



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 6 JULY 2021  
1.30 PM

Sand Martin House, Bittern Way, Peterborough, PE2 8TY, meeting will be  
livestreamed here: [Peterborough City Council Youtube Page](#)

### AGENDA

Page No

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

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

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

4. **Development Control and Enforcement Matters**

4.1	<b>21/00477/FUL - 17 Crowland Road Eye Peterborough PE6 7TP</b>	<b>5 - 18</b>
4.2	<b>20/01678/FUL - The Black House Farm Crowland Road Eye Peterborough</b>	<b>19 - 32</b>
4.3	<b>21/00420/HHFUL - 12 And 14 Lime Tree Avenue Millfield Peterborough PE1 2NS</b>	<b>33 - 42</b>
4.4	<b>21/00546/HHFUL - 1 Peakirk Road Deeping Gate Peterborough PE6 9AD</b>	<b>43 - 48</b>
4.5	<b>21/00386/FUL - Land Adjacent To 415 Eastfield Road Eastfield Peterborough PE1 4RE</b>	<b>49 - 56</b>

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Committee Members:

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

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

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

**CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Sylvia Bland, Janet Maclennan, David Jolley, Louise Simmonds,, Amanda McSherry, Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, Carry Murphy, Mike Roberts, Karen Ip, Shaheeda Montgomery and Susan Shenston

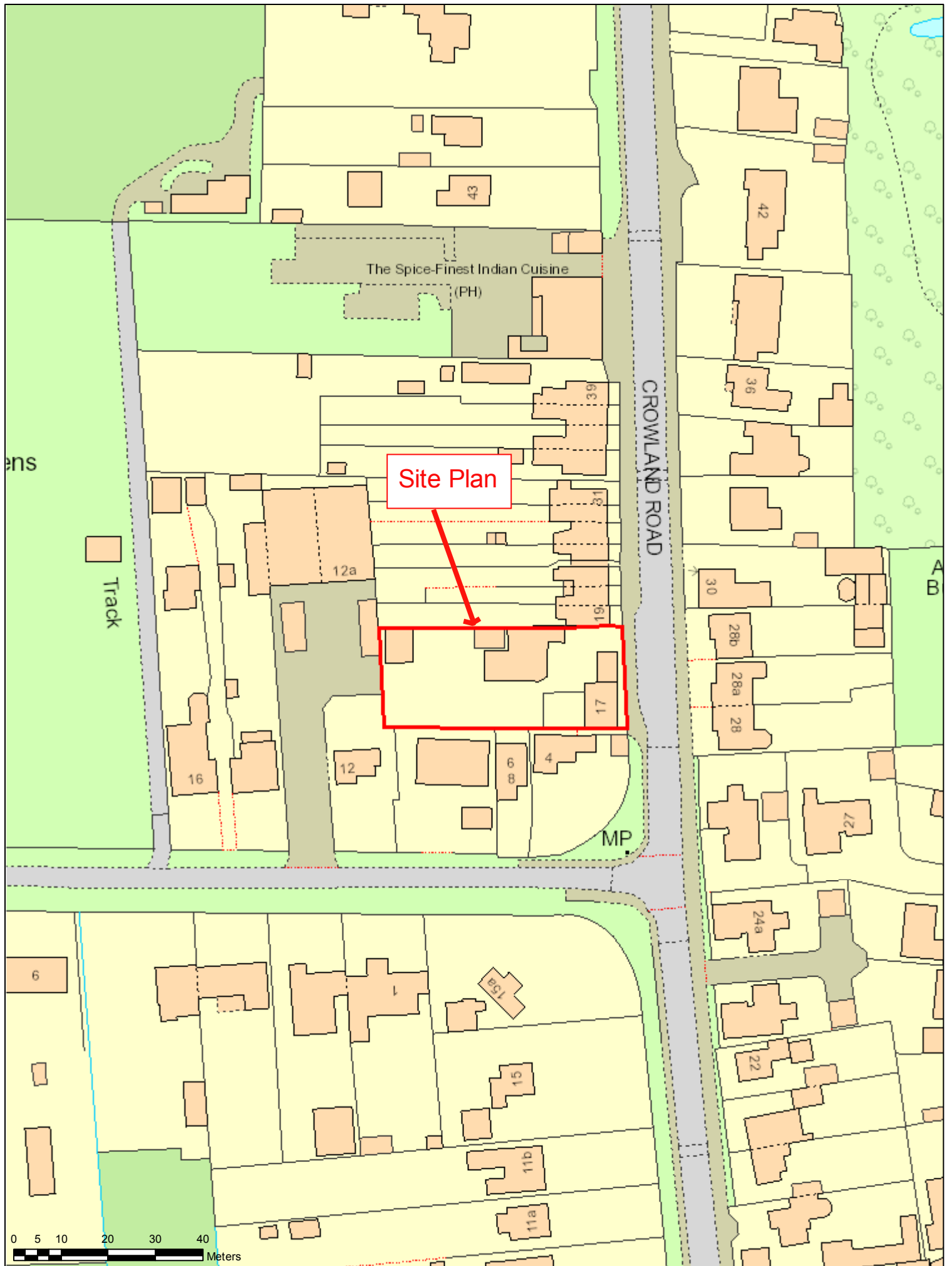
Minerals and Waste: Alan Jones

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

**NOTES:**

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

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Committee Location Plan 21/00477/FUL 17 Crowland Road, Eye, Peterborough, Peterborough, PE6 7TP. NTS

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

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

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

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

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

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

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

**Site visit:** 16.06.2021

**Case officer:** Mr Asif Ali

**Telephone No.** 01733 4501733 207123

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

**Recommendation:** **REFUSE**

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

**Site and Surroundings**

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

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

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

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

The surrounding area consists of No.19 Crowland Road, the 2 storey end terrace residential property positioned directly adjacent to the site to the north. On the opposite side of Crowland Road to the east are the 2 storey residential properties of Nos.28b, 28a and 28 Crowland Road. Bounding the site to the south are the rear gardens and properties of Nos. 4, 6, 8, 10 and 12 Green Road. To the west of the site, the site backs onto No.12A Green Road which is a commercial unit for BSD Engineering.

**Proposal**

The application seeks planning permission for the erection of a large building at the rear of the site. The building would be L shaped, with the main part of the building adjacent to the side boundary

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

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

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

For clarity, the proposed building consists of the following:

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

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

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
<b>For No.17 Crowland Road</b>			
20/01666/FUL	Proposed workshop and associated store and replacement hobbies classic car garage	Withdrawn by Applicant	16/02/2021
12/00551/FUL	Proposed bungalow	Permitted	29/06/2012
11/02057/FUL	Proposed bungalow	Withdrawn by Applicant	05/03/2012
11/02037/FUL	Proposed change of use from funeral carriage garage and yard to hobby room and garden	Permitted	16/02/2012
91/P0120	Erection of garage	Permitted	28/03/1991
<b>For No.30 Crowland Road</b>			
06/00552/FUL	Use of garage for tinting business - retrospective	Permitted	19/05/2006
08/01088/FUL	Use garage as workshop to tint car windows	Permitted	07/11/2008



### **3 Planning Policy**

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

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

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

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

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

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

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

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

##### **LP13 - Transport**

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

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

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

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

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

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

##### **LP17 - Amenity Provision**

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

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

## **4 Consultations/Representations**

### **Eye Parish Council**

#### **Objection -**

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

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

It also appears to be an overdevelopment of the site.

### **PCC Peterborough Highways Services**

#### **No objections -**

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

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

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

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

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

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

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

### **PCC Pollution Team**

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

#### Complaints

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

#### Noise - vehicle repairs/vehicle works

The proposed development is in close proximity to nearby residential premises. The proposal includes a reception area as well as workshop, store, and hobby area. Use of these has been

clarified to include vehicle works relating to a window film business, online order collection and use as a hobby classic vehicle workshop.

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

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

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

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

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

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

### **North Level District Internal Drainage Board**

No comments received.

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

Initial consultations: 10

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

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

The objections can be summarised as follows:

- We object on the following factors: noise, pollution and environmental issues, health & safety, privacy impact, the right to light being reduced and impact on amenity.
- The noise level of the current outbuilding at this distance is a nuisance especially in summers when the doors are open. However, the new proposal having 3 additional doors open, the noise level directed southward towards our property is going to influence our right to enjoy our home.
- Uncomfortable vehicle engine noise levels (high revs).
- Unsociable noise levels of metal fabrication and vehicle repair equipment.

- Weekend disruptions due to various noise generated that will prevent us from opening our windows and having the right to fresh air circulation in our property.
- Vehicle movement and vibration from the site.
- Distribution and delivery of stock/parts to four workshops at any time.
- Vehicles loading and unloading from a trailer.
- Major noise interrupted my teams call and I had to move from the rear of property to a south facing room to continue my meeting.
- Radio noise - there are multiple occasions the side door of the garage is open with radio blaring out. This would also apply to the new proposed application where all three doors south facing.
- Vehicles revving and toxic fumes from proposed parking allocation located less than 2m from our property adversely impacting the enjoyment of the house and garden/patio area.
- Future use - if approved anyone of the workshops could become a repair centre or tyre replacement garage which generates various levels of noise disturbance.
- Noise from plant equipment.
- Toxic fumes and air quality from general use of the site.
- Unsocial hours - the current garage is utilised at various hours during the week and weekends including Saturday and Sunday afternoons. Therefore, if approved the proposal will mean people working 7 days a week impacting our right of enjoyment of our home.
- HSE Impact - high risk of fire/explosive/flammable chemicals classic car repair. Asbestos dust from classic cars.
- Light nuisance - inconsiderate behaviour impacting the enjoyment of our home.
- Delivery trucks and amazon vans parked in the parking spaces will infringe our privacy.
- The fire engine has also been parked near the fence on a couple of occasions, causing my daughter to close her bedroom curtains during the middle of the day due to privacy issues.
- These high sided vehicles parked in the proposed parking bays would also impact our right to light.
- The reception window would compromise our privacy and amenity.
- There is a clear height difference in land level between the site and Green Road, and would tower over the current residential homes based on a metre slop difference.
- Appearance of the proposal will be detrimental to the amenity of the residential properties adjoining the site.
- The proposed outbuilding will cover more than 50% of the curtilage.
- More than 50 commercial/industrial units available in Peterborough based on industrial estates away from residential properties.

