raised?

The Head of Planning recommends that the TPO is CONFIRMED without modification.

Site and Surroundings

Dogsthorpe Spinney is located at the eastern end of Welland Road and surrounded by the A47 - Eye Road and the A15 - Paston Parkway. The land to the north is open countryside towards Newborough, to the east is the industrial site including Veolia, to the south is Dogsthorpe and to the west is Paston. Please see **Appendix 1** for a copy of the TPO and **Appendix 2** for the aerial photograph.

Description of Woodland/Tree/s

The woodland spinney is made up of various young and early semi-mature trees and shrub species, which cover the entire site.

2. PLANNING HISTORY

Planning History

There are two old planning applications relating to this site including:

Ref: 90/P0239 Refusal of Planning Permission

Industrial and warehousing housing development, access road and highways alterations

P1058/78 Grant of Planning Permission

Motorway services and petrol filling station including associated motor trades and accesses.

3. PLANNING POLICY

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

Town and Country Planning Act 1990, Section 198 states

S.198. - Power to make tree preservation orders

(1) If it appears to a local planning authority that **it is expedient in the interests of amenity** to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

4. CONSULTATIONS/REPRESENTATIONS

Objection

An objection to the TPO was received on 1st November 2021, from an Arboricultural Consultant from Thomson Environmental Consultants on behalf of Al Zahra Investment Ltd raising a number of objections to the making of the TPO, please see **Appendix 3** for details.

The main points of objection, are outlined below:

Point a). - TPO incorrectly served: *The Order is required to be served on the owner of the land as soon as practicable after it is made. Section 329 of the Town and Country Planning Act 1990 is clear in setting out the method of serving an Order. In respect of our client, Al Zahra Investment Ltd (the person(s) interested), the requirement of Section 329(1)(d) is:*

In the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principle office or sending it in a prepaid

registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

The Order has not been served on the landowning company's office. There are no copies of the Order visible on our client's site. There were notices on the adjacent land belonging to Peterborough City Council. The Order was sent by e-mail and it has therefore not been served in accordance with the Act.

The Council's Tree Officer considers the TPO was served correctly and that all reasonable attempts were made to identify and notify those persons interested in the land. To illustrate this point it can be confirmed that:

- A Land Registry search was undertaken for the land in question and where registered the order was served on relevant owners.
- A copy of the TPO was also 'posted' on the site of the TPO in a prominent location and photographic evidence recorded.
- A copy of the Order was sent to Mr Rafik Halani, who had identified himself to the Council as the owner of the property. This communication was via email and a hard copy sent to an address in Madagascar, supplied by Mr Halani, the morning the TPO was made.
- Once made aware of Zahra Investment Ltd's interest in the land copies of the TPO were served by hand to the Company's address, namely 51 Audley Gate, Peterborough and to Mr Halani's (Company Director) UK address, at 105 Newark Avenue, Peterborough on 11th November 2021.

On numerous occasions, when asked during telephone conversations and via email Mr Halani did not provide an address and did not inform the Council that he was a Director of the above Company which had an interest in the land covered by the TPO. The Council only became aware of this fact, on receipt of the letter of Objection. Therefore, the Council was not in a position to serve the Order on the Company at the onset, as suggested.

Point b). – TPO incorrectly drafted: *The Order has chosen to utilise the 'woodland' classification to designate trees protected by the Order.*

However, a significant proportion of the area referred to as W1 is within the ownership of Peterborough City Council and the use of this land is unknown and may not come under woodland management practices.

If the Order is meant to only cover our client's land then it needs to be redrawn correctly to show the ownership boundary (which is a matter of public record at HM Land Registry). The enclosed plan showing our client's land edged green should assist in that regard.

The Council's Tree Officer considers the TPO was correctly drafted, despite the fact that Peterborough City Council, together with other parties own small sections of the area protected by the TPO, which has been designated as a 'Woodland' TPO because of its wooded nature.

The TPO was made to protect the wooded area as one single landscape component, despite the shared land ownership, which has no bearing with regard to the TPO designation. The Council is at liberty to TPO any tree/s or woodland it considers maybe under threat and which offer public visual amenity value.

The Woodland TPO, as plotted reflects the area covered by trees that forms Dogsthorpe

Spinney and is not intended to solely represent the objectors land ownership and thus redrafting of the order is not required.

Point c). - Not expedient to make the Order: *As the Council well knows, the subject area is covered by the Forestry Act 1967 within which a licence is required for tree felling other than certain exemptions.*

The Order does not materially impact the protection of the trees as any application for works must be considered and submitted to the Forestry Commission for consideration. Peterborough City Council would be consulted as part of the Felling Licence application.

The Council's Tree Officer felt it was expedient to serve the TPO to ensure the trees forming the woodland spinney were protected and retained. It is considered that the TPO offers greater levels of protection to the trees as the regulatory control imposed by the Forestry Act would have still allowed up to 5 cubic metres of timber to be felled each calendar quarter, trees to be lopped and topped and the removal of smaller diameter trees. Once a TPO has been made, this negates the need to comply with the Forestry Act. The Council consulted with the Forestry Commission on this matter in August, prior to considering making the TPO.

