

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 17 OCTOBER 2023

1.30 PM

Bourges/Viersen Room - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

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

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

4. Minutes of the Meeting Held on

4.1 **Planning and Environmental Protection Committee - 27 June 2023** **5 - 32**

4.2 **Planning and Environmental Protection Committee - 18 July 2023** **33 - 44**

5. Development Control and Enforcement Matters

5.1 **23/00251/FUL - Exhibition Hall, East Of England Showground, Oundle Road, Alwalton, Peterborough** **45 - 60**

6. Confirmation of Article 4 Direction - Lincoln Rd Walton **61 - 68**



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Additional Information

7.1 Appendix A

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Committee Members:

Councillors: Warren, Iqbal (Vice Chairman), Jones, Hogg, P Hiller, Bond, M Jamil, Hussain, Sharp, C Harper (Chair) and Allen

Substitutes: Councillors: G Casey, Mahmood, Seager and B Rush

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

CASE OFFICERS:

Planning and Development Team: Jim Newton, Sylvia Bland, James Croucher, Matt Thomson, Asif Ali, Molly Hood, Mike Osbourn, Karen Ip, Shaheeda Montgomery, Connor Liken, James Lloyd, Ellie O'Donnell, Keeley Tipton, James Croucher, Mike Osbourn, and James Melville-Claxton

Minerals and Waste: Alan Jones

Compliance: Lee Walsh and Alex Wood-Davis

NOTES:

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

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 27 JUNE 2023
BOURGES/VIERSEN, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chairman), Iqbal (Vice Chairman), Jackie Allen, A Bond, Hiller, Hogg, Hussain, Mahmood, Jones, Sharp, and Warren.

Officers Present: Jim Newton, Service Director for Infrastructure & Environment (Interim)
Sylvia Bland, Head of Planning
Phil Moore, Development Management Team Leader
Karen Dunleavy, Democratic Services Officer
Chris Gordon, Planning Solicitor
Adesuwa Omoregie, Interim Head of Legal and Deputy Monitoring Officer
Asif Ali, Senior Development Management Officer
Molly Hood, Senior Development Management Officer
Nick Greaves, Highway Development & Drainage Manager
Sara Hann, Senior Engineer, Highway Control
Gemma Wildman, Planning Policy Manager

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

- Councillor Jackie Allen declared a non-pecuniary on agenda item 21/01002/OUT - Land At Horsey Bridge Whittlesey Road Stanground Peterborough, that the applicant was known to her on a personal but not professional level.
- Councillor Sharp declared a non-pecuniary interest on agenda item - 22/01477/FUL - 2c Cyrus Way Cygnet Park Hampton Peterborough Pe7 8hp, that British Sugar was the sister company for the company he was employed at and that he had not been approached by them in relation to the objection they had raised.
- Councillor Hussain, also declared a non-pecuniary interest on 21/01002/OUT - Land At Horsey Bridge Whittlesey Road Stanground Peterborough, as the applicant was known to the Members of the Conservative Party as the President for the Peterborough Conservative Association. Councillor Hussain confirmed that he would not be pre-determined when considering his decision on the application.

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

Councillor Harper declared to speak as Ward Councillor in relation to agenda item 21/01002/OUT - Land At Horsey Bridge Whittlesey Road Stanground Peterborough.

4. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETINGS HELD ON 21 FEBRUARY 2023 AND 21 MARCH 2023

The minutes of the meeting held on 21 February 2023 were agreed as a true and accurate record.

The minutes of the meeting held on 21 March 2023 were agreed as a true and accurate record.

5. PLANNING AND ENFORCEMENT MATTERS

5.1 22/01477/FUL - 2C CYRUS WAY CYGNET PARK HAMPTON PETERBOROUGH PE7 8HP

The Committee received a report, which sought permission for the benefit of planning permission for the temporary use of land for external storage and stationing of a portacabin.

The application required further information and clarifications in terms of use and highway impact as well as issues raised by Pollution Control colleagues and the Tree Officer. These issues were resolved with the submission of further information, and Officers recommended a 3-year temporary permission.

The Development Management Officer introduced the item and highlighted key information from the report and the update report, which included:

- The site was located near to British Sugar and Freedoms House, who had both raised objections in relation to visual amenity and highways concerns about slow moving vehicles on delivery and collection of caravan units moving on the site.
- Concerns raised by Councillor Moyo in relation to the visual impact and character of the area and that the proposal should be refused on the grounds of visual amenity.

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

- There had been some confusion in relation to maintenance of caravans and it was confirmed that the repairs would be ancillary and involve internal fittings only. The application was for storage only of high-end caravan units from caravan parks. Furthermore, condition C3 of the application provided clarity over the storage use and limitations.
- There would be no customer visits to the site and the storage facility would only be required for a three-year period.
- The site was required due to the current permanent site, Club Way, being cleared for development.
- Once the storage had ceased the caravans would be taken off the site, and this could happen sooner than the temporary expiration date. In addition, it was advised that the Applicant operated a lorry storage site in Fengate, and the caravan storage would be moved to that site in the future.

- The benefit of the permission being granted would provide visual screening to the eastern entry of the site sooner than anticipated and prior to a more permanent planning development.
- It was believed that the screening proposed would mitigate any untidy visual impact of the storage site. Furthermore, a condition could be imposed to ensure that any waste material produced from the internal caravan repairs, could be kept in skips or off site.
- Landscaping and boundary screening was a normal way of improving the visual amenity and had been appropriate for the site.
- Other businesses in addition to British Sugar, had invested in new buildings and it would be useful for all to benefit from a good landscaping and screening opportunity before a more permanent development was approved on the vacant land.
- The Applicant had confirmed that only internal repairs to caravans would be carried out and a condition could be imposed to stipulate that no external repairs would take place.
- Residential use was not included in the proposals and a condition could be imposed to reiterate that the site would be used for storage only.
- Three years was felt a realistic amount of time to operate the storage facility proposed, however, the applicant would need to be mindful in relation to lease agreements if a developer wanted to commission a permanent building for the land.
- The site would not be suitable for lots of small buildings and would lend itself to a single building development.
- An assessment was carried out a number of years ago on ground contamination as part of wider development and had been updated as part of this application. The Environmental Health Officer had recommended that a further layer of stone chippings and that the mobile office unit should be raised off the ground. Therefore, there had been no concerns in relation to contamination from the proposed site for the purposed intended.
- The land would be more suitable to a single building; however, it would be for the right developer to show interest.
- It was noted the National Planning Policy Framework (NPPF) had stated that temporary permissions should not be renewed, and it would be expected that the Club Way storage site would relocate. There had been no objection shown by the Authority to renew the temporary storage of the Club Way site, which had since been approved for development. Furthermore, it was intended to use the Fengate storage site for the Club Way caravan units, however, it was currently being leased by another company, which was why that land could not be used.