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

The main considerations are:

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

### **a) Principle**

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

#### **Other Employment Proposals**

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

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

There has been no clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement. The proposed uses would comprise generally of B2 and B8 uses, which are uses compatible with GEAs. The Agent has stated that a site was required within easy walking distance from the home of Mr Jarvis (No.30 Crowland Road), it is noted that the application site is directly across the current business premises (No.30) which received a temporary permission under a 2006 permission reference 06/00552/FUL and a permanent permission under ref 08/01088/FUL both of which were approved with a personal condition to Mr Jarvis. The existing business run from Mr Jarvis' garage at his residential home is approximately 58.5sqm in size. The building proposed on the application site to accommodate his business part only, is 151sqm about 2.5m times larger than the existing. Therefore the proposal involves both a relocation and expansion of the business. Therefore, it is considered appropriate that alternative sites within GEAs, which would probably be more appropriate places for the siting of the window tinting business, should have been considered.

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

garden etc.

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

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

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

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

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

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

However, in the current proposal, unlike the 2012 permission, it is not proposed to remove all the existing outbuildings on site, with the largest outbuilding remaining. It is therefore Officers view that given the size of the existing outbuilding together with the large footprint of the proposed building, and the existing dwelling, the proposal would not be acceptable. The resulting development would have a large amount of built development being present on site creating a cramped overdevelopment of the site and not one that is in keeping with the layout pattern and character of development in the surrounding area. The original application ref 20/01666/FUL, which was withdrawn, proposed the removal of the existing larger and small outbuildings. As the current application has been submitted with the removal of one smaller outbuilding and car port structure with the larger outbuilding remaining, Officers can only make a recommendation based on this submission.

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

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

### **c) Neighbour amenity**

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

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

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

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

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

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

It is the experience of Pollution Control team that noise associated with garages and repair shops can impact the amenity of nearby residential premises, particularly when they are operated outside

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

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

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

The designation via the planning regime of areas suitable for certain uses is an important contribution to the operation of the decision-making process in the statutory nuisance regime. Consequently, should following granted planning permission, residents complain about noise, odour, light etc. emitted from this development it is highly unlikely that any action would be possible under the statutory nuisance regime.

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

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

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

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

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

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



## e) Other

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

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

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

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

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

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

## 6 Conclusions

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

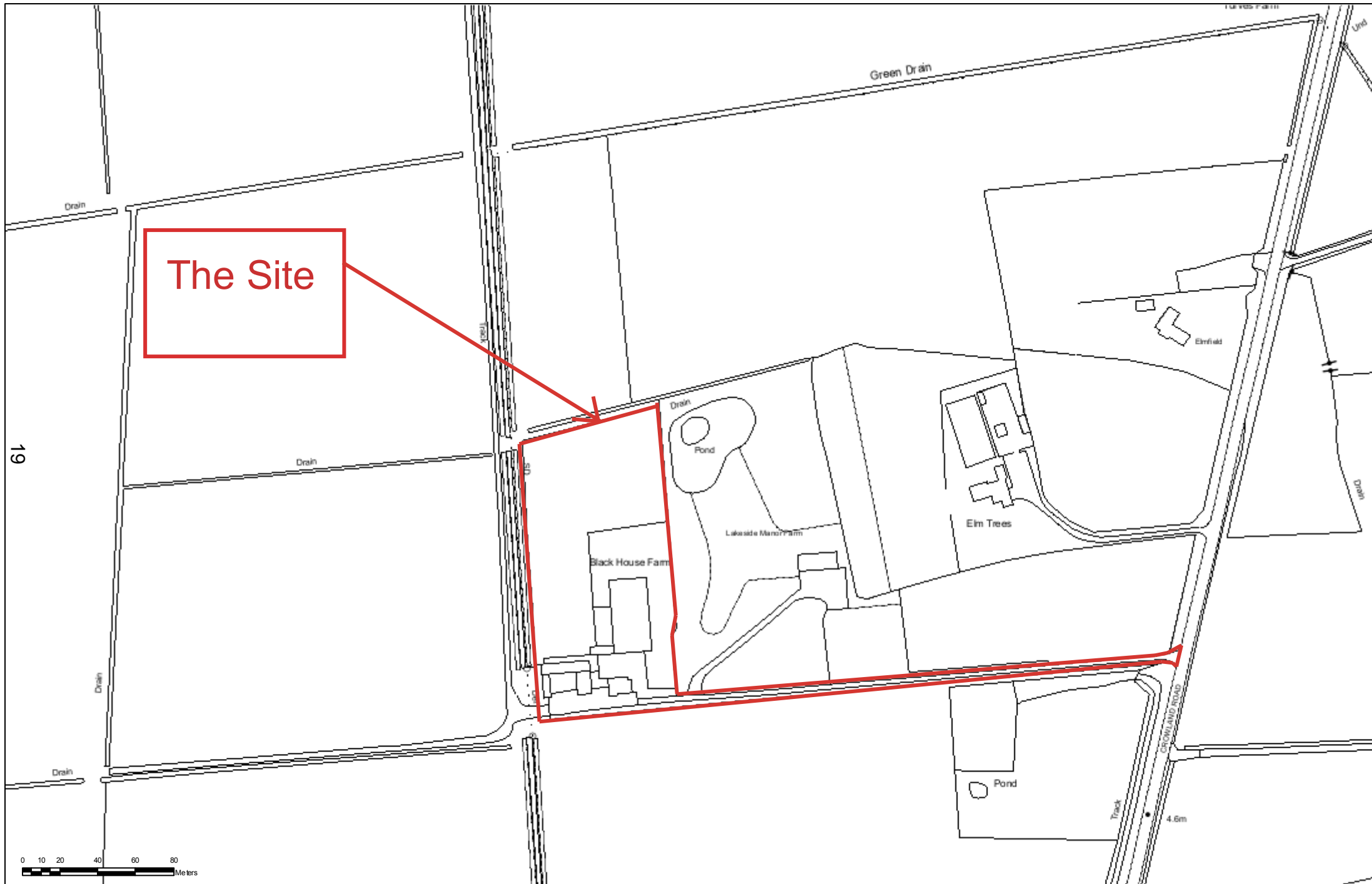
## 7 Recommendation

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

- R 1 The proposal would introduce an unrelated commercial use to this existing residential site. The size and scale of the business is considered would be more appropriately accommodated within a General Employment Areas (GEA). There has been no clear demonstration that there are no suitable or appropriate sites or buildings within allocated employment sites or within the built up area of the existing settlement as required by Policy LP4. No information has been provided into any alternative sites considered within GEAs which would be more appropriate places for the siting of the window tinting business, particularly one that has no association with the existing residential property on site. In light of the above it is considered that the proposal would be contrary to Policy LP4 of the Peterborough Local Plan (2019).
- R 2 The proposal would result in a large proposed commercial building whilst also retaining a large existing ancillary outbuilding to the rear of the application site, behind the residential dwelling. Combined, this would result in a cramped and overdeveloped form of development on this plot and one that would fail to respect the layout, form and character of development in the surrounding area. The proposal would therefore be contrary to Policy LP16 of the Peterborough Local Plan (2019).

- R 3 Officers consider the proposed building by virtue of its siting, height, scale and size would have an unacceptable overbearing and overshadowing impact on No.19 Crowland Rd. Further, with the retention of the existing larger outbuilding, together with the proposed building would result in the majority of No.19 boundary being enclosed by buildings, to the detriment of their residential amenity. The building would result in a large structure that would dominate the outlook of the neighbouring properties on Green Road to the south of the site resulting in an unacceptable impacts on their residential amenity. In addition the introduction of this business use at the rear of the site, in such close proximity to the residential properties on Green Road, the residential property No.17 on site and No.19 in particular by virtue of the access and parking arrangements would have an adverse impact on their residential amenity from general noise and disturbance from movements to and from the site. It is therefore considered that the proposal would result in an adverse level of impact on the amenity of the neighbouring properties to the north and south of the application site, contrary to Policy LP17 of the Peterborough Local Plan (2019).

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



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The Site

Planning Committee Location Plan- 20/01678/FUL- The Black House Farm, Crowland Road, Peterborough PE6 7TT

Scale 1:2,500  
Print Date: 10/06/2021

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**Application Ref:** 20/01678/FUL

**Proposal:** Change of use of redundant agricultural building to 2 no. two bedroomed Holiday lets

**Site:** The Black House Farm, Crowland Road, Eye, Peterborough  
**Applicant:** Mrs Heather Phillips

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

**Referred by:** **Councillor Nigel Simons**  
**Reason:** Disputed access along the driveway/gates

**Site visit:** 22.01.2021

**Case officer:** Mr Jack Gandy  
**Telephone No.** 01733 4501733 452595  
**E-Mail:** jack.gandy@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surroundings**

The application site comprises Black House Farm, which is located in the open countryside, approximately 0.5km north of the village boundary of Eye Green. The existing dwellinghouse on the farm was granted consent in 1983, with access via a private track to Crowland Road. The site is served by a sizable garden and an agricultural building is located west of the existing dwellinghouse.