5. ASSESSMENT OF THE PLANNING ISSUES

Assessment of Trees

Government guidance recommends LPA's develop ways of assessing the 'amenity value' of trees in a structured and consistent way.

To this end PCC use an assessment criteria which considers the following:

Visibility, the trees subject of the TPO are clearly visible by the public from publicly accessible viewing points, displaying significant visual amenity value and contributing to the local environment, and have;

Individual Impact, due to their size and form, that has a visual impact on the landscape character of the area, and a;

Wider Impact, on the surrounding area, by contributing significantly to the character and appearance of the local environment and landscape, together with their intrinsic value.

Summary of Planning Issues

The objections to the TPO are highlighted for consideration above and a copy of the objection letter is available in **Appendix 3**. The Council's Tree Officer has responded to the objections, as set out above.

The Council's Tree Officer believes it was expedient to serve the TPO and considers the TPO to be valid and that it was served correctly, given the circumstances, as stated above. The Council have offered Al Zahra Investment Ltd, via Thomson Environment Consultants to actively engage in any pre-planning application discussion the objector may wish to have with regard to the future potential development of the site in respect to the constraint imposed by trees. It should be noted that if a future planning application is made, considered and approved, any planning consent would override the TPO, as the TPO would have had to have been considered alongside the application, as a material consideration, to the proposed development in question.

6. CONCLUSIONS

The Woodland subject of the TPO, shown in **Appendix 1**, is considered to offer significant, public visual amenity value from the surrounding area, as shown by the aerial photograph in **Appendix 2**. The woodland spinney has been assessed and is considered to be worthy of TPO status and under threat from future development. Serving of the TPO was considered appropriate and reasonable in the circumstances, in order to safeguard the public amenity value of the woodland, its intrinsic value and the contribution it makes both to the immediate area, the wider landscape and environment as a whole. It is therefore recommended the TPO is confirmed without any modifications.

7. RECOMMENDATION

The Head of Planning recommends that the TPO is CONFIRMED without any modifications.

Copy to Councillors:
Cllr Andrew Bond
Cllr Sandra Bond
Cllr Bryan Tyler

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TOWN AND COUNTRY PLANNING ACT 1990

Dogsthorpe Spinney, Welland Road, Peterborough

Tree Preservation Order 21/00009/TPO

The Council of the City of Peterborough, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

1. Citation

- (1) This Order may be cited as Dogsthorpe Spinney, Welland Road, Peterborough Tree Preservation Order (21/00009/TPO).

2. Interpretation

- (1) In this Order "the authority" means the Council of the City of Peterborough
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

3. Effect

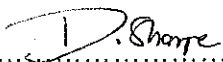
- (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made 6th October 2021.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. Application to trees to be planted pursuant to a condition

- (1) In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 6th day of October 2021


.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
		None

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
		None

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
		None

Woodlands

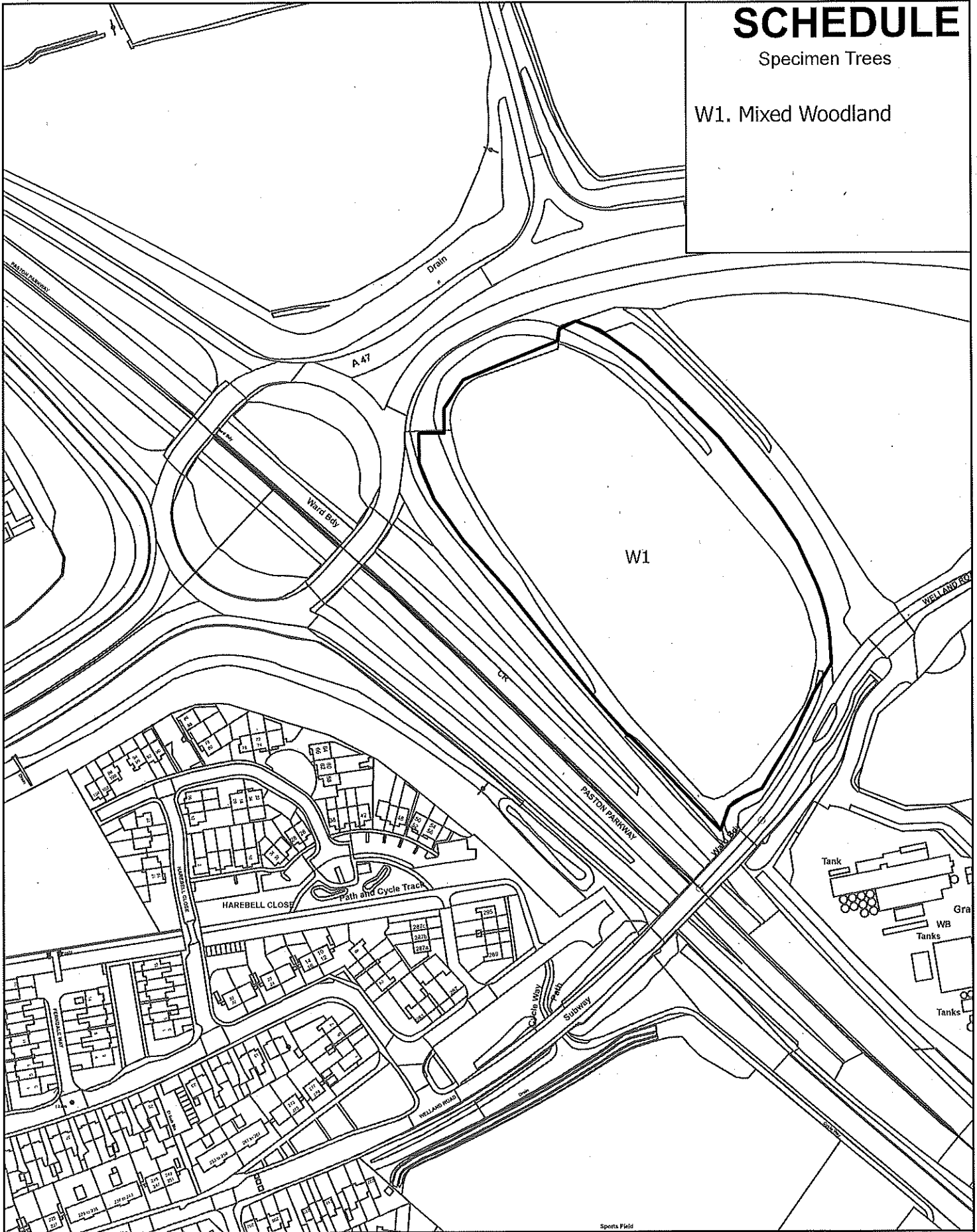
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Consisting of any species within the area shown	E520176 N302234