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

- Members were advised that if an extension of the temporary planning permission was applied for then, this would be against national policy, therefore the application should be made for a more permanent solution.
- There had been no complaints received by the Authority for the current site, Club Way, in relation to unsightly storage or visual amenity.
- A condition could be imposed to control the location, boundary treatment and external screening of waste created from the internal caravan repairs undertaken.
- Enclosed skips for material waste storage could be conditioned to ensure there would be no visual impact to the public as well as the view from tall surrounding buildings.

- Officers would be concerned if the application was for a permanent storage arrangement, however, the Applicant and Agent had confirmed that the permission was required for temporary use only.
- Members raised concerns about the three-year period proposed storage for the storage facility and commented it was too lengthy.
- The on-balance comment Officers made in the report was due to the application being temporary and the re-use of a derelict site. Furthermore, Officers would not be supportive of permanent caravan storage facility.
- Members were concerned about a potential caravan scrap yard being located next to prestigious office buildings such as British Sugar.
- Members commented that the proposal was not in keeping with the location. Furthermore, there was a clear demarcation between the site and the Business Park.
- Members were concerned that the proposal was not in keeping with the area and to turn the land into a caravan storage facility and would not contribute to the visual impact and character of the area under LP16.
- The Applicant had had at least two years to find an alternative location for the caravan storage and it was felt that of all the options available, the right one had not been selected in this instance.
- A three-year permission seemed to be semi-permanent arrangement rather than temporary one.
- Members were not convinced that the landscape plan proposed would be effective, as the site would also be visible from tall buildings neighbouring the site.
- Members commented that Peterborough needed to attract business opportunities, and permitting a caravan site next to a Business Park would not entice business developers.
- The work intended for the proposed site would be commercial and ancillary at a Do It Yourself (DIY) level on employment land, which seemed acceptable to some Members.
- Some Members felt that as there had been no complaints over the operation of the Club Way Caravan storage site, so there should be no issues.
- The storage of three years seemed semi-permanent, and a six-month timescale could be more acceptable.
- The proposal seemed to be retrofitting a site with some bushes and skips with a three-year temporary caravan storage facility, which appeared on paper to be acceptable; however, Officers would refuse the application if it was a permanent one.
- The application proposed the use of empty land to shoehorn in a storage facility because the land was not currently in use.
- The Club Way site looked unsightly from London Road and the Hampton parkway which was a problem. Furthermore, if screening was needed for a site, it indicated to Members that the location was an issue.
- Most people working in office buildings would not want to look at a caravan storage site.
- British Sugar was a world leading company that had chosen to relocate to the business park site and Members commented that caution should be exercised about what to place in neighbouring land, to encouraging and enhance the growth of the city.
- Members advised that the site visit to the current Club way site had not assured them that the owners were responsible for keeping a clean and organised site. Furthermore, Members were concerned about how the conditions would be enforced, given the lack of owner responsibility on the current site.
- The proposal would not enhance the area and was contrary to LP16.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer's recommendation and **REFUSE** the application. The Committee **RESOLVED** (Unanimously) to **REFUSE** the application.

REASON FOR THE DECISION:

The Planning and Environmental Protection Committee, **REFUSED** the application contrary to officer recommendation on the grounds that the proposal failed to positively contribute to the character and local distinctiveness of the area, or create a sense of place, contrary to Local Plan policy LP16.

5.2 22/01621/WCPP - RECREATION GROUND THORPE LEAROAD PETERBOROUGH

The Committee received a report, which sought permission to vary the wording of Condition 8 to allow for a further five years for the mobile classroom, changing facilities and toilets. The building would remain positioned in the northwest corner of the site and solely for the use of West Town Primary School.

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

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

- The objector was the Chair of the Thorpe Gate Residents Association (TGRA).
- A letter from February 2022 had stated that the mobile classroom was to be used for a changing room and other facilities in the adjacent playing field, however, the playing field remained unused.
- Since the permission had been granted in 2018, residents had witnessed it being used around eight times.
- During the Covid 19 pandemic it was accepted that all recreation areas would be used for outdoor activities for children, however this had not been an option for West Town children.
- Schools had reverted to a normal education curriculum after the Covid 19 pandemic; however, the field and mobile classroom had remained unused.
- West Town School had attempted to rent the land, which was against the conditions of use and an advertisement board had been placed on the boundary of the field. Furthermore, the field had been used by teenagers from a school located in the Midlands.
- It was believed that the school had not utilised the field for its intended purpose and had not complied with planning conditions.
- The field needed to be given back to public use with the removal of the mobile classroom.
- West Town school had its own playing fields for pupil sports use.
- The application had been presented as a school with a concrete yard, which was not believed to be the case.
- Paragraph 5.1.5 of the report had stated that there was a clear public benefit in maintaining the mobile classroom for school use, but it had been unclear to residents what that use was.
- Local people had lost a recreation area for family group picnics, five aside football, volleyball, golf and was a safe place for children and residents to use.

- The land located on the west that residents were left to use, was smaller and more exposed with less safe space for children to play ball games and for residents to continue with sports events.
- The field had been a good recreational resource for residents physical and mental health wellbeing, which they would like to welcome back rather than look at an empty unused field.
- Members of the public would rarely take part in public consultations and would leave matters of this nature to the residents' association to deal with, which was why there had been a low response of seven returns.
- The consultation result had been disappointing for the objector, however, a door knocking exercise had revealed that there were a significant number of residents that wished for the field to return to public use. Furthermore, there had never been an issue of noise when it was in public use.
- The objector had disagreed with the Education Officer's advice over the need for the use of the land for changing room and toilet facilities, as the field remained unused.
- Nene Park had alluded to the area being used for nature walks; however, this had not happened.
- The objector had been advised by West Town School that the rental advertisement had been made in error.
- The school had fenced off the land and had not made good use of the field. If it was rented out to schools from other areas, then parking facilities would need to be made available, which was why the use was restricted.
- Nene Park had stated at the time of the original application that they would like to use for nature walks. Therefore, any alternative use by pupils from another school was not permitted as per the condition imposed.
- The case officer reminded Members that the use of the field was not in question and that condition 2 had stipulated that the land could not be rented, with use restricted to West Town School only. Furthermore, condition 6, formally condition 8, was in relation to the extension of the mobile classroom to remain on site for a further five years, which required consideration.
- The objector argued that because it had appeared the recreational ground was not in use, it was the opinion of TGRA, that the mobile classroom was no longer required and therefore, there had been no reason to extend the permission.
- Members were advised by the case officer that the extension had been applied for as the Education Projects Officer had confirmed that there was a case to extend the permissions.
- Members were also advised that there had not been any noise complaint feedback received from Pollution Control. Furthermore, there was a condition in place to secure the use of the playing field and Planning Enforcement could be used if the condition was breached.
- Even though low use had been reported, the field was being used for Physical Education, which was why a changing facility was required.
- The temporary permission was useful to ensure the mobile classroom was being maintained and that there was a need for it.
- The changing unit would be maintained by the school.