This agricultural building is the subject of the application and is single storey and brick built in nature. It is set out in a horse-shoe arrangement, with a courtyard in the centre.

**Proposal**

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

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

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
10/01004/FUL	Extension of time of application 07/00964/FUL - Construction of two storey side extension	Permitted	13/09/2010
07/00964/FUL	Two storey side extension	Permitted	07/08/2007
07/00211/FUL	Use of soft standing for pony and horse jumping practice, including erection of fencing	Permitted	30/04/2007
P0389/83	Reintroduction of residential use, extension and alterations to form habitable dwelling	Permitted	02/06/1983

## **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)**

#### **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.

#### **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.

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.

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

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

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

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

## **4 Consultations/Representations**

### **Eye Parish Council (22.01.21)**

No comments. [N.B. *This comment was received prior to Councillor Simons' call-in request*]

### **PCC Peterborough Highways Services (23.04.21)**

Objection - The additional untitled drawing shows the existing access arrangements. It is evident that the existing access is sub-standard when compared to our current standards for accesses serving more than 1 dwelling or a commercial use. This is particular in relation to vehicle-to-vehicle visibility splays, vehicle-to-pedestrian visibility splays and width. As a consequence, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety of users of the adjoining public highway.

**North Level District Internal Drainage Board (20.04.21)**

No objections - The drain, Green Drain, forms the western boundary of the site and therefore, the Board's byelaws apply. In particular, byelaw no.10, which states 'no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain'.

**Environment Agency (01.04.21)**

No objections - The Applicants are advised that future occupiers /occupants of the site fully sign up to Floodline Warnings Direct. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

The Local Planning Authority are advised that the proposal is not supported by a Flood Warning and Evacuation Plan (FWEP). In this instance, it is considered that a warning and emergency response is fundamental to managing flood risk. We strongly recommend that a FWEP is obtained prior to determining the application and that you consult with your Emergency Planning staff on its contents.

**Local Residents/Interested Parties**

Initial consultations: 2

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

Four letters of objection were received from one local resident. The following matters were raised:

- The applicant illegally developed one addition barn conversion some years ago avoiding the proper planning permission and council tax process. The applicant lived in the barn conversion while from 9 February 2015 renting out her main house on long term lets, using rental agents. Their first tenants stayed for some months. At that time, objections were raised with her and her partner by the neighbouring householder. In 2015, the letting agents confirmed in writing that the owners (now the applicant) would be living onsite in their barn development whilst renting their house.
- No permission had been sought for this development with any of the necessary appropriate authorities or affected parties: Peterborough City Council and neighbouring properties.
- The applicant knowingly falsely claims that foul sewage is to be disposed of via the mains sewer. No mains sewer accesses the Black House. Neither is there any option for accessing any mains sewer for the planned properties. Their current limited sewage system for their house empties somewhat controversially into the nearby drainage dyke. Where does the existing barn development sewage go?
- Additionally stable waste has regularly run off into the drainage dyke and the remaining waste straw has been openly burned generating heavy (carcinogenic) smoke clouds blown by the prevailing winds causing neighbours to move indoors.
- The additional traffic flow from the proposed two 2-bedroom holiday lets development from the busy 60mph Crowland Road would clearly introduce safety risks. (Vehicles of renters, their friends and additional delivery service and grocery supply vehicles.)
- Numerous temporary holiday home renters would be a clear security risk to the owners of the neighbouring property (whose private house driveway allows limited access rights to the Black House). There would be a clear security risk in this secluded area.
- The introduction of regular tourist traffic with renters' cars and other vehicles would represent a



- loss of amenity to the neighbouring householders and their grounds alongside their driveway.
- Multiple renters, their children and visiting friends (and additional delivery service and grocery supply drivers) would bring a loss of privacy to the neighbouring homeowners in this secluded area.
  - Extra refuse bins for the additional two 2-bedroom holiday lets would bring a loss of amenity to the area bringing a commercial look at the entrance to what is a single driveway to a house. Furthermore, the proposed signposts at the entrance would introduce further infringements on amenity. These would be completely out of character.
  - The expected noise and disturbance from multiple new additional holiday let properties would without doubt cause disturbance in this secluded area to the neighbours.
  - The Black House does not own the access driveway. No right of way exists for additional properties along the privately owned driveway across which the Black House, as a single property, has clearly defined and limited right of way access.
  - Increased traffic flow along the owning householder's private driveway would have a negative effect on nature conservation. The possible introduction of holiday-let renters bringing dogs and other animals would be a clear risk. The current owner of the Black House has ineffectual fencing which does not properly contain her dogs and allows them to cross into the neighbouring properties.
  - The Applicant does not own the driveway. The householder whose driveway it is has worked closely with the Cambridgeshire County Council over many years to plant the grounds to introduce wildlife. The increased activity from any holiday-let properties would adversely affect nature conservation.
  - The applicant falsely claims to have lived at the property for 25 years (in the Flood Risk Assessment document). June 2006 (approximately 14 years ago) is the public record date of the purchase of her property.
  - It is clear that PCC have not been informed that the applicant does not own the private driveway, has no control over it and, therefore, has neither the authority to build the required 'passing bay partway along the driveway' nor make any other required changes.
  - As the owner of the driveway in question, the map incorrectly shows the width of the driveway as expanding (north-side) in width some halfway along the outlined portion. This is not the case. The driveway does not expand as indicated. Indeed, the driveway is firmly bordered by mature trees along its entire length on this north-side. Additionally, there are mature trees and mature hawthorn plants along the full length of the southern side.
  - The applicant suggests removing the existing gates. The applicant does not own the driveway, nor the gates, nor has any right to modify the gates and only has limited right of access along the driveway to the one existing dwelling.
  - 'Right of way' access is clearly restricted in the deeds and only allowed along a strip "having a width of metres to and from the highway. The appropriate Council departments have already advised that a 5 metres strip of driveway (along its 300 metre length) is inadequate for the planning application and will not meet acceptable requirements.

**Councillor Simons** has referred the application to Committee as follows:

'I been asked by Eye Parish for this application to be considered by the planning and environmental committee subject to you approving the application.

There grounds are disputed access along the driveway/gates.'

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

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area
- Neighbour amenity
- Highway safety and parking provision
- Flood and water management

### **a) Principle of development**

The application site is located outside of any identified settlement boundaries and is therefore within the open countryside. It is proposed to convert an existing non-residential building for use as 2no. 2-bed holiday lets. For the avoidance of doubt, such units fall within use Class C3, and are the same class as residential dwellings. Policy LP11 (Part A) is therefore the appropriate policy to establish whether the principle of development is acceptable.

Policy LP11 allows for the conversion of non-residential buildings within the open countryside to residential use subject to accordance with a number of criteria. Firstly, the use must have ceased.

The building appears to have been previously used as stables, and this was referenced as part of planning application reference 07/00211/FUL which granted use of part of the wider site for domestic pony and horse jumping. It should be noted that this use has since ceased, and the building subject to the current application was not included within the red line boundary. Taking this into account, it is considered that the building retains a lawful use for agricultural purposes, was constructed more than 10 years prior to this application and is not presently within use. In addition, no more than 5 residential units are proposed, which is the maximum limit granted under Policy LP11. In addition, and further to visiting the site, it is considered that the building is not of such a state of dereliction or disrepair that would require the building to be significantly constructed, a further criteria of the Policy.

The final criteria, is that there are no fundamental constraints to deliver the site, or significant harm arising. This is discussed in more detail below, according to each material planning consideration.

In light of the above, it is considered that the principle of development is acceptable, subject to the following material planning considerations.

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

The stables to Black House Farm are located approximately 300 metres west from Crowland Road, with access via a private track surrounded by trees. Although the site is located within the open countryside, these trees, along with the various vegetation and uses along the west boundary of Crowland Road, provide a significant proportion of screening to the site. It is therefore not considered that the proposed change of use and external works proposed would unacceptably impact upon the character and appearance of the site and the surrounding area.

The main proportions of the stables would predominantly remain as existing. The external alterations proposed for new/altered window and door openings are considered to be appropriate and proportionate to the building they would serve. Timber elevations are proposed which is considered acceptable given the existing stables are constructed in this material and the slate proposed to the roof would also match to the existing roofing materials. A condition shall be secured to ensure that these external materials match to the existing. Overall, it is not considered that the alterations proposed or the change of use would unacceptably impact upon the character and appearance of the site.

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

### **c) Amenity**

Given the isolated nature of the site, the only immediate neighbour to the proposed change of use and its associated alterations is the dwelling on Black House Farm.

The footprint of the stables is not proposed to significantly alter through this proposal and would certainly not alter in relation to the neighbouring dwelling. As such, it is not considered that

unacceptable overbearing or overshadowing would impact upon the residents residing within the Black House Farm dwelling or impacts upon its private garden.

The eastern-most holiday let proposed would have east-facing windows which serve two bedrooms, two bathrooms and a kitchen. There are two openings to the west elevation of Black House Farm, both which serve a kitchen. The southern-most of these would not be visible from the proposal as an existing wall connect the two buildings would cut off views. It is considered however that Bedroom 2 and the kitchen would gain clear views into the kitchen of Black House Farm.