SCHEDULE

Specimen Trees

W1. Mixed Woodland



TREE PRESERVATION ORDER

A15/A47 Interchange



Scale: 1:2500

Drg.no.TPO W1

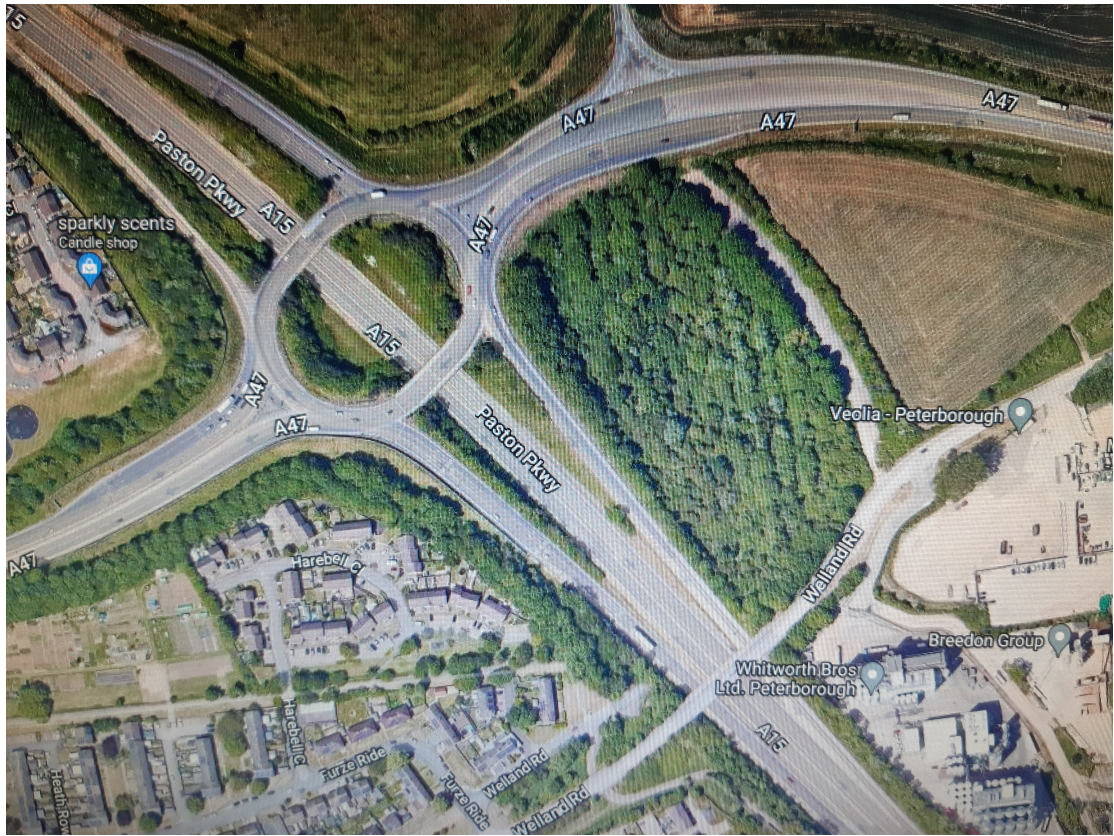
Date: 6th October 2021

Department

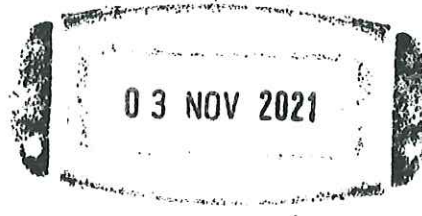
PCCGIS

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1st November 2021

Peterborough City Council
Planning Services
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

For the attention of Stephen Chesney-Beales, Arboricultural Officer

By email, by post and by hand

Dear Sirs,

**Re: Objection to the imposition of Tree Preservation Order No. 21/00009/TPO
Dogsthorpe Spinney, Welland Road Peterborough.**

On behalf of our client, Al Zahra Investment Ltd., we hereby object to the imposition of Tree Preservation Order No. 21/00009/TPO ("the Order") on the basis that it was:

- a) Incorrectly served;
- b) incorrectly drafted;
- c) and, not expedient to make the Order.