William Nichols, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application proposed the continued temporary use of the mobile changing room and toilets and had not included use of the enclosed sports pitch and running track, which had benefited from its own permanent planning permission.
- The recreation ground comprised of a small part of the green corridor to the east/west along the River Nene to the City Centre, Nene Park and Ferry Meadows. There remained a large area of open space for residents to use
- The current site enabled the school to provide PE lessons for the pupils of West Town (WT) Primary School, without any travel time constraints.
- The temporary mobile classroom provided changing and toilet facilities that served the sports track. The facility would also accommodate a future increase in student numbers to the school.
- There was no minimum use requirement for the changing facility as part of the original planning application.
- It was confirmed that West Town School had inadvertently advertised the use of the sports facilities, however planners had advised this was in contravention of the planning permission. The Agent confirmed that the sports facility had not been rented for public use, nor had it been advertised since.
- A letter from the Peterborough Education Capital Projects Officer, had confirmed the mobile changing classroom facility was required for the sports facility. Furthermore, The Committee had witnessed a sports lesson in operation during their site visit.
- Without the use of the temporary mobile changing facility, sports lessons would be compromised. In addition, pupils' wellbeing would be compromised due to the lack of toilet facilities near to the sports pitches.
- If the application was refused, it would not revert the sports field to public use, but simply present difficulties in the sports offer for pupils of West Town School due to a lack of appropriate facilities.
- The reason for the initial temporary application, had been because the changing facility was mobile, and units of this nature would deteriorate after time. It was confirmed by the Applicant that the building was currently in good condition, which Committee Members witnessed onsite.
- There had been no objection raised by statutory consultees, who included the Wildlife Officer and the Tree Officer. Furthermore, the site was not located within the conservation area.
- The proposal would continue to maintain good sports facilities for the pupils of West Town School in accordance with the Local Plan and NPPF.
- The proposal would not result in unacceptable harm to the residential amenity of neighbouring occupiers.
- There was no grass playing field on the West Town School site, as believed by the objector.
- The mobile sports changing facility was used regularly and part of the flexible needs of WT school.
- There was a plan in action to build a more permanent changing facility in place of the mobile changing unit.
- The Agent was uncertain whether WT Schools Ofsted rating would be affected if the mobile facility application was refused.

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

- Members commented that the fence and playing facility had not been a consideration in the application and that the temporary mobile classroom was the only relevant issue.
- Members commented that there was no minimum use stipulated for the use of the PE mobile changing facility.
- The Education Department had supported the continued use of the mobile classroom for PE lessons.
- There had only been for objections received from the 150 people consulted.
- The School Children's well-being was paramount.
- The application was one that Members supported due to the good condition of the building, the need, pupils' well-being and toilet facilities.
- There were no parking facilities and therefore use would not cause noise and visual impact for the neighbours.
- The building was in good condition and was only temporary.
- Members had witnessed a sports lesson in session, and this had demonstrated the facility was required.

3:15pm - At this point the Committee took a short comfort break.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the application, subject to the impositions of conditions.

REASON FOR THE DECISION:

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

- The proposal would represent improved sports education facilities for pupils of West Town Primary School which should be afforded great weight, in accordance with paragraph 95 of the National Planning Policy Framework (2021)
- The proposal would not result in unacceptable harm to the residential amenity of the neighbouring occupiers, in accordance with Policy LP17.
- The proposal would not result in harm to the character or appearance of the surroundings, in accordance with Policy LP16.

3:30PM - At this point the Committee resumed to discuss the next item.

Councillor Harper stood down in relation to the consideration of agenda item - **21/01002/OUT - LAND AT HORSEY BRIDGE WHITTLESEY ROAD STANGROUND PETERBOROUGH** due to an earlier declaration to speak as Ward Councillor. Councillor Iqbal assumed the Chairman position.

5.3 21/01002/OUT - LAND AT HORSEY BRIDGE WHITTLESEY ROAD STANGROUND PETERBOROUGH

The Committee received a report, which sought outline permission for a new business park, which comprised of uses Classes E, B2 and B8. Only the principle of development

and its means of access were for consideration under this application, with all other matters being reserved for future consideration.

The sole means of vehicular access would be via a new priority junction on the A605 towards the eastern end of the site, with the existing crane depot access rerouted through the site and its existing access closed. A footway/cycleway is proposed to run through the site in a broadly East/West direction.

The application proposed up to 15,236sqm of employment space. The illustrative site layout plan (which was not for approval at this time) showed this arranged in 20 individual buildings ranging in size from 265sqm to 2,000sqm, aimed at the Small/Medium Enterprise business sector, for which the agent considered there to be a high level of demand.

A landscape planting strip was illustrated along the north-western site boundary intended to provide a buffer to the adjacent houses, whilst the central portion of the site, to the north of the Scheduled Monument and outside the red line of the application site would also remain free from development for the protection of archaeological remained.

New tree planting was illustrated along much (though not all) of the northern side of the A605. Whilst scale and design were not matters for consideration at this time, the applicant had confirmed that the proposed buildings would be restricted to eaves heights of between 6m and 10.5m. The application was accompanied by sections through the site to show how this height and scale of development would sit within the surrounding landscape.

The application had been considered by the Planning & Environmental Protection Committee on Tuesday, 21 March 2023. At the meeting, Committee Members resolved to refuse outline planning permission for the following reasons:

1. The applicant had failed to demonstrate that there is insufficient land within the city centre, elsewhere in the urban area (within General Employment Areas and Business Parks) or within urban extensions that was suitable for the proposed development leading to inappropriate development within the countryside, contrary to Policy LP2 and LP4 of the Adopted Peterborough Local Plan (2019).
2. The applicant had failed to demonstrate that the visual and landscape impact of the proposed development would not cause harm to the Peterborough Fens landscape character area including to its special character, local distinctiveness, features of historical importance, and important views and vistas, contrary to Policy LP27 of the Adopted Peterborough Local Plan (2019).

The application was being brought back before the Planning and Environmental Protection Committee for two reasons, which comprised of new information/evidence/material considerations to inform the decision-making of the Committee, which included:

1. Provide Committee with additional clarification on the interpretation of Local Plan Policy LP4 on "Other Employment Proposals"; and
2. Advice to Committee on the robustness of the reasons for refusal put forward when the application was considered, given the Counsel advice that has since been sought and received and in light of a realistic appeal to the Planning Inspectorate by the applicant.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included additional points on land supply and a review of a document carried out by Opportunity Peterborough and an Independent Land Specialist

which contained employment land availability submitted by the Applicant. Correspondence had also been received from a Ward Councillor and further objections from a local resident. Members were also asked to note a consultation paper from Huntingdon Council in relation to an extension to the Eagle Business Park in Yaxley made by the applicant.