The Applicant is the landowner of Black House Farm. Despite being within the same use class, the holiday lets are not proposed to be used as single family dwellinghouses and therefore the impacts between both the Black House Farm occupiers and future occupiers of the holiday lets are considered to be reduced compared to those of a single family dwellinghouse. Particularly given that the Applicant would be running the holiday lets business and is therefore accepting of this relationship. To ensure that no future subdivision of the dwelling and holiday lets occurs, which could give rise to future amenity issues, it is considered that a tie is required between the holiday lets and the Black House Farm. This would ensure that any future owner/occupier of Black House Farm must also operate the holiday lets. This shall be secured through a planning condition.

In addition, the proposed holiday lets are not considered appropriate for permanent residence owing to the lack of privacy between habitable windows, and lack of dedicated and private outdoor amenity space. As such, a condition shall be imposed which restricts their use to holiday lets only, thereby preventing residential occupation.

In light of the above, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

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

The Local Highway Authority (LHA) object to the proposed development on a number of grounds relating to the access. Their main concern relates to the access width, as they consider that it is not to an appropriate width to allow two way, free flows of traffic. Concerns have also been raised with regards to the proposed parking layout and visibility splays.

Through revisions, the Applicant has tried to demonstrate that the access width is more than the minimum 5.5m wide for the first 10 metres into the site. Whilst the original plans submitted exceeded this, proposing a 6.5m wide access for the first 11 metres, upon review, it was not considered appropriate. This is due to the negative and unacceptable impact that would result to the character and appearance of the site within the open countryside. Furthermore, a number of trees would need to be removed which is not considered to be necessary.

Furthermore, and on balance, it is not considered that the traffic generated by the two holiday lets would be to levels that would require an expanded access to form. The Applicant has demonstrated that there are opening along the private road where two vehicles can pass each other along the private road via a 'passing place'. This also stops the need for any vehicles to reverse back onto Crowland Road.

It is not considered that the proposal would generate an unacceptable increase in vehicular movements that would require the private track to be upgraded to standards to connect to a carriageway such as Crowland Road. The private road serves only Black House Farm and Lakeside Manor Farm at present and it is not considered the proposed 2no. holiday lets would generate unacceptable levels of traffic beyond the existing movements such that significant harm would result to highway safety. Whilst holiday traffic can result in regular comings/goings, it is not considered that it would be to a constant level such that an upgraded estate-type access is required, including provision of vehicle-to-vehicle visibility splays which are not currently afforded to the access. Whilst Officers accept that the width and visibility is not ideal, it is considered to be sufficient and is common for many agricultural/residential accesses and holiday lets within the

open countryside.

Pedestrian visibility splays have also been requested by the LHA, however, the site is not served by any public footways and it is considered the norm that most visits to or from site occur via vehicular means, especially given that Crowland Road is a classified B-road, with speeds restricted up to the national speed limit of 60mph. It would be too dangerous to enter or leave the site via foot on a regular basis and therefore it is not considered reasonable to secure these splays.

Finally, the Local Highway Authority consider that the proposed parking layout would be problematic given that it appears to obstruct an internal access road. However, they have advised that space for adequate parking and turning could still be provided. Further to a site visit, it is considered that the proposed parking layout is acceptable and that acceptable on-site turning would remain. It is not considered that the layout unacceptably obstructs any internal access within the site and in any event, this would not impact upon the public highway given its distance away. The matter of parking and access to the farm would be a matter for the Applicant to resolve.

With respect to the Local Highway Authority's comments, Officers consider that the proposal is acceptable in highway safety terms and in light of this, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### **e) Flood and water management**

The existing buildings fall within Flood Zones 2 and 3, which are at higher risk of flooding. The use of the buildings previously, to what is proposed now, i.e. 2no. holiday lets, represents an increase in flood risk vulnerability. Usually a sequential test would be required to determine whether any other land within the Authority area could accommodate the proposed use.

However, paragraph 164 of the National Planning Policy Framework states that applications for some minor development and change of use should not be subject to the sequential or exceptions tests, but should still meet the requirements for site-specific flood risk assessments. Footnote 51 advises that the minor development and change of use referred to "includes householder development, small non-residential extensions (with a footprint of less than 250m<sup>2</sup>) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate". On the basis of paragraph 164 and footnote 51, it is not considered that a sequential test is required.

Additionally, the Environment Agency raise no objections to the proposed development, but advise that a Flood Warning and Evacuation Plan (FWEP) is required prior to the determination of this proposal. The Applicant did submit details which advised that future holiday let occupiers would move to the first floor of the Black House Farm dwelling in the event of any flooding, but this was not considered to be acceptable. A route onto land that is at less risk of flooding is required. Whilst the Environment Agency recommend the details to be submitted pre-determination, it is considered reasonable for this details to be discharged prior to first occupation of either of the holiday let. This matter shall be secured through a planning condition.

On the basis of the above, the proposal is considered to be in accordance with Policy LP32 of the Peterborough Local Plan (2019).

#### **f) Others matters**

In response to those matters raised by objectors but not discussed above:

- Historic activities: The Local Planning Authority has no records of planning enforcement investigations and/or actions logged with regards to Black House Farm and the land within its curtilage. As such, any potential breaches in planning would not have been investigated. In any event, these are not matters that should be considered as part of this application.

- Land ownership: Following investigation by the Local Planning Authority, given that the Applicant

does not own the private access road, the Applicant had to sign Certificate B and serve notice on all landowners. A subsequent re-consultation of the application followed to notify these landowners.

- Sewage: As this is a minor application, consultation with Anglian Water with regards to sewage has not, and would not, occur. In any event, any sewage connections would need to be resolved outside of the planning process.

- Issues of stable waste: This appears to be a previous problem and not one the Local Planning Authority would have been able to deal with.

- Security risk: The Local Planning Authority cannot control the actions of individuals. Its duty is to assess the proposal in line with adopted planning policy. However, Officers are of the view that the proposal would not pose a significant crime risk to neighbouring properties.

- Bins: It is not considered that the waste generated from two holiday lets who lead to an unacceptable cluttering of bins. Spaces is available on site to store bins.

- Rights of access, private gates and private driveway: Similar to the point made with regards to land ownership, the Local Planning Authority places good faith on details submitted by Applicants. If they are incorrect, it could be that they cannot implement any permission granted. Covenants relating to rights of access are outside of the planning process and cannot be taken into consideration.

## **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 principle of development is acceptable.

- The character and appearance of the site and the surrounding area would not be adversely impacted by the proposed development, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- The proposed development would not adversely impact upon the amenity of surrounding neighbours, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- The proposal would not unacceptably impact upon the safety of surrounding highways, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- The proposed use would not contribute to an unacceptable increase in flood risk, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the following conditions:

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

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

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

- Location Plan, Existing Floor Plan and Existing Elevations (Drawing number 4462/1, Revision B, received 30 March 2021)
- Existing Site Plan, Proposed Floor Plan and Proposed Elevations (Drawing number 4462/2, Revision B, received 30 March 2021)
- Existing Site Plan 1:500 (received 30 March 2021)

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

- C 3 The materials to be used in the construction of the alterations to the external surfaces of the development hereby permitted shall match those used in the existing building and shall accord with the details as shown on the drawing 'Existing Site Plan, Proposed Floor Plan and Proposed Elevations' (Drawing number 4462/2, Revision B, received 30 March 2021). These materials shall be maintained and retained in perpetuity thereafter.

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

- C 4 Prior to the first occupation of any holiday accommodation hereby permitted, the area shown for the purposes of parking and turning on the drawing 'Existing Site Plan, Proposed Floor Plan and Proposed Elevations' (Drawing number 4462/2, Revision B, received 30 March 2021) shall be provided. Such provision shall thereafter be retained for this purpose and not put to any other use.

Reason: In the interests of the safety of those residing on-site and to retain adequate turning to enable vehicles to leave and enter site in a forward gear, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order(s) revoking and re-enacting those Orders with or without modification), the use hereby permitted shall as holiday accommodation only and no unit/accommodation shall be occupied by any person(s) as their sole or main place of residence at any time.

No holiday accommodation hereby permitted shall be occupied by the same occupant(s) for more than 28 continuous days in any one period (with at least one calendar day between the end of such a period and the start of the next) and the operator of the holiday accommodation shall keep a diary of every let which shall be made available for inspection by an Officer of the Council at reasonable request.

Reason: In order to ensure that the development is used for holiday lets only and not as a permanent dwellinghouse as the site is not suitable for this use in accordance with Policies LP11, LP16 and LP17 of the Peterborough Local Plan (2019).

- C 6 The holiday accommodation use hereby permitted shall enure for the benefit of the landowners of Black House Farm, Crowland Road, Eye, Peterborough only and to no other party, and the holiday accommodation shall not be let or run by any person(s) other than those who permanently reside at Black House Farm.

Reason: Permission would not have been granted given the window openings to the east-facing elevation of the building to be used for holiday let accommodation, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C 7 Prior to first occupation of any holiday accommodation hereby permitted, a scheme detailing a flood warning and evacuation plan for future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be followed during all flood events.

Reason: In the interests of managing flood risk and increasing resilience to flooding, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

Copies to Councillors: Steve Allen, Brown and Simons.