In support of this objection we set out below the supporting information.

Incorrectly served

The Order is required to be served on the owner of the land as soon as practicable after it is made. Section 329 of the Town and Country Planning Act 1990 is clear in setting out the method of serving an Order. In respect of our client, Al Zahra Investment Ltd (the person(s) interested), the requirement of Section 329(1)(d) is:

in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

www.thomsonec.com

Head Office: Compass House, Surrey Research Park, Priestley Road, Guildford, Surrey, GU2 7AG | 01483 466 000
The Tannery, 91 Kirkstall Road, Leeds, Yorkshire, LS3 1HS | 0113 247 3780
Williams House, 11-15 Columbus Walk, off Brigantine Place, Cardiff, CF10 4BY | 0292 002 0674
Edmund House, 12-22 Newhall Street, Birmingham, B3 3AS | 0121 726 3494

Thomson environmental consultants is the trading name of Thomson Ecology Limited (Reg no. 4477751), Thomson Habitats Limited (Reg no. 6080718) and Thomson Unicomarine Limited (Reg no. 2296072) which are registered in England and Wales at Compass House, Surrey Research Park, Priestley Road, Guildford, GU2 7AG.

The Order has not been served on the landowning company's office. There are no copies of the Order visible on our client's site. There were notices on the adjacent land belonging to Peterborough City Council. The Order was sent by email and it has therefore not been served in accordance with the Act.

For the reason set out below, it is unknown whether Peterborough City Council formally served the order on itself. The act of a council serving a Tree Preservation Order on its own land is uncommon.

Our client's land has recently been purchased from Highways England and it is also unknown if they have been notified as the land title may not have been formally changed at the time of service.

It is therefore clear that the Order has not been served correctly and is invalid.

Incorrectly drafted

The Order has chosen to utilise the 'woodland' classification to designate trees protected by the Order.

However, a significant proportion of the area referred to as W1 is within the ownership of Peterborough City Council and the use of this land is unknown and may not come under woodland management practices.

If the Order is meant to only cover our client's land then it needs to be redrawn correctly to show the ownership boundary (which is a matter of public record at HM Land Registry). The enclosed plan showing our client's land edged green should assist in that regard.

Not expedient to make the Order

As the Council well knows, the subject area is covered by the Forestry Act 1967 within which a licence is required for tree felling other than certain exemptions.

The Order does not materially impact the protection of the trees as any application for works must be considered and submitted to the Forestry Commission for consideration. Peterborough City Council would be consulted as part of the Felling Licence application.

We therefore contend that not only is the Order invalid, as it has not been served correctly, but that is incorrectly drafted and further that it was not expedient to make in the first instance.

We therefore call upon the Council to revoke the Order with immediate effect.