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

- The Ward Councillor spoke on behalf of the residents of Stanground, of which many were against the application.
- Whilst it was recognised that job creation and economic development was important for the area, this provision needed to be constructed in the right place in the city.
- The proposed site was located on Green Belt Land and the Peterborough Fens Landscape Character area, with views across the Nene Washes, Flag Fen basin, Must Farm site and Horsey Toll Fort and was therefore rich with archaeological significance.
- Recent excavation on the site had unearthed wooden posts, which were built as part of a causeway for Must Farm to Horsey Fort and Flag Fen.
- There was no clear evidence why the site had been chosen for the proposed development when it had not been included on the Local Plan for allocation.
- NPPF stated that the planning system should contribute and enhance the natural and local environment by preventing new and existing development from being put at unacceptable risk from or being adversely affected by levels of air, water, soil, noise pollution or land instability.
- Historic England had raised concerns over the buried remains such as the archaeological remains from the bronze age becoming dried out as result of development and the proposed landscape plan.
- The proposal had not met the requirements of NPPF 194 and 195, due to the harm that could be imposed to the Horsey Hill Fort and the buried archaeological remains. There was a concern that once the development had completed, there could be no way to excavate the buried remains.
- The Tree Officer had been against the application under LP16,17 and 27 in relation to arboriculture, insufficient landscaping and screening.
- The application had objected to by the Council's archaeologists on the grounds that the proposal would not preserve the buried archaeological remains.
- The development would attract additional traffic to a busy road.
- The review of available employment land in Peterborough was conducted by Eddison Storey and Barker, the Agent on behalf of Barnack Estates, and was believed by the Ward Councillor, to be a biased opinion.
- The proposed development entrance would be located on a busy bend on the A605 and it had not been evident that the area could withstand the current or future traffic flow. It was therefore felt that the traffic assessment undertaken was insufficient.
- It appeared that the Local Plan had been abandoned and it was felt that if the development was agreed, a precedent would be set.
- There had been 204 objections against the application.
- Objections had included land not identified in the current LP, land within the minerals and waste LP, hydrology impact, tree officer objections, Middle Level Commissioner's objection, archaeologist's concerns, damage to the archaeological remains, Historic England's concerns, Highways and impact on Housing.

- The NPPF stated that any harm or loss of a significance of a designated heritage asset should have clear justification in relation to statue ancient monuments to allow developments.
- The Ward Councillor questioned whether the Authority's Archaeological Officer would describe the area proposed for development as a non-designated heritage asset of archaeological interest. Furthermore, clarification was sought about whether the landscaping and tree boundary would be protected if the development was approved, given the Tree Officer's concerns raised?
- Historic England had raised concerns based on the Tree Officers comments.
- A balanced view should be considered in terms of public benefit verses the loss of archaeological remains for the Committee to reach its decision.
- The Ward Councillor questioned whether the Committee had received the evidence to disregard policy LP19.
- If permission was granted for the proposed development, it would not only open the door to more predatory applications but would also set a precedent for the next three years.

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

- The Applicant welcomed the pragmatic approach taken by Officers and Members to reconsider the proposals.
- The Applicant had sought legal advice in relation to the lawfulness of the decision made by Committee on 21 March 2023. It seemed that the development would be acceptable and in accordance with the LP provided that no significant adverse impact would occur.
- Since the Committee considered the matter, the Applicant had provided an updated land supply report, retested agricultural land, sought clarification to the timing of closure of North Bank and an updated the Lanscape and Visual Impact assessment. Following the updates, there had been no consultee objections and the Officers had included 41 conditions.
- The Applicant had worked to ensure that the Ward Councillors concerns in relation to archaeology, traffic pollution, visual amenity and countryside character had resulted in amendments being incorporated. The issues raised had been addressed by the introduction of additional conditions.
- There had been 200 objections raised since the start of the planning application with these being reduced to 34 in 2023. The objections and concerns raised by consultees had been mitigated by introduction of conditions.
- Comments on the impact on wildlife had been addressed by the introduction of conditions to enhance and improve the environment.
- There was a need for employment land in Peterborough and the Local Plan was being review.
- The proposal would support the local economy by £15.7 million and provide employment opportunities and increase business rate income.
- Peterborough would miss out to Huntingdonshire on the opportunity of employment growth if the application was not permitted.
- There had been two counsel opinions to suggest that the original Committee decision was potentially unlawful. Therefore, the Applicant hoped that the measures taken to address all issues would help the Committee to review its original decision in light of the revised information supplied.
- The Huntingdonshire employment land alluded to in the Agent's address was in relation to A1 West and Yaxley, and that people from Peterborough could be attracted to those opportunities.

- It was a government requirement for each local authority to provide employment land.
- The land in Cyrus Way Peterborough would not be suitable as it was a different type of development opportunity, as the size of land would not satisfy the demand for SME units required.

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

- Members were advised that the 49.5 hectares of employment land alluded to in the Officer's presentation had been allocated but not developed to date.
- The employment land sites allocated which comprised of 49.5 hectares were awaiting development and included Red Brick Farm, Gateway Peterborough, Oxney Road. Red Brick was the largest land waiting allocation, and this had left only one site for the whole of Peterborough.
- The Lynchwood Business Park development site that had been allocated for office use was on a very small car park set within another development.
- Another small site in Lynchwood Business Park, which had been due for determination for industrial use had comprised of 1.29 hectares and was unlikely to be approved by Officers, as it was contrary to the LP.
- Alternative office development sites allocated within the LP had amounted to 3.35 hectares, which were small amounts and unsuitable for the proposed application.
- There was an area of land which would be located outside of the boundary line and had been part of the Scheduled Monument. This had not required an archaeological protection preservation condition, because it was not within the planning proposal.
- The archaeological protection plan would ensure the preservation of that part of the ditch and archaeological deposits buried below ground in that area and help to preserve part of the setting of the Scheduled Monument.
- Condition C16 would require the further evaluation of the ditch which was not conducted at the original application stage.
- Condition C15 required the Applicant to submit a water table scheme to preserve archaeological remains. Alternatively, if the Applicant was unable to secure approval of the water table preservation scheme submitted, they would be required undertake archaeological excavation in those areas
- Condition C13 would ensure that the landscaping scheme had to be submitted to demonstrate how tree planting would not adversely impact on the water level within the site.
- Condition C17 would provide mitigation measures to other areas of the site where archaeological remains had been partially discovered. Furthermore, Historic England had not raised concerns about this approach and therefore deemed the conditional measures acceptable.
- Condition C13 included an active landscape plan in relation to the treatment of trees should they need replacement in the future.
- The egress and access junction for the proposed site had been assessed and it was recognised that crane vehicles could move slowly when manoeuvring in the junction, however, it had been expected that other traffic would be able to stop on approach to the junction, due to adequate and improved visibility splays and a recent reduction in the speed limit.
- Members were advised that it was impossible to predict the traffic patterns for the proposed junction, however, it could be reviewed for control measures as necessary if an issue was to arise.
- The proposed junction had been designed as a right-hand lane because traffic data had identified a requirement for that approach. Therefore, additional conditions would be unnecessary as they could restrict traffic flow out of the proposed junction.