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Planning Committee Location Plan-21/00420/HHFUL- 12 and 14 Lime Tree Avenue, Peterborough, PE1 2NS

Scale 1:1,000  
 Print Date: 10/06/2021

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**Application Ref:** 21/00420/HHFUL

**Proposal:** Proposed rear ground floor extension, first floor rear extension and attic conversion and the addition of a side extension to No. 12

**Site:** 12 And 14 Lime Tree Avenue, Millfield, Peterborough, PE1 2NS

**Applicant:** Mr Mohammed Jamil

**Agent:** Mr Nadeem Anwar

**Referred by:** **Head of Planning Services**

**Reason:** **In line with the Constitution as the applicant is Cllr Mohammed Jamil**

**Site visit:** 21.04.2021

**Case officer:** Susan Shenston

**Telephone No.** 01733 4501733 453410

**E-Mail:** Susan.Shenston@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surrounding**

The application site comprises of a pair of semi-detached, two storey high dwellinghouses, No.12 and No.14 Lime Tree Avenue. Both properties have adjoining first floor and ground floor rear projections. They have long linear rear gardens measuring approximately 31m in length. The side boundary fencing separating the gardens has been removed, effectively merging the two rear gardens. The area of garden immediately to the rear of the dwellings has been hard surfaced and the remainder laid to lawn.

The site is located on the edge of the Millfield area of Peterborough, in a predominantly residential street with semi-detached and detached houses with small gardens to the front of the dwellings and on-street parking. To the north of the site is the public highway of Lime Tree Avenue, to the east is No. 10 Lime Tree Avenue, operating as Lindens Guest House with a car park to the rear, to the south are Nos. 140 and 142 Cobden Avenue, and to the west is No. 16 Lime Tree Avenue.

**Proposal**

This is a joint planning application for both residential properties; 12 and 14 Lime Tree Avenue. Planning permission is being sought for ground floor and first floor rear extensions, and attic conversions for both properties. In addition, on the existing rear projection, a single storey side extension is proposed for No. 12.

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

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

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

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

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

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/00213/FUL	Construction of single storey rear & side extensions	Permitted	30/03/2011
21/00300/HHFUL	Proposed rear ground floor family room, first floor rear extension and attic conversion	Withdrawn by Applicant	19/03/2021
21/00301/HHFUL	Proposed ground floor and first floor rear extension with attic conversion	Withdrawn by Applicant	19/03/2021

## **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)**

#### **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.

#### **LP13 - Transport**

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

#### **EQHR - Equality Duty and Human Rights**

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

In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The

human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

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

#### **4 Consultations/Representations**

No comments received

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

Initial consultations: 6

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

3 letters of objection have been received from No.16 Lime Tree Avenue. Their objections are as follows:

- The light in my living room and kitchen would be severely affected, neither the kitchen nor the living room would not get any natural sunlight.
- The extension would directly overlook our garden and there would be no privacy at all.
- Article 8 protects my right to a private life, my family life and my home. This development does raise grave concerns when Article 8 is applied.
- The proposed extension appear unpleasantly over-bearing.
- The proposed extension is out of scale and out of character in terms of its appearance compared with existing development in the vicinity.
- This site should not be considered in isolation but as part of the overall Peterborough Development Plan.
- There would be safety implications with traffic accessing the site. A development of this size would require heavy duty lorries and materials all which raise grave safety concerns for me and my family.
- 12 Lime Tree Avenue had planning permission granted under reference 11/00213/FUL.

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

The main considerations are:

- Planning history
- Design and impact on the character and appearance of the site and the surrounding area
- Neighbour amenity
- Highway safety and parking provision
- Other matters raised

##### **a) Planning history**

A planning application was approved in 2011 (reference: 11/00213/FUL) for No. 12 Lime Tree Avenue, for 2 x single storey rear extensions. The application granted planning permission to extend the existing dining room by 6m in length and 2.1m in width. This is the location where the side extension is proposed for No. 12 under this application. There was also a proposal for a 3m single storey rear extension abutting the existing family room. Whilst planning permission was granted it was never implemented, and has now lapsed.

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

The existing two dwellings which are the subject of this application appear externally as mirror images of one another. The existing two storey and single storey rear projections on both dwellings are set in from their side elevations by approximately 2m.

The first floor rear extension would extend the existing rear first floor projection outwards by approximately 5.4m, and sit above the existing ground floor rear projection. There would be a pitched roof with a gable end, which is the same design and height as the existing rear projection. This would accommodate one additional bedroom in each dwelling, and change the use of one existing bedroom into a study.

The proposed single storey rear ground floor extension would extend the existing ground floor rear projection of both Nos. 12 and 14 Lime Tree Avenue outwards by 6m and be the same width as the existing projection. This would have a flat roof with two roof lanterns. This would accommodate a family room in No. 12 and a kitchen and dining room in No. 14.

The attic would be converted in both dwellings. There would be 3 roof lights for each dwelling on the front elevation and large box dormer extension on the rear. This would accommodate two additional bedrooms, a bathroom and a walk in cupboard in each dwelling.

The single storey side extension to No.12 would align with the width of the front elevation and extend the dining area.

This proposal would convert each dwelling from a 4-bedroom dwelling into a 6-bedroom dwelling. Whilst overall the proposals are considered to be large in size and scale, they do generally follow the proportions, design and appearance of the existing properties and follow the linear character of development on the plots. The plots have substantial rear gardens depths and so the extensions could not be considered as overdevelopment of the plots. The extensions are set off the site boundaries with adjacent plots to help minimise their impact upon them and to maintain the existing separation distance and openness character between them. The single storey side extension to No. 12, whilst extending closer to No.10, would be small in scale, height and size and remain set off the side boundary and so would be considered proportionate to the main dwelling and site. External materials are proposed to match the existing dwelling to ensure an acceptable visual appearance would result.

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

## **c) Neighbour amenity**

This application has been submitted as a joint planning application because if only one of the properties were to build their extensions and not the other, the extensions would have an unacceptable overbearing and overshadowing impact on the other adjoining property. Therefore, to ensure this scenario doesn't arise a planning condition is recommended to ensure that neither properties extensions can be occupied until the adjoining extension at the neighbouring property is complete or substantially complete. This is the only mechanism available to allow both these properties to have such large extensions whilst ensuring that they would not adversely impact upon each other.

### 10 Lime Tree Avenue

No. 10 Lime Tree Avenue is a detached dwelling positioned to the east of the application site and operates as the Lindens Guest House. The proposed single storey side extension to the rear of No. 12 would sit approximately 1m off the side brick wall boundary with this site. There is an approximately 1.6m high boundary wall separating the sites. The existing kitchen window facing towards No. 10 would be removed and no side windows are proposed on this extension which

would face towards No. 10. It is not considered that this side extension due to its siting, height, size and orientation would result in any unacceptable impact the existing residential amenity levels of this neighbouring site.

The first floor rear extension would sit approximately 3m from the side boundary with No. 10 and project beyond its the rear elevation by approximately 1m. There are no proposed windows directly facing this neighbour in the new extension. However, as a result of extending the property a new first floor side window would be inserted into the existing side elevation of the property to serve a study. The bathroom window facing this site is existing. As this room is to be used as a study rather than a bedroom, and to prevent any unacceptable overlooking, a condition is recommended to ensure that the window is obscure glazed and top hung opening only and retained as such thereafter. This extension positioned to the west of this site would result in some overshadowing in the afternoon but due to the relationship and separation distance, not to an extent that would be considered unacceptable.

The single storey ground floor rear extension would sit approximately 3m off the side boundary, and project approximately 7m beyond the rear elevation of No. 10. There would be two windows measuring 0.9m in width facing towards the brick wall boundary, which has a car park beyond it. Therefore, it is not considered that these windows would unacceptable impact on privacy levels. Some overshadowing to the car park would occur later in the day but this is not considered to cause any harmful impact.

The conversion of the attic to living accommodation will result in second floor accommodation where none currently exists. There would be windows on the rear elevation which would overlook the car park to the rear of No. 10, however this is similar to the existing overlooking from first floor windows in the property, and not considered unacceptable in planning terms.

#### 16 Lime Tree Avenue

No. 16 Lime Tree Avenue have objected to the application and they are located, on the west side of the application site. No. 16 has a similar design to the properties of the application site, with both a first floor and ground floor rear projections. The side gables of No.16 and No.14 are separated by approximately 1m wide pedestrian footpaths for each property that give access from the street to their rear gardens. The rear projection at No. 16 is set off the side boundary with No. 14 by approximately 3m at the rear.

The rear ground floor extension and first floor extension to No. 14 would be positioned approximately 3m in from the side boundary, thereby leaving a total separation distance of 6m between the two opposing side elevations. The ground floor rear extension would project 6m beyond the rear elevation of No. 16 and there would be two windows measuring 0.9m in width each facing towards this neighbour. There is an existing 1.8m high wooden panel fence between the two dwellings and it is not considered that these windows are unacceptable in privacy terms.

The first floor rear extension would be level with the existing single storey rear projection of No. 16. There would be no additional first floor windows directly overlooking this neighbour in the new extension. However, a first floor study window would be added to the side elevation of the existing projection. Similar to No.12's first floor extension discussed above, a condition is recommended to ensure this window is obscured glazed and fixed shut apart from any top hung opening to safeguard privacy to the neighbouring site. Whilst the additional bedroom window on the first floor extension would overlook the rear garden of No. 16, it is not considered to reduce their privacy levels to unacceptable levels.

No. 16 has a kitchen window and side door facing towards No. 14, and a lounge window looking over their garden to the south. Due to the orientation of this neighbour, there would be some overshadowing that would occur in the morning. However, this is similar to the existing overshadowing that occurs from the existing projections and the separation distance between the buildings ensures that the overshadowing will not be significantly harmful or more detrimental that

this existing arrangement on site.

The conversion of the attic to living accommodation would result in second floor windows, a bedroom and bathroom window on each property on the rear elevation. Whilst the windows are higher than at present, they are similar to the existing bedroom 1 and 3 bedrooms which already allow overlooking into this neighbour's garden, therefore the change in privacy levels from these windows to that existing would not be considered to be unacceptable or harmful in planning terms.