Yours sincerely,



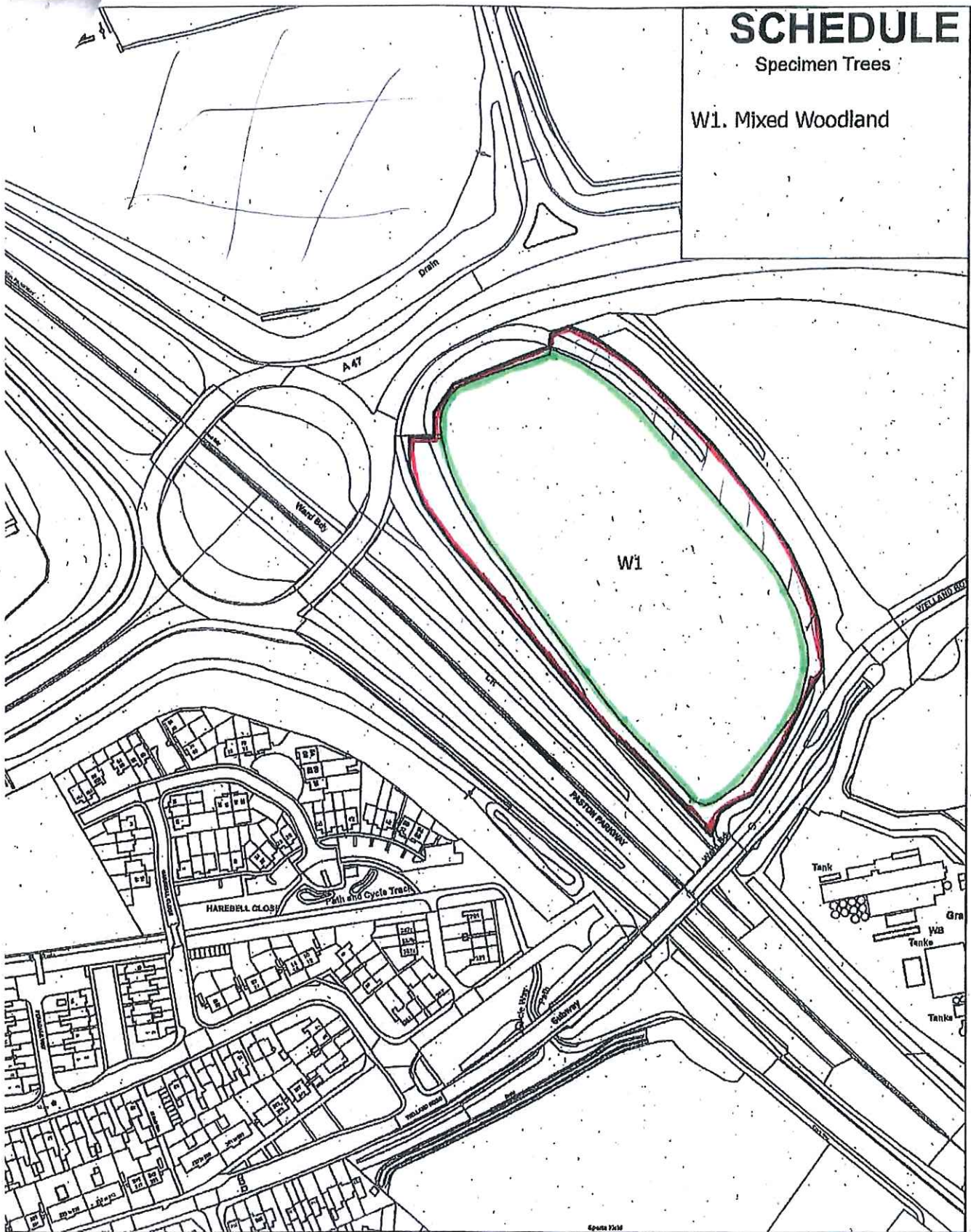
Andrew Poynter BSc (Hons) FARborA MICFor MCIHort CEnv
Principal Arboricultural Consultant

Enc. Annotated TPO plan.

SCHEDULE

Specimen Trees

W1. Mixed Woodland



REE PRESERVATION ORDER

5/A47 Interchange



Scale: 1:2500

Drng.no.TPO W1

Date: 6th October 2021

Department

PCCGIS

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 6
22 MARCH 2022	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer:	Mrs Louise Simmonds (Development Management Team Manager)	Tel: 07920 160664 (Mon-Thu)

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE JULY TO SEPTEMBER 2021

RECOMMENDATIONS	
FROM : Executive Director: Place and Economy	Deadline date: March 2021
It is recommended that the Committee:	
1. Notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Government monitors the performance of local planning authorities in deciding applications for planning permission. This is based on their performance in respect of the speed and quality of their decisions on applications for major and non-major development.
- 1.2 Where an authority is designated as underperforming, the Town and Country Planning Act 1990 (as amended) affords applicants the option of submitting their planning applications (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 1.3 This report focuses on just the performance of Peterborough City Council in regards to the quality of its decisions on planning applications. It is useful for Committee to look at the Planning Service's appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs.
- 1.4 This report is presented under the terms of the Council's constitution Part 3 Section 2 – Regulatory Committee Functions, paragraph 2.6.2.6.
- 1.5 This report covers the period from 1 October 2021 to 31 December 2021, and a list of all appeal decisions received can be found at Appendix 1.
- 1.6 For the purposes of 'lesson learning', these update reports will normally cover a selected number of cases in detail whereby the Local Planning Authority (LPA) has lost its case. Attention will be paid to the difference in assessment of the selected schemes between the LPA and Planning Inspector.

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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3. MAIN BODY OF REPORT

- 3.1 In the period of 1 October to 31 December 2021, a total of 8 appeal decisions were issued. This number is similar to the corresponding periods in 2018, 2019 and 2020, whereby 10, 6 and 6 appeal decisions were received respectively.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission and 7 resulted from Officer delegated decisions with 1 resulting from a decision of this Committee. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 8 appeal decisions issued, 5 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government (62.5%) and 3 were allowed (37.5%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a similar, albeit slightly lower, level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table, thereby identifying a relatively consistent quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
Jan - Mar 2020	6	3	33 %
Apr - Jun 2020	3	1	33 %
Jul - Sep 2020	7	1	14 %
Oct - Dec 2020	6	2	33 %
Jan - Mar 2021	8	1	13 %
Apr - Jun 2021	3	1	33 %
Jul - Sep 2021	3	1	33 %
Oct - Dec 2021	8	3	37.5 %
TOTAL	39	12	31 %