- The highway proposal included as part of the detail design, would be subject to scrutiny by safety auditors. If highway issues were identified at the audit stage, measures would be implemented to resolve them before the Authority adopted that part of the junction.
- When the junction for the proposal was developed in its early stage, a 60mph speed limit operated, however, there had been other developments and improvements carried out which had reduced the road to a 40mph speed limit.
- The regular traffic surveys had been conducted throughout the application process, with the most recent completed at the end of 2022. The 2022 traffic survey conducted had not highlighted any change in vehicle movements since the installation of the Kings Dyke Level Crossing overbridge.
- There would be a landscape mitigation scheme on the east side of the proposed development to hide the view to neighbouring residents. In addition, the A605 side of the development would also receive additional landscape treatment.
- Officers were satisfied with the 41 conditions to be imposed on the proposed development.
- Members were advised that Officers had been satisfied with all the criteria identified in the Local Plan, such as viability of alternative employment sites, scale of the proposal, impact on character and appearance, impact on highway network and maximisation of Modal Shift away from car use.
- Members were advised that if they wished to discuss the external legal advice provided, it would need to take place in an exempt session.
- Members commented that the application was of a sensitive nature, however the concerns raised at the previous meeting around archaeology and highways had been addressed.
- There had been new information and evidence received particularly in terms of archaeological remains.
- Members also commented that in light of the external legal advice received, they would be in support approval of the application.
- The application also supported the Council's move towards a greener city and pollution reduction with the site being more accessible to all.
- Members commented that had they carefully considered the representations from the Ward Councillors and the public.
- Members were satisfied that any future highway issues could be dealt with should a situation arise.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the application in accordance with officer recommendation and section 106 agreement.

REASON FOR THE DECISION:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed and in light of Counsel's policy interpretation advice, Officers now consider that:

- (i) the application accorded with Local Plan Policy LP4; and as before that
- (ii) the planning balance points to planning permission being granted in the face of the employment policies in the Local Plan being out-of date.

Officers therefore advised that Outline Planning Permission was **GRANTED** subject to the completion of a Section 106 agreement and the following updated conditions:

- C 1 Approval of details of the means of access, layout, appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development of any Phase approved pursuant to the Phasing Plan required by condition 3 of this permission is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

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

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 3 Prior to the submission of any application for reserved matters, a Phasing Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Phasing Plan.

The Phasing Plan shall include (but not be limited to):

- a. Existing features, including topography and those trees and shrubs to be retained;
- b. The extent of road to be constructed to adoptable standard;
- c. SUDS provision;
- d. Foul and surface water drainage;
- e. Structural landscaping;
- f. The order in which plots will be released;
- g. Zones to be kept clear from development in order to safeguard a view corridor from the A605 towards Peterborough Cathedral; h) Fire hydrant provision;
- a. Details of haul routes, routing and parking for construction traffic;
- b. Means of temporary and permanent access to the existing commercial uses to the north of the site;
- c. Provision of a footway/cycleway connecting through the site to and from the A605.

Reason: To secure the comprehensive and co-ordinated development of each part of the site, and to clearly identify the outline consent pursuant to which each part of the site will be developed in accordance with the policy standards required by the development plan and any other material considerations.

- C 4 Details submitted pursuant to condition C1 shall be restricted as follows:

- No building shall exceed a height of 10.5m from slab level to eaves and no building shall exceed a height of 13.2m to its highest point.
- The total cumulative quantum of floorspace shall not exceed 15,263sqm GIA

Reason: In order to ensure that development is restricted to that which has been applied for, and in order to ensure the availability of premises for small-to-medium enterprises in accordance with the development need justifying the development.

- C 5 No individual premises on the approved development shall exceed 2,000sqm and no individual occupier shall occupy more than 2,000sqm in total on the development.

Reason: In order to ensure the availability of premises for small-to-medium enterprises in accordance with the development need justifying the development.

- C 6 Prior to the submission of any reserved matters applications the applicant shall submit a Design Code for the written approval of the Local Planning Authority. The Design Code shall include but not be limited to:

- facing materials palette
- fenestration options
- shutters to vehicular openings
- security shutters
- roof form
- signage zones
- refuse storage

Reserved matters subsequently submitted pursuant to condition C1 shall comply in full with the approved Design Code.

Reason: In order to ensure the creation of high-quality buildings and place in accordance with paragraph 126 of the National Planning Policy Framework (2021) and Policy LP16 of the Adopted Peterborough Local Plan (2019).

- C 7 The rating level of noise emitted from the site shall not exceed 45 dB LAeq, 1 hour between 07:00 and 23:00 Monday to Friday and 35dB dB LAeq, 15 minutes at any other time. The noise levels shall be determined at the nearest noise sensitive premises using measurements and assessment made in accordance with BS:4142:2014.

Reason: In order to avoid any significant noise nuisance from the development to nearby sensitive premises.

- C8 Reversing alarms fitted to vehicles that are used regularly at premises shall be of a non tonal (white noise) design.

Reason: In order to safeguard the amenity of nearby residential occupiers.

- C 9 There shall be no deliveries, heavy goods vehicle movements, use of fork-lift trucks or use of any other vehicles fitted with reversing alarms operating on the site other than between the hours of 07:00 and 23:00.

Reason: In order to safeguard the amenity of nearby residential occupiers.

- C10 No external lighting shall be erected until a Lighting Strategy for all lighting across the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- identify those areas/features on site that are particularly sensitive for, protected habitats breeding birds, bats and badgers that are likely to cause disturbance; and
 - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species and/or habitats.
 - demonstrate that the use of lighting the development, and used at individual premises, does not exceed the obtrusive light limits specified for environmental zone E3 in the Institution of Lighting Professionals document "Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:20".
 - demonstrate how lighting of private roads, driveways or parking areas shall be arranged so that no danger or inconvenience is caused to users of the adjoining existing or proposed public highway.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances may any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In order to protect the amenity of local residents, in the interests of highway safety, and to safeguarded ecology in accordance with Policies LP13, LP17, and LP28 of the Adopted Peterborough Local Plan (2019).