The mass and scale of the proposed extensions are not considered to be overbearing as the two storey rear extension would not project beyond the rear elevation of No. 16, and there would be a 6m separation distance.

#### Nos. 140 and 142 Cobden Avenue

Nos. 140 and 142 Cobden Avenue are located to the south of the application site, at the end of their rear gardens. The proposed extensions would be positioned some 25m away from the boundaries of these sites. Given the significant distance and orientation of the extensions north of these sites, it is not considered any adverse impact on their residential amenity in terms of reduced privacy or overbearing or overshadowing impacts would result.

Officers are therefore of the view that the proposed extensions would not result in any unacceptable impacts on the residential amenity of any surrounding neighbours, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

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

Neither of the existing properties has any space available on site for car parking spaces. The proposed extensions changing the existing properties from 4 bedroom to 6 bedroom properties would not generate the requirement for the provision of any additional car parking spaces in accordance with the Council's adopted car parking standards. Therefore the lack of any on site car parking spaces is an existing issue and not one that results from the development proposed and so not a matter that can be addressed under this planning application. There are on street car parking bays on both sides of the street, which are covered by the residents permit scheme, so the occupiers of either property would be entitled to permits under this scheme.

Should in future any of the dwellings wish to change into a small scale House in Multiple Occupancy, there could be a significant shortfall in car parking, which could lead to additional pressures for the on street residential parking spaces and could result in highway safety dangers through potential parking in unsafe locations. Therefore, Officers consider it prudent to impose a planning condition to remove the permitted development right to change to a House in Multiple Occupancy, and require the submission of a planning permission for such a change of use to enable the impact on residents parking to be assessed at that time.

On the basis of the above, the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

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

In respect of how the application has been considered, the application has been considered and determined against the policies in the Peterborough Local Plan (2019).

The objector has raised the fact that they feel the proposal would breach Article 8 of the Human Rights Act, in that it would prevent their right to a private family life and home. Officers, in reaching their recommendation, have considered the impact of the development on the neighbour's privacy as required by planning policy LP17 and the Human Right Act, and in this instance do not agree with the neighbour that the level of impact would be so severe that it would be contrary to planning policy or unacceptable in planning terms.



In respect of the neighbour concerns raised about safety and traffic during construction, if anyone has any safety concerns about construction work being undertaken they can report it to the Health and Safety Executive or the Building Control Team, who can investigate to ensure no regulations are being breached. There will be some noise and disturbance for surrounding residents during construction works, but these are temporary in nature, and should a statutory noise nuisance result this can be investigated by the Council's Pollution Control team.

## **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:

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

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the following conditions:

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

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

- C 2 The materials to be used in the construction of the external surfaces of the proposed extensions hereby permitted shall match those used in the existing building.

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

- C 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan and Proposed Site Plan (Dwg No: AL 101)
- Existing Ground Floor Plan (Dwg No: 102)
- Existing First Floor Plan (Dwg No: AL 103)
- Existing Roof Plan (Dwg No: AL 104)
- Existing Front and Rear Elevations (Dwg No: AL 105)
- Existing Side Elevations to No. 12 (Dwg No: AL106)
- Existing Side Elevations to No. 14 (Dwg No: AL107)
- Proposed Ground Floor (Dwg No: AL 111)
- Proposed First Floor Plans (Dwg No: AL 112)
- Proposed Loft Plan (Dwg No: AL 113)
- Proposed Roof Plan (Dwg No: AL 114)
- Proposed Front and Rear Elevations (Dwg No: 115)
- Proposed Side Elevations to No. 12 (Dwg No: AL 116)
- Proposed Side Elevations to No. 14 (Dwg No: AL 117)

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

- C 4 Notwithstanding the provisions of Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the residential units hereby permitted shall be dwellinghouses within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of meeting the needs of small-scale houses in multiple occupation in terms of parking provision, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

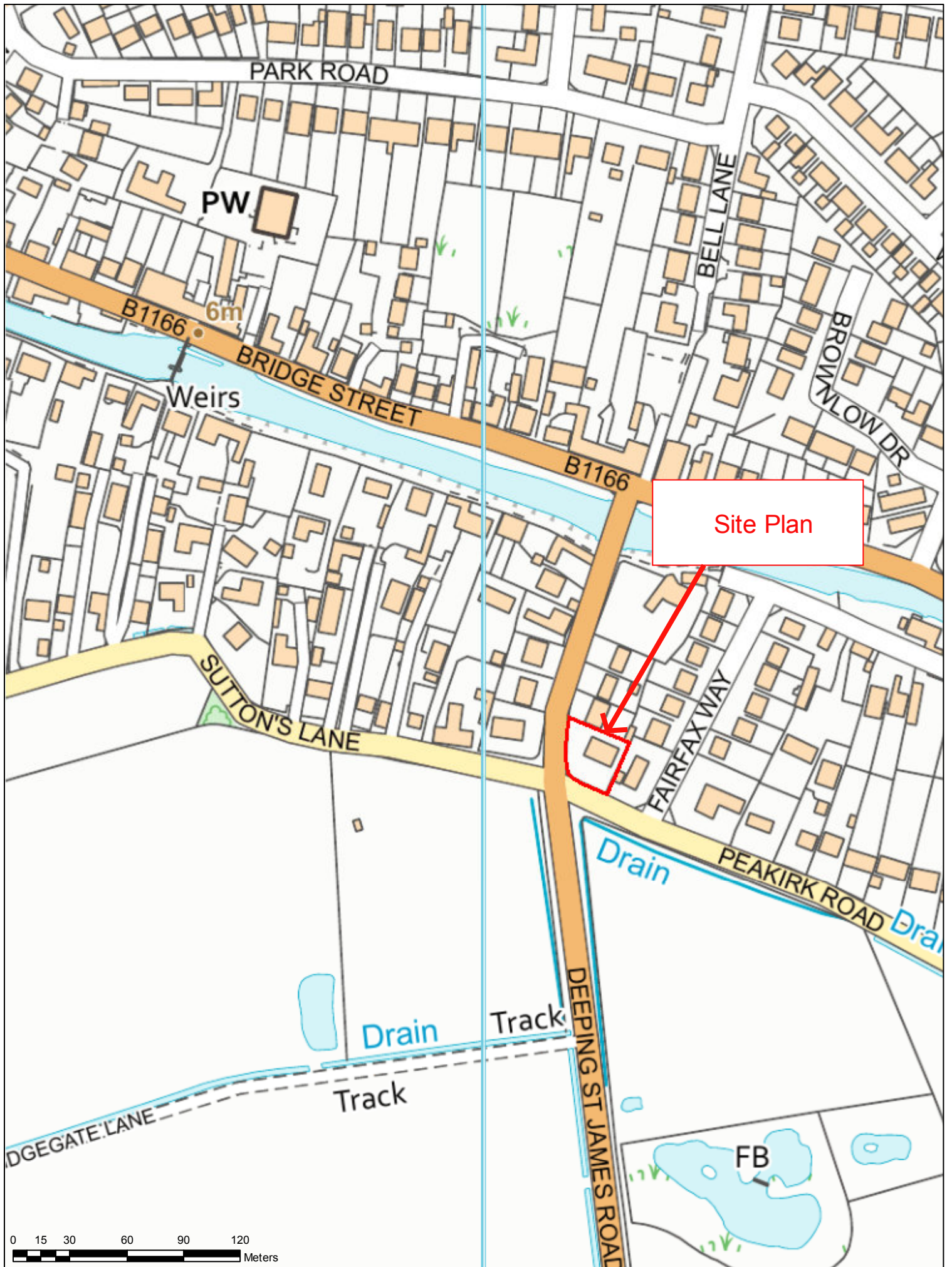
- C 5 Neither dwelling's extensions hereby permitted shall be occupied, unless and until, the other adjoining neighbouring extensions have been substantially completed.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C6 Before the development hereby permitted is first occupied, the proposed first floor side study window to both properties (as shown on plan 'Proposed First Floor' drawing number AL112) shall be fitted with obscure glazing to a minimum of Pilkington Level 3 and be non-opening unless the openable parts are more than 1.70 metres in height above the floor level in the room which they are located. The obscure glazing shall be continuous and shall not incorporate any clear glazing features. The windows shall subsequently be retained as such in perpetuity.

Reason: In order to protect the amenities of neighbouring occupants, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors: Mahboob Hussain, Amjad Iqbal, Mohammed Jamil



Committee Location Plan 21/00546/HHFUL 1 Peakirk Road, Deeping Gate, Peterborough, PE6 9AD. NTS

Scale 1:2,500  
 Print Date: 15/06/2021

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**Application Ref:** 21/00546/HHFUL

**Proposal:** Demolition of existing conservatory and erection of single storey side and rear extension

**Site:** 1 Peakirk Road, Deeping Gate, Peterborough, PE6 9AD  
**Applicant:** Mr and Mrs M Jones

**Agent:** Mr Scott Whight  
 Scott Whight Ltd

**Referred by:** **Parish Council**  
**Reason:** **Parish Council disagree with Officers' decision**

**Site visit:** 03.06.2021

**Case officer:** Susan Shenston  
**Telephone No.** 01733 4501733 453410  
**E-Mail:** Susan.Shenston@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

**Site and Surrounding**

The application site comprises of a detached bungalow situated on a corner plot. It is located at the crossroads of Suttons Lane, Deeping St James Road and Peakirk Road. The bungalow is set back from the public highway by approximately 12.5m and has an attached garage on its eastern side, which is accessed from Peakirk Road. The garden wraps around the bungalow and there is a patio and seating area to the rear/north of the property, adjacent to its conservatory.