- 3.5 With regards to the measure against which the Government assesses appeal performance, this is calculated based upon the number of appeals lost (allowed against the Authority's decision) as a percentage of the total number of decisions made by the authority. The Government has set the target at no more than 10% across a rolling 2 year period.
- 3.6 The table provided at Appendix 2 sets out the performance of the Council against the Government target between January 2020 and December 2021 (inclusive). As can be seen, the Council is performing far below the threshold set by Government and as such, this does not pose any concerns in terms of the quality of planning decisions being issued.
- 3.7 Turning to any lesson-learning from specific appeal decisions, only one appeal related to a refusal issued by Members of the Planning and Environmental Protection Committee – application reference 20/00846/HHFUL. This was refused by Members, contrary to Officer recommendation, on the grounds that the proposed air conditioning units and their associated housing, would be visually unacceptable owing to their bulky, unattractive and alien appearance in relation to the host dwelling.
- 3.8 The appointed Inspector disagreed with this position, and their detailed reasoning is set out in paragraphs 6 and 7 of the decision notice attached to this report at Appendix 3.

3.9 It is considered that there are limited lessons that can be learnt from this appeal decision. The reason for refusal was based upon a more subjective policy criteria (design) and Members were justified in their concerns regarding the air condition units. Whilst the Inspector disagreed with Members view, it was not concluded that the Committee had issued an unsubstantiated refusal or acted in an unreasonable manner.

4. **IMPLICATIONS**

4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the planning/appeal processes themselves must have due regard to legal considerations and requirements.

4.2 **Financial Implications** – This report itself does not have any financial implications

4.3 **Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.

4.4 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

5. **APPENDICES**

1. Table of appeal decisions made October to December 2021 (inclusive)

2. Percentage of appeals allowed compared to total decisions issued October 2019 – December 2021 (inclusive)

3. Appeal decision pursuant to 20/00846/HHFUL

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Appendix 1 – Appeals Performance from 01.10.2021 to 31.12.2021

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
20/00846/HHFUL	21 Cherryfields Orton Waterville Peterborough PE2 5XD	Installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective)	Permitted	20.04.2021	1. Air condition units and their housing represent a bulky, unattractive and alien addition to the dwelling and are visually unacceptable – contrary to LP16.	Householder Appeals Service	Allowed 12.11.2021	N/A	<ul style="list-style-type: none"> - The proposed AC units and their associated noise attenuation housing units would only be visible over short distances from the adjacent properties and when passing the site. The proposed units would be seen in the context of the current varied architectural styles and varied palette of materials at the host property and in the surrounding area. - The scale, form and siting of the proposed AC units and their associated noise attenuation housing units would not look significantly out of place or excessive.
20/01290/ADV	Land Adjacent 26 London Road London Road Peterborough PE2 8AR	Removal of three advertisements and replacement with 48 sheet illuminated freestanding digital advert	Refusal	N/A	<ol style="list-style-type: none"> 1. The close proximity of four advertisements together would cause an unnecessary proliferation of sizable advertisements to the detriment of the appearance and visual amenity of the immediate area – contrary to LP16. 2. Advert would be adjacent to a signalised traffic junction that manages high levels of traffic and would cause increased distraction to road users – contrary to LP13. 	Commercial Appeals Service	Dismissed 23.12.2021	N/A	<ul style="list-style-type: none"> - Whilst removal of 3no. signs are proposed, these fall outside the red line boundary. Cannot be sure that the removal of all three signs can be secured by condition because of this. - If the existing hoardings were not removed, the display of the digital advertisement would result in consecutive substantial signs along an extended section of road frontage and would collectively appear intrusive in the street. - Subject to conditions restricting illumination as suggested by the appellant, it has not been demonstrated that there would be any increased risk to highway safety.