- C11 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complied with approved details in the interests of the protection of human health and the environment, in accordance with Policy LP31 of the Adopted Peterborough Local Plan (2019).

- C12 Notwithstanding the indicative site layout indicated on Illustrative Masterplan reference AP0201 Revision U, the landscaping details submitted pursuant to condition 1 shall include but not be limited to:
- Tree and shrub planting to form a landscape buffer along the western site boundary adjacent to the River Nene (Old Course)
 - Tree and shrub planting to form a landscape buffer along the northern site boundary adjacent to the Kings Dyke
 - Tree and shrub planting to form a continuous landscape buffer alongside the A605 at both Whittlesey Road and Toll Road
 - Tree and shrub planting to form a landscape buffer on "blue land" alongside the A605 which allows screening of the development from adjacent residential properties at 1 and 2 Toll Cottage and Tollbar Cottage
 - Tree and shrub planting to form a landscape buffer along the north-western boundary of the "blue land" labelled "Archaeological Preservation Area" which may in part be placed within the car parking areas of a revised site layout

- f. Tree and shrub planting within the development including street tree planting and tree planting within all car parking areas
- g. A Landscape Management Plan including long term design objective and management/maintenance responsibilities
- h. Planting Plans including trees, species, numbers, size, densities, showing suitable soil volumes, tree pit details, including root barriers/deflectors, means of support and details of means of watering to provide suitable/appropriate irrigation rates
- i. An implementation programme for each phase of the development
- j. Hard surface materials
- k. Boundary treatments

All landscaping works shall be undertaken in accordance with the measures approved within the Water Table Minimum Level Preservation Scheme as required by condition 15 of this approval. The development shall thereafter be carried out in accordance with the approved hard landscaping details prior to first occupation/ use of the element to which it relates. In the case of soft landscaping this shall be implemented in the first available planting season following the first occupation or use of the element to which it relates. The soft landscaping shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan.

If within a period of five years from the date of planting of any tree or shrub or any tree/shrub planted in replacement of it, is removed, uprooted, destroyed or dies or becomes otherwise defective another tree or shrub of the same species and size as that originally planted shall be planted in the same location and in the next available planting season unless an alternative arrangement is agreed in writing by the Local Planning Authority.

Reason: In order to mitigate the impact of the development on the landscape and the minimise its effect on nearby residential properties in accordance with Policies LP16, LP27 and LP29 of the Adopted Peterborough Local Plan (2019).

- C13 The landscaping reserved matters details to be submitted pursuant to condition 1 shall specifically include details of root protection, root containment and irrigation in respect of new tree and hedgerow planting along the entire southern boundary adjacent to the A605.

All landscaping works shall be undertaken in accordance with the measures approved within the Water Table Minimum Level Preservation Scheme as required by condition 15 of this approval.

The development shall thereafter be carried out in accordance with the approved hard landscaping details prior to first occupation/ use of the element to which it relates. In the case of soft landscaping this shall be implemented in the first available planting season following the first occupation or use of the element to which it relates. The soft landscaping shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan.

If within a period of five years from the date of planting of any tree or shrub or any tree/shrub planted in replacement of it, is removed, uprooted, destroyed or dies or becomes otherwise defective another tree or shrub of the same species and size as that originally planted shall be planted in the same location and in the next

available planting season unless an alternative arrangement is agreed in writing by the Local Planning Authority.”

Reason: In order to protect and safeguard the amenities of the area whilst balancing the need to safeguard archaeological heritage assets, in accordance with Policies LP16, LP19 and LP29 of the adopted Peterborough Local Plan (2019) and Chapters 15 and 16 of the National Planning Policy Framework (2021).

- C14 Any landscaping abutting the River Nene (Old Course) along the north-western site boundary (as shown indicatively on drawing number AP0201 Revision U) which is removed in association with or as a result of works to the gas main shall be replaced in the first available planting season following the completion of works to the gas main with a species and size of planting equivalent to that which was removed.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the adopted Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2021).

- C15 Prior to the submission of any reserved matters applications the applicant shall:

- a. Submit a Water Table Minimum Level Preservation Scheme for the written approval of the Local Planning Authority which demonstrates that the individual and combined effects of foundations, other below-ground works, impermeable areas and landscape planting, along with any water table mitigation measures, shall not result in the water table within the site or the adjacent "blue land" labelled "Archaeological Preservation Area" on the Illustrative Masterplan (drawing number AP0201 Revision U) falling below 1.90m AOD at any time. Reserved matters applications shall therefore accord with the Water Table Minimum Level Preservation Scheme and development shall be implemented in accordance with the approved Scheme. Any mitigation measures identified in the approved Scheme shall be implemented in full and retained for the lifetime of the development.
- b. Only in the event that the applicant is unable to secure the Local Planning Authority's written approval for a Water Table Minimum Level Preservation Scheme then a Written Scheme of Investigation ("WSI") in respect of the Late Iron Age and Later Bronze Age post alignments shown at Figure 4 of the Archaeological Evaluation Report (Cambridge Archaeology Unit, University of Cambridge, June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall fulfill the requirements specified in a Brief issued by Peterborough City Council Archaeological Services. The WSI shall detail the programme of archaeological work and include a statement of significance, research objectives, the programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, with timetables and any phased of work. It will also detail the programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of archival materials. Thereafter, for the land that is included within the WSI, the development shall not take place except in complete accordance with the approved WSI, which shall be implemented in full prior to the commencement of any development.

Reason: To preserve archaeology in-situ or, where this is not possible to achieve, to mitigate the impact of the development on the historic environment and to ensure investigation, recording, reporting and presentation of the Late Iron Age and Later Bronze Age posts affected by the scheme, in accordance with Policy LP19 of the adopted Peterborough Local Plan (2019) and Chapter 16 of the National Planning

Policy Framework (2021). This is a pre-commencement condition as measures to safeguard the minimum level of the water table to ensure preservation in-situ of archaeological assets must inform reserved matters designs or, if this is not possible, the works set out in the WSI must be submitted, approved and undertaken before any development works take place.

- C16 Prior to the submission of any reserved matters applications a Written Scheme of Investigation ("WSI") in respect of the alignment and extent of the Bronze Age ditch and rampart shown in part at Figures 2 and 4 of the Archaeological Evaluation Report (Cambridge Archaeological Unit, University of Cambridge, June 2022) shall be submitted to and approved in writing by the Local Planning Authority.