The surrounding area to the north of Suttons Lane/Peakirk Road is residential in character with bungalows and two storey dwellings. To the north is 5 Deeping St James Road which is a 2 storey dwelling and to the east is 1A Peakirk Road a bungalow. To the south and west the site is bounded by the public highways.

**Proposal**

Planning permission is being sought for a single storey rear and side extension.

The proposed extension would adjoin the existing rear elevation and measure approximately 9m in length and approximately 5.5m in width. It would have be a hipped roof measuring 4.4m above ground level to the ridge and 2.45m to the eaves. The proposed extension would accommodate an en-suite bedroom and utility area. It is proposed that the external materials would match those of the existing dwelling.

**2 Planning History**

Reference	Proposal	Decision	Date
21/00087/HHFUL	Demolition of existing conservatory and erection of single storey side/rear extension	Refused	24/03/2021
P0686/88	Bedroom and kitchen extension	Permitted	26/08/1988

### **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)**

##### **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.

##### **LP13 - Transport**

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

### **4 Consultations/Representations**

#### **Deeping Gate Parish Council**

If the planning officer is minded to refuse the application, Deeping Gate Parish Council request this application to be referred to committee.

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

Initial consultations: 5

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representations have been received.

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

The main considerations are:

- Planning history
- Design and impact on the character and appearance of the site and the surrounding area
- Neighbour amenity
- Highway safety and parking provision

#### **a) Planning history**

This is a similar proposal to the application that was refused planning permission under planning reference 21/00087/HHFUL in March 2021 by Officers. During the course of this last planning application Officers negotiated amendments to the originally submitted proposal by changing the pitched roof to a hipped roof. Officers also suggested reducing the rear extension to no more than 7m in length from the proposed 9m, and setting the extension at least 1.8m from the rear boundary with No.5 Deeping St James Road rather than the 0.8m proposed. To help the applicant

compensate for the reduction in footprint Officers suggested the extension could wrap around the side of the house giving an L shape to the development. The reason for these suggestion was to help minimise the overshadowing and overbearing impact to no. 5, as the extension would be positioned due south of them. These suggestions however were not acceptable to the applicant. Officers did not consider the change to the roof design alone would address the overshadowing/overbearing impacts on No. 5 Deeping St James Road and so refused the application.

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

This application is the same as the one refused planning permission by Officers in March 2021, with the exception that an en-suite bathroom window has now been included on the eastern elevation.

It is proposed that the existing conservatory would be demolished under this application. The conservatory has no particular architectural merit and so its loss is considered to be acceptable.

The proposed extension would adjoin the rear elevation of the property and extend towards the east of the site with the side elevation in line with the side elevation of the existing garage. The height of the proposed hipped roof would be 0.6m lower than that of the main house and so would appear subservient and in keeping with the scale and proportions of the main property. The proposed extension would be of an acceptable size and scale to be in keeping with the character and appearance of the existing dwelling. External materials are proposed to match the existing dwelling and so the proposed extension would not result in any visual harm.

Therefore Officers consider that the proposed extensions would not result in any unacceptable harm to the character and appearance of the site or the surrounding streetscene, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

### **c) Neighbour amenity**

No. 5 Deeping St James Road is situated to the north of the application site, therefore with the travelling sun path of east to west, all the direct sunlight to this neighbours garden is achieved from across the application site. The boundary between the two properties comprises a low level brick base with wooden fence panels above between brick piers. The fence is approximately 2m high. There are some hedges and tress in front of the wall, within the application site. The proposed extension would be set off the boundary by approximately 0.8m, a lot closer than the existing conservatory which is set of this boundary by 3m. It is also proposed that it would extend approximately 9m in length alongside the boundary with this neighbour. The extension would have an eaves height of 2.45m and an overall ridge height of 4.4m, with a hipped roof proposed. The rear garden of No. 5 Deeping St James Road measures approximately 12m in length, with an outbuilding at its rear which is about 3m in depth. Due to the orientation of the two properties; it is considered that the proposed extension, by virtue of its siting, height and length, would unacceptably overshadow and overbear the rear garden of this property for the majority of the day. Whilst the change to a hipped roof would reduce the overshadowing/overbearing impact, it is still considered that the proposal would unacceptably impact on the residential amenity of the occupiers of No. 5 Deeping St James Road, contrary to Policy LP17.

As the proposal would be single storey with no windows facing towards No. 5 Deeping St James Road it is not considered that any loss of privacy would result.

No. 1A Peakirk Road, the property to the east of the application site, is positioned approximately 6.5m from the boundary with the application site. There is a hedge along the boundary measuring approximately 2m in height. No. 1A Peakirk Road has a garden which wraps around the dwelling. The proposed side extension would be set off the boundary by approximately 1.7m. The proposed extension would result in some limited overshadowing later in the day. However it not considered due to the orientation, size, hipped roof and relationship with this neighbouring site, that the impact

would be unacceptable or cause detriment to the enjoyment of their garden. An en-suite bathroom window is proposed to face towards No. 1A Peakirk Road but this would be screened by the boundary treatment. Overall, the proposed extension would not be considered to have an adverse impact on the residential amenity of this neighbouring site.

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

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

The existing property has 2 bedrooms, and one additional bedroom is proposed under this application. Under the Council's adopted car parking standards, two parking spaces are required to serve dwellings with two or more bedrooms. Therefore, no additional car parking spaces would be required under this application to meet our parking standards. There is adequate parking to the front of the dwelling for parking two vehicles and the existing garage would also be retained. The proposal is therefore 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.

This proposal is not considered to be in accordance with local planning policy. The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application; However, solutions to the concerns as set out in this decision notice have been identified by the Local Planning Authority but are not acceptable to the applicant.

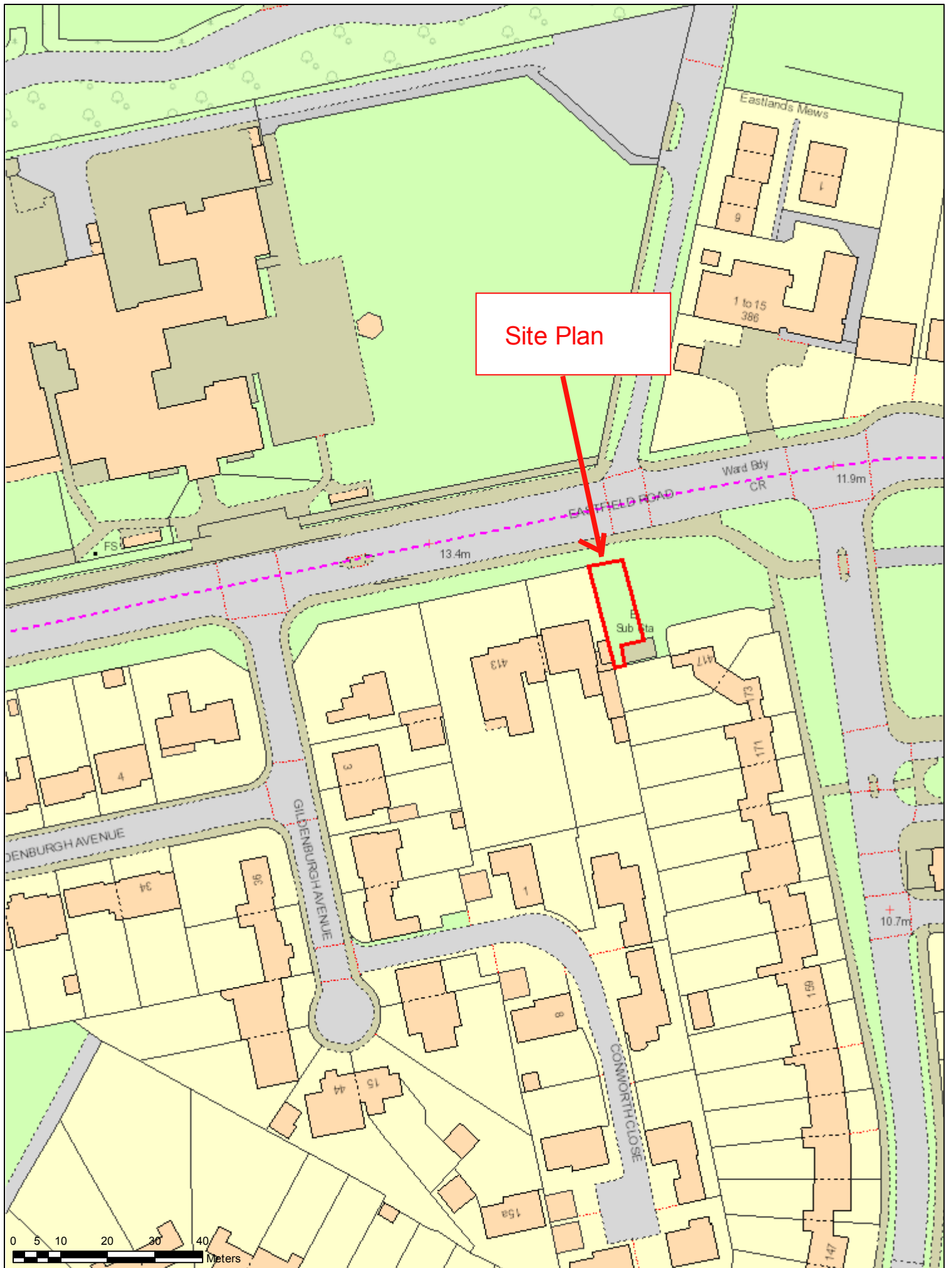
### **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED**

- R 1 The proposed single storey rear and side extension; by virtue of its siting, length and height, would result in an unacceptable overshadowing and overbearing impact to the rear garden of 5 Deeping St James Road. The proposal would therefore result in unacceptable harm to the residential amenities of the neighbouring occupants, contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to : Cllr Saqib Farooq and Cllr Peter Hiller





Committee Location Plan 21/00386/FUL Land Adjacent 415 Eastfield Road, Peterborough PE1 4RE. NTS

Scale 1:1,000  
 Print Date: 15/06/2021



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## Planning and EP Committee

**Application Ref:** 21/00386/FUL

**Proposal:** Change of use from public open space to private garden

**Site:** Land Adjacent To 415 Eastfield Road, Eastfield, Peterborough, PE1 4RE  
**Applicant:** Mr Kaveljit Singh

**Site visit:** 29.04.2021

**Referred by:** **Councillor Jackie Allen**  
**Reason for Referral:** Character and appearance of the area would not be harmed, repurposing of this strip will not deter from the neighbourhood amenities.