Appendix 1 – Appeals Performance from 01.10.2021 to 31.12.2021

20/01310/FUL	43A Churchfield Road Walton Peterborough PE4 6HE	Erection of 2 new dwellings including private parking and turning area	Refusal	N/A	<p>1. Siting of dwellings would be out of keeping with the established pattern of development of the immediate area, exacerbated by the design which would fail to respond to the character and appearance of the area. Development would appear cramped and overdeveloped – contrary to LP16.</p> <p>2. Bin drag distances for the proposed dwellings would exceed minimum standards, and bin storage for existing/permitted flats would be displaced without replacement – contrary to LP16 and LP17.</p> <p>3. Adequate parking and turning demonstrated for existing and proposed dwellings, resulting in highway safety risk – contrary to LP13.</p> <p>4. Unacceptable loss of privacy to neighbouring occupants and loss of outdoor amenity space for existing/permitted flats – contrary to LP17.</p> <p>5. Poor amenity for future occupiers – contrary to LP17.</p>	Written Representations	Dismissed 29.11.2021	N/A	<ul style="list-style-type: none"> - Previous permission on the site in 2017 allowed for the erection of a two-storey building to provide two, 2 bedroomed apartments and conversion of existing dwelling into 3 separate apartments with dedicated parking area. This appears to have been implemented, albeit not in accordance with the approved plans. - The back land location of the proposal would be at odds with the established neighbouring development and the lack of rear garden space would not reflect the area's character. The dwellings would appear as prominent and incongruous features. - Due to the single aspect nature of the accommodation, the size of the window openings and the living accommodation being on the upper floors, unacceptable overlooking of neighbouring properties would result. - The development would provide satisfactory living conditions for the future occupiers of the proposed dwellings with particular regard to privacy and the provision of garden space. - No evidence that the parking arrangements would lead to occupiers of the proposed development parking in unsafe locations. - Satisfied that there is space within the appeal site to provide bin storage for the existing and proposed development.
20/01391/HHFUL	2 Hornbeam Road Hampton Hargate Peterborough PE7 8FY	Removal of existing garage, replace with two storey side extension and single storey rear extension	Refusal	N/A	<p>1. Height, depth and proximity of extension to boundaries with neighbours would result in unacceptable harm to neighbour amenity – contrary to LP17.</p>	Householder Appeals Service	Dismissed 16.11.2021	N/A	<ul style="list-style-type: none"> - Overall scale, siting and design of the proposal, and the separation distance between the properties, would introduce a dominant and enclosing structure which would cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 4. - The proposed two storey side extension would introduce a dominant and enclosing structure that would restrict the outlook and create overshadowing at different parts of the day to Nos. 125 and 127.
21/00054/HHFUL	9 Westwood Park Road Peterborough PE3 6JL	Retrospective construction of carport	Refusal	N/A	<p>1. Car port results in unacceptable visual harm to the character and appearance of the site and surrounding area. Its siting, size and materials make the structure unacceptably dominant and an</p>	Householder Appeals Service	Dismissed 15.11.2021	N/A	<ul style="list-style-type: none"> - The carport is visually over dominant at the southern end of Westwood Park Road when entering the character area from Thorpe Road. - Policy LP20 aims to preserve the special character of this area by requiring new

Appendix 1 – Appeals Performance from 01.10.2021 to 31.12.2021

					incongruous feature within the street scene and surrounding area – contrary to LP16, LP19 and LP20.				development to respect established properties and encouraging the siting of garages to the side of the houses rather than in front
21/00101/ADV	Starbucks Lincoln Road Peterborough PE4 6AB	1 x Internally illuminated Pylon disk drive thru arrow sign	Refusal	N/A	1. Proposal would be sited in close proximity to an existing totem. Would represent unnecessary proliferation of adverts, harmful to the character of the area – contrary to LP16.	Commercial Appeals Service	Allowed 01.12.2021	N/A	<ul style="list-style-type: none"> - Advertisement consent exists for a similar totem sign further towards the access road leading into the retail park. - Satisfied that the gap would be sufficient and the proposal would sit comfortably alongside the existing totem sign. When viewed against the backdrop of the McDonalds unit and the wider retail park, the proposed and existing signs would not appear prominent and would not amount to visual clutter even when illuminated. - However, condition is necessary to ensure that the previously consented totem is not also installed.
21/00188/HHFUL	14 Huntsmans Gate Bretton Peterborough PE3 9AU	First floor extension over existing garage	Refusal	N/A	<p>1. Proposal would lead to a visually overbearing appearance at odds with the established character of the area. The proposal would appear an unduly dominant, obtrusive and incongruous form – contrary to LP16.</p> <p>2. Proposal would result in an unacceptable level of overbearing and overshadowing impact to the primary habitable rooms of No.12 Huntsmans Gate – contrary to LP17.</p>	Householder Appeals Service	Allowed 12.11.2021	N/A	<ul style="list-style-type: none"> - The degree of projection would not appear excessive due to the staggered built form along Huntsmans Gate. Whilst the proposed front extension would be located in a relatively prominent position, it would be seen in the context of the current varied architectural styles around the host property and in the surrounding area. - Whilst accept that the proposal would result in some impact, the design of the proposal alongside the degree of separation would ensure no unacceptable overshadowing impact.
21/00369/HHFUL	25 Upton Close Stanground Peterborough PE2 8LU	Proposed loft conversion	Refusal	N/A	1. Proposed dormer would be visually too large and out of scale with the character and proportions of the roof slope and host dwelling. It would appear a prominent and visually incongruous feature – contrary to LP16.	Householder Appeals Service	Dismissed 12.11.2021	N/A	<ul style="list-style-type: none"> - The proposed roof alteration would result in additional bulk at the front of the main dwelling that would be very much at odds with the more modest form and appearance of the host building. - Would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.

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Appendix 2 – Appeals Quarterly Monitoring from January 2020 to December 2021 (inclusive)

		Jan - Mar 2020	Apr - Jun 2020	Jul - Sep 2020	Oct - Dec 2020	Jan - Mar 2021	Apr - Jun 2021	Jul - Sep 2021	Oct - Dec 2021	Period TOTAL
M A J O R	Total decisions	8	5	5	14	11	13	9	15	80
	Allowed appeals	0	0	0	0	0	0	0	0	0
	Percentage	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0.00 %

N O N - M A J O R	Total decisions	178	193	208	198	231	229	231	256	1724
	Allowed appeals	3	1	1	2	1	1	1	3	13
	Percentage	1.69 %	0.52 %	0.48 %	1.01 %	0.43 %	0.44 %	0.43 %	1.17 %	0.75 %

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Appeal Decision

Site visit made on 2 November 2021

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **12 November 2021**

Appeal Ref: APP/J0540/D/21/3277604

21 Cherryfields, Orton Waterville, Peterborough PE2 5XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Modha against the decision of Peterborough City Council.
 - The application Ref 20/00846/HHFUL, dated 6 July 2020, was refused by notice dated 30 April 2021.
 - The development proposed is installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective) at 21 Cherryfields, Orton Waterville, Peterborough PE2 5XD in accordance with the terms of the application Ref 20/00846/HHFUL, dated 6 July 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed air conditioning units and their associated noise attenuation housing units on the character and appearance of the host property and the area.