The WSI shall fulfil the requirements specified in a Brief issued by Peterborough City Council Archaeological Services. The WSI shall detail the programme of archaeological work and include a statement of significance, research objectives, the programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, with timetables and any phased of work. It will also detail the programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of archival materials. Thereafter, for the land that is included within the WSI, the development shall not take place except in complete accordance with the approved WSI, which shall be implemented in full prior to the commencement of any development.

Reason: To preserve archaeology in-situ and to ensure the investigation, recording, reporting and presentation of the ditch and rampart archaeological heritage assets affected by the scheme, in accordance with Policy LP19 of the adopted Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021). This is a precommencement condition as the works set out in the WSI must be submitted, approved and undertaken in order to inform the subsequent reserved matters application(s) in respect of internal means of access, siting and landscaping.

- C17 In respect of those parts of the site not included within conditions 15 and 16 above, no development shall commence until an archaeological mitigation strategy, including a Written Scheme of Investigation ("WSI"), has been submitted to and approved in writing by the Local Planning Authority. The WSI shall fulfil the requirements specified in a Brief issued by Peterborough City Council Archaeology Services. Thereafter, for the land that is included within the WSI, no development shall take place except in complete accordance with the approved WSI, which shall be implemented in full.

The WSI shall detail the programme of archaeological work and include a statement of significance, research objectives, the programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, with timetables and any phasing of work. It will also detail the programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of archival materials.

This condition may be discharged in stages but shall not be fully discharged until the whole mitigation strategy set out in the WSI has been fulfilled to the satisfaction of the Local Planning Authority. Stages for discharge may be as follows:

1. Submission and approval of the WSI

2. Completion of the agreed fieldwork and post investigation assessment, as applicable
3. Reporting/publication
4. Archiving

Should significant remains be encountered in the course of the fieldwork, the Local Planning Authority shall be immediately informed and the applicant shall ensure that any such exposed remains are undisturbed until their significance can be determined and consideration of their reburial/retention in situ or other mitigation is addressed.

Reason: To preserve archaeology in-situ and to ensure the investigation, recording, reporting and presentation of archaeological heritage assets affected by the scheme, in accordance with Policy LP19 of the adopted Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021). This is a pre-commencement condition as the works set out in the WSI must be submitted, approved and undertaken before any development works take place.

- C18 Development shall be undertaken in accordance with the Sustainability Strategy dated 14 February 2023.

Reason: In accordance with sustainability objectives set out at Policy LP31 of the Adopted Peterborough Local Plan (2019).

- C19 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- An Implementation Programme sequencing the elements of and order within which the entirety of the approved strategy will be implemented

The scheme shall subsequently be implemented in accordance with the approved details.

Reasons:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development. - To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- In order to accord with Policy LP32 of the Adopted Peterborough Local Plan (2019).

C20 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reasons:

- The National Planning Policy Framework paragraphs 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
- Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. - To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.
- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.
- In order to accord with Policy LP32 of the Adopted Peterborough Local Plan (2019).

C21 Prior to the occupation of any part of the development a Drainage Maintenance Strategy detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Thereafter the surface water drainage provision within the site shall be maintained in perpetuity in accordance with the approved Drainage Maintenance Strategy. An annual Maintenance Log demonstrating compliance with the approved Drainage Maintenance Strategy must be kept and must be made available to the Local Planning Authority upon request.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019). Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

C22 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

C23 The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the following documents:

- o Preliminary Ecological Appraisal (James Blake Associates, September 2021)
- o Landscaping and Ecological Management Plan (James Blake Associates, March 2021)
- o Landscape Master Plan (James Blake Associates, March 2021)

These documents detail the methods for maintaining the conservation status of Ecological Constraints and must be complied with at all times.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

C24 No development shall take place (including any ground works or site clearance) until a method statement for the resurvey of Badgers has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s), survey requirements and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance, as applicable;
- g. disposal of any wastes arising from works, as applicable.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

C25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Summary of potentially damaging activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on possible nesting birds, reptiles and Great Crested Newts that may use the habitat (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.

- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

- C26 No building or construction work or any kind shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting at the identified feature within 3 days of work commencing.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

- C27 Prior to the first occupation of any part of the development a Full Fibre Broadband Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall demonstrate how each of the premises is to be provided with a Full Fibre Broadband connection of not less than one gigabit (1,000 megabits) per second. The approved Full Fibre Broadband Scheme shall be implemented prior to the first occupation of each premises.

Reason: To ensure adequate telecommunications infrastructure was provided in accordance with Policy LP14 of the Adopted Peterborough Local Plan (2019).

- C28 The plans and particulars to be submitted as reserved matters under condition C1 shall include details of existing and proposed site levels including the finished floor levels of all new buildings and any associated parking. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policies LP16 and LP17 of the Peterborough Local Plan.

- C29 The plans and particulars to be submitted as reserved matters under condition C1 shall include details of the following, as appropriate:

- Details of new footpaths and cycleways including how these tie into the existing foot/cycle ways and bridleways;
- Details of the internal access roads/cycleways/footways and junctions within the site
- Car parking, circulation, turning areas and loading and unloading areas.
- Electric charging points/infrastructure;

Development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the highway network is suitable for the traffic volumes predicted and to allow for safe/easy access by pedestrians, in accordance with Policy LP13 of the Local Plan (2019).

- C30 Notwithstanding the details shown on drawing Y411-PL-SK-202 C, prior to commencement of development above slab level a revised design for the western

pedestrian and cycle access to the site, connection(s) to the Green Wheel, new bus stops and crossing of Whittlesey Road along with the associated refuge island shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the means of access for pedestrians and cyclists has been constructed in accordance with the approved plans.

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

- C31 Construction shall not begin until detailed drawings (based upon drawing Y411-PL-SK-203 B) for the design of the junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority; and the building(s) shall not be occupied until that junction has been constructed in accordance with the approved details.

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

- C33 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 120m measured along the channel line of the public highway from the centre line of the proposed access road. The channel line must be measured along the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access.

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

- C34 The existing 'Crane Depot' access junction with the A605 shown on Location Plan reference 2472-AP0101 Revision D shall be permanently closed to vehicular traffic before the new access hereby approved has been brought into public use or in accordance with a timetable agreed in writing by the Local Planning Authority. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority. The permanent closure shall be carried out prior to the first occupation of any building on the site.

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

- C35 The gradient of the access shall not exceed 1:20 for a distance of 20 metres from the back edge of the existing public highway.

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

- C36 Development shall not commence until a fully operational jetted drive-thru bath type wheel cleaning apparatus has been installed within the site on all exits and the area between this and the public highway is hard surfaced in either concrete or tarmac and maintained free of mud, slurry and any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning apparatus which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris

which could fall onto the public highway. The wheel cleaning apparatus shall be retained on site in full working order for the duration of the construction of the development.