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

**Recommendation:** **REFUSE**

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

#### Site Description

The application site comprises an area of dedicated public open space situated in a prominent position on the corner of Eastfield Road and Reeves Way. To the immediate west is No. 415 Eastfield Road, to which this application relates, and to the south is 417 Reeves Way. The site itself is for all intents and purposes rectangular in shape with an extension to south, which houses a substation. The site is also host to two large mature trees; the land of which is owned and maintained by the Council.

#### Proposal

The Applicant, who resides within 415 Eastfield Road, is seeking to enlarge the curtilage of the dwelling into an area of public open space. The curtilage would extend 5.8m west, with a depth of 23 metres (133.4 square metres), and would be bounded by a 2.8m high fence and trellis.

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

### 2 Planning History

Reference	Proposal	Decision	Date
06/00445/FUL	Loft conversion with three front dormers	Permitted	15/05/2006
P0588/75	Erection of a conservatory	Permitted	29/08/1975
P0249/75	Erection of new conservatory and extension to garage	Permitted	16/05/1975

### 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 8 – Promoting healthy and safe communities

Paragraph 97 - Loss of existing public open space

Section 12 – Achieving well-designed places

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

### **LP13 - Transport**

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

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

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

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

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

### **LP17 - Amenity Provision**

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

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

### **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.

### **LP23 - Local Green Space, Protected Green Space and Existing Open Space**

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

### **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.

## **4 Consultations/Representations**

#### **PCC Open Space Officer (29.04.21)**

Object – The application site is dedicated public open space, and is not surplus to requirement. Any such development needs to accord with the criteria set out under Policy LP23 of the Peterborough Local Plan (2019) and Paragraph 97 of the NPPF (2019).

#### **PCC Wildlife Officer (21.06.21)**

Object - Considering the intense management of the grassland the application site is not considered to be a significant area of grassland for biodiversity connectivity, however, there are concerns that the proposal would result in the incremental loss of green infrastructure.

The biodiversity value of the site has not been characterised as part of this application, however, it has potential to form high quality wildflower habitat.

#### **PCC Peterborough Highways Services (07.05.21)**

No objection - The relocated fence would not impede vehicle or pedestrian visibility as the wide highway verge enables clear views of approaching highway users. It also does not appear to impede the visibility for users of the cycleway. If planning permission is granted, conditions and informatives have been sought with respect to details of any temporary facilities, as well as no depositing on the highway.

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

Initial consultations: 8  
Total number of responses: 0  
Total number of objections: 0  
Total number in support: 0

No letters of representation have been received.

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

The main considerations are:

- Principle of development
- Character and visual amenity
- Biodiversity
- Access and parking
- Neighbour amenity

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

#### *Policy Context*

The application site is identified as dedicated public open space (POS) and is maintained by the City Council. The loss of designated POS is strongly resisted through the Local Plan and NPPF as it is acknowledged to be of significant benefit to the communities that it serves.

Paragraph 97 of the NPPF (2019) states, '*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.*

Whilst LP23 then goes on to state '*In addition, if the requirements of the NPPF (2019) can be satisfied, the proposal must also demonstrate that:*

- a. The open space does not make an important contribution to the green infrastructure network or connectivity of habitats, and the development would not result in landscape or habitat fragmentation or incremental loss; and*
- b. The proposed development can be accommodated on the open space without causing significant detrimental impact on the character and appearance of the area, ecology or any heritage assets'*

With respect to the Peterborough Open Space Strategy (Atkins, 2016), East Ward within which the application site is located, is expected to experience a population increase of 20% over the plan period, from 10,400 to 12,500 by 2036. Referring to Table 6-2 (Page 59), this sets out the quantitative deficiency of open space per type and by ward. Within East Ward, there is a shortfall of 14.14ha of neighbourhood parks, 0.28ha of children's play, and 1.32ha of allotments, which is considered to be significant in a Ward which has been identified as having one of the highest expected increases in population.

In accordance with Policy LP23, the starting point is Paragraph 97 of the NPPF (2019). The application has not been accompanied by an assessment which demonstrates that there is a clear surplus of open space or land within the ward, it has not been evidenced that the POS is surplus to

requirements, the development would not be replaced by an equivalent or better provision in terms of quantity or quality in a suitable location, and the development is not for an alternative sport or recreation provision. Accordingly, the proposal fails all criteria to be applied by the NPPF.

Whilst not of exceptional quality in itself, the POS subject to this application forms part of the overall network of green verdant spaces within the locality, serving the local community and offering relief from the dense built form of the area. The only benefit arising from the proposal would be the private benefit of the Applicant through the extension of their garden, and there are not considered to be any public benefits.

Taking this into account, the proposal would result in the loss of much-needed public open space which has not been demonstrated as being surplus to requirement. The principle of development is therefore not acceptable.

#### **b) Character and visual amenity**

The proposed development would reduce an area of open space by 133.4sqm, and would be bounded by a 2.8m high fence with trellis above. No soft landscaping is proposed on the outside of the proposed boundary treatment. It is acknowledged that the existing fence stands in the region of 2.8m in height, however, given the additional encroachment of the proposed fence into the area of public open space (POS), and its juxtaposition to the POS and highway, this would form an incongruous and visually prominent feature from the public realm, to the detriment of the character and appearance of the area.

Furthermore, the proposal would result in the incremental loss and erosion of public open space which is of key amenity value to the surrounding locality, adding verdancy to the dense built form of the area. Its loss would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area which is contrary to Policy LP16 of the Peterborough Local Plan (2019).

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

The Local Highway Authority (LHA) have raised no objections to the proposal, advising that the relocated fencing would not impede vehicle or pedestrian visibility of the vehicular access serving No.415 Eastfield Road as the wide highway verge enables clear views of approaching highway users. The LHA have also stated that the proposal does not appear to impede the visibility for users of the cycleway. If planning permission were to be granted, conditions and informatives have been sought with respect to details of any temporary facilities, as well as no depositing on the highway.

To confirm, if planning permission were to be granted, Officers would not be seeking to attach a temporary facilities condition, as the storage of materials on the highway is a matter for the Local Highway Authority to enforce, and is covered by separate legislation to planning.

Officers have noted, further to passing the application site over the years, that vehicles are sometimes found to be parked on the application site, however, there is no evidence to suggest that these vehicles are connected with the application site. That said, it is noted that if permission was granted, the proposal would increase the amount of off-site car parking available for the property of 415 Eastfield Road.

The proposal would not result in an adverse highway safety hazard, and would therefore accord with Policy LP13 of the Peterborough Local Plan (2019). However, for the avoidance of any doubt, whilst the proposal may be acceptable in this respect, this does not overcome the other concerns raised elsewhere within this report.

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

Whilst no letters of representation have been received, the matter of neighbour amenity remains a material planning consideration.

Policy LP17(b) states, *'new development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties. These impacts may include ... loss of public green space and/or amenity space...'*

The proposed change of use would result in the reduction of an established area of public open space (POS) by 133.4sqm, in a Ward where POS has been identified as being deficient. Therefore, the proposed change of use would have an unacceptably adverse impact on the amenity of neighbour occupiers and the proposal would be contrary to Policy LP17(b) 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** for the following reasons:

- C 1 This proposed change of use to private garden would result in the loss of 133.4 square metres of public open space, in an area where it has been demonstrated that there is currently a deficiency of 14.14ha of open space, and is expected to see a population increase of 20% by 2036. The application has not been accompanied by an assessment which shows that the open space is surplus to requirement, the loss would not be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location, and the proposal is not for an recreational provision; there are no public benefits which outweighs the loss of public open space. As such, the proposal would be contrary to Policy LP23 of the Peterborough Local Plan (2019), and Paragraph 97 of the National Planning Policy Framework (2019).
- C 2 The proposed change of use to private garden and extension of a 2.8m high boundary fence would unacceptably diminish an established area of public open space, and would form a visually prominent and incongruous feature from the public realm that unacceptably detracts from the character and appearance of the area. As such, the proposal would be contrary to Policies LP16 and LP23(b) of the Peterborough Local Plan (2019), and Paragraph 127 of the NPPF (2019).
- C 3 The proposed change of use would result in the reduction of an established area of public open space in a Ward where public open space has been identified as being deficient. This loss would have an unacceptably adverse impact on the amenity of neighbour occupiers, and the proposal is considered to be contrary to Policy LP17(b) of the Peterborough Local Plan (2019).

Copy to Councillors J Allen, Hemraj and Qayyum