Reasons

4. The appeal property is a two storey extended detached dwelling located in a mature well-established residential area characterised by detached properties of differing styles and design set back from the road that provide a varied context and palette of materials in the immediate surroundings. There are a

number of existing AC units on the host property that generally appear as clearly subordinate to the dwelling.

5. The appeal proposal would involve the installation of 7no. new AC units enclosed within noise attenuation/acoustic housing units at first floor level over the single storey extension to the side and rear of the property. The acoustic housing units would be finished in a powder coated aluminium grey colour finish to match the external render of the host property. The works would also involve the removal of the existing AC units and some part-retrospective works including the removal of the grey aluminium edging surrounds on the windows and other parts of the building.
6. Given the site's location and mature landscaping and boundary treatment along the side and rear boundaries, the proposed AC units and their associated noise attenuation housing units would only be visible over short distances from the adjacent properties and when passing the site. The proposed units would be seen in the context of the current varied architectural styles and varied palette of materials at the host property and in the surrounding area.
7. Against this backdrop, the scale, form and siting of the proposed AC units and their associated noise attenuation housing units would not look significantly out of place or excessive in relation to the built form of the host property. The modest overall scale and proportions of the proposed AC units and their associated noise attenuation housing units set back from the site boundaries, together with use of a matching external finish would ensure that the proposed units would sit relatively unobtrusively against the built form of the host property. The proposed AC units and their associated noise attenuation housing units would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene in the surrounding area.
8. Consequently, I conclude that the proposed air conditioning units and their associated noise attenuation housing units would not have a harmful effect on the character and appearance of the host property and the area. It would be consistent with Policy LP16 of the Peterborough Local Plan 2019. This policy, amongst other things, seeks to ensure that development proposals respect the context of the site and surrounding area in term of the building form, including size, scale, massing, details and materials and positively contribute to the character and local distinctiveness of the area. In addition, the proposal would accord with the National Planning Policy Framework 2021 (the Framework) that developments should be of a high quality design that are sympathetic to the local character (paragraph 130).

Other Matters

9. I have taken into the account the objections raised by third parties to the proposal. These include the impact of the proposed AC units, the noise attenuation housing units and other works on the character of the area, amenities of local residents, noise disturbance, pollution, the Bamboo clad outbuilding in the rear garden, the information covered in the appellant's planning application and noise assessment report, the retrospective nature and the unauthorised building works at the appeal property. However, I have addressed the matters relating to the area's character and appearance in the issues above. The Council's Pollution Team has raised no objections to the proposal, subject to appropriate planning conditions being imposed to cover

noise mitigation measures for the proposed AC units and noise attenuation housing units. The other matters raised did not form part of the Council's reasons for refusal.

10. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

11. Having regard to the Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council and the comments received from the main parties. I have specified the approved plans as this provides certainty. A condition for the removal of the grey aluminium edging surrounds on the windows and other parts of the building and the existing AC units on the side elevation at ground floor level prior to the installation of the new AC units within 2 months from the date of this permission is reasonable and necessary, in order to protect the character and appearance of the area and safeguard the amenities of the nearby residents. Those conditions relating to the detailing of the external materials, noise levels and the noise mitigation measures for the proposed AC units and their associated noise attenuation housing units are necessary in order to safeguard the amenities of the nearby residents.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:
Proposed First Floor Plan and Location Plan (Drawing number 201156-06 Revision B); Proposed Ground Floor Plan (Drawing number 191040-05 Revision B) and Proposed Elevations (Drawing number 201156-07 Revision D)
- 2) Notwithstanding the approved plans, the development hereby approved shall use the following materials in accordance with the approved plans: -
 - First floor level - Off-White render BS2660-4046
 - Acoustic attenuation units - Powder coated aluminium in a grey colour same colour as the ground floor grey render
- 3) Within 2 months from the date of this permission, the grey aluminium edging surrounds on the windows and other parts of the building and the AC units on the side elevation at ground floor level shall be removed. No AC units hereby permitted shall be installed, in accordance with approved plans, until all the existing, retrospective AC units have been removed from the site.
- 4) Prior to first use all the AC units hereby approved will be relocated into suitably attenuated acoustic enclosures in accordance with the details and specifications included in Section 4, Appendix B of 'Assessment of Noise Mitigation Proposals - February 2021' (Ref. 21 Cherryfields Noise v1.0 090221.docx, received 17-02-2021). Once implemented the acoustic enclosures will be retained and maintained as such in perpetuity.
- 5) The rating level of noise emitted from the AC units hereby approved should not exceed 29dB LAeq 15 minutes at any time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of written approval by the Local Planning Authority.