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

C37 No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include the following:-

- a. A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry, and any other form of contamination whilst in use. A contingency plan including, if necessary, the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- b. Haul routes to the site and hours of delivery.
- c. Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- d. Details of site compounds, storage area and contractor and visitor parking.
- e. A scheme for dealing with complaints.
- f. Details of any temporary lighting which must not directly light the public highway.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety in accordance with Policies LP13 of the Adopted Peterborough Local Plan. This is a pre-commencement condition as the Construction Traffic Management Plan needs to be in place before works start on site.

C38 Notwithstanding the details shown on the Illustrative Masterplan (drawing number AP0201 Revision U) this permission confers approval only for the first 20m of the new site access from channel line of the A605 as measured along the edge of the carriageway on the side of the highway in the location of the new access. Reserved matters application(s) submitted pursuant to condition C1 shall include details of the alignment and arrangement of the remainder of the internal access road required to serve the development.

Reason: The site layout shown on the Illustrative Masterplan does not take into account archaeological and other constraints and requires revision, meaning that that it is not appropriate to approve or fix the extent of the internal access road at this time.

C39 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any subsequent Order revoking or re-enacting that Order with or without modification) no occupation of any building or its curtilage shall take place other than within Use Class E (offices), B2 (industrial) or B8 (storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). No occupation with Use Class

E shall take place other than as offices falling within Use Classes (E)(c), E(e) or E(g).

Reason: A further assessment would be necessary to ascertain whether any alternative use would be acceptable in this location, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019). Reason: The s

C40 The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- Location Plan reference 2472-AP0101 Revision D
- Junction design drawing reference Y411-PL-SK-203 Revision B
- Landscape and Ecological Management and Maintenance Plan Revision A (James Blake Associates, May 2021)
- Flood Risk Assessment Revision V1 (Parsons Consulting Engineers, November 2022)
- Framework Travel Plan (Cannon Consulting Engineers, May 2021)

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

C41 Any reserved matters application which proposes in excess of 280sqm of office space (falling within Use Class E(c), E(e) or E(g)) which is not ancillary to a primary use falling within Use Class B2 (industrial) or B8 (storage and distribution) shall be subject to a Sequential Site Test.

Reason: In order to ensure a robust assessment of the effect of office development on nearby centres in accordance with Policy LP12 of the Adopted Peterborough Local Plan (2019).

5:24PM - At this point, the Committee took a short comfort break.

5:38PM – At this point, Councillor Harper joined the meeting and resumed Chairman duties. Members also **AGREED** to continue with the remaining agenda items.

6 Local Plan Issues and Options Paper

The Planning and Environmental Protection Committee received a report in relation to the Local Plan Issues and Options Paper.

The purpose of the report was to enable the Committee to comment on the Local Plan Issues and Options consultation document before it was submitted to Cabinet on 10 July for approval for the purpose of public consultation in July to September 2023.

The Planning Policy Manager introduced the report and asked Members to consider the Local Plan Issues and Options consultation document before it was submitted to Cabinet on 10 July for approval for the purpose of public consultation from July to September 2023.

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

- Members were advised that the consultation options document would be categorised into specific topics such as environment or transport and this could be a drop-down function on the website questionnaire. The consultation could also be themed to encourage public interest.
- Rather than organise workshops, the Team would send information packs to parish councils, libraries as well operate a communications campaign on social media to

promote the LP consultation options. In addition, the Team would organise events around the city at the draft stage of the LP consultation.

- The Government had been specific about Building Regulation minimum requirements, however LAs could include other elements such as rainwater harvesting, and energy efficiency schemes within its standard requirements. In addition, any standards set would be subject to an evidence-based viability test to ensure that the LAs required schemes were appropriate for a planning development.
- The LA could explore ways to identify carbon neutral sites as a standard but could not impose this requirement for allocated sites. Furthermore, carbon neutral sites could become a normal requirement, as Government policy changed.
- There were environmental building incentive schemes in operation, however, this had been in relation to employment development. In addition, developers could be encouraged to raise their carbon neutral standards for housing by way of LA endorsement if the building specification had met a required carbon neutral efficiency criterion.
- There was an assessment conducted to explore the school provision for site developments. In addition, a housing trajectory of a five-year land supply was shared with other Council departments such as education so that the city's future education provision was effective.

AGREED ACTIONS

The Planning and Environmental Protection Committee noted the Local Plan Issues and Options Paper.

7 Quarterly Appeals Report

The purpose of the report was to consider and note the contents of the report including Quarterly Appeals Report, which covered the appeal decisions received for the period from January to March 2023.

The purpose of the report was to enable the Committee to view the Planning Service's appeals performance and identify if there were any lessons could be learned from the decisions made. In addition, the report intended to help inform future decisions and potentially reduce costs for the Authority.

The Head of Planning introduced the report and asked Members to note past performances and outcomes.

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

- Members commented that the appeal decision upheld for 22.01007.HHFUL 322 Oundle Road was the opinion of the Planning Inspectorate rather than a criticism of the Committee's decision.

AGREED ACTIONS

The Planning and Environmental Protection Committee noted the quarterly appeals report.

CHAIRMAN
END - 6.01PM

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 18 JULY 2023
BOURGES/VIERSEN, TOWN HALL, PETERBOROUGH**

Committee Members Present: Iqbal (Vice Chairman), Jackie Allen, A Bond, Hiller, Hogg, Hussain, Jamil, Mahmood, Rush, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Phil Moore, Development Management Team Leader
James Croucher, Principal Planning Officer
Asif Ali, Senior Development Management Officer
Daniel Kalley, Senior Democratic Services Officer
Chris Gordon, Planning Solicitor
Jamie Donavan, Highways
Sarah Hann, Highways

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dennis Jones and Harper. Councillor Rush and Councillor Mahmood were in attendance as substitute.

9. DECLARATIONS OF INTEREST

No declarations of interest were received.

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

Cllr Mahmood declared an intention to address the committee on item 4.6 as Ward Councillor.

11. PLANNING AND ENFORCEMENT MATTERS

11.1 22/00779/FUL - Westgate House, Park Road, Peterborough, PE1 2TA

The Committee received a report which proposed 846sqm GIA of commercial/retail employment space and 125 apartments. The submitted plans showed this accommodation in 4 distinct buildings:

- (i) The Park Road Building - conversion of the historic former department store: A cafe and 9 flexible workspace/commercial units are proposed on the ground floor to retain an active frontage onto Park Road. The remainder of the building is proposed to be converted into 49 apartments, including cycle parking and refuse/recycling stores within the building. Existing cellars are not suitable for conversion but are proposed to be reused as plant rooms.

- (ii) The Warehouse Building - partial conversion, partial demolition and redevelopment: This building's external walls and parts of its structure are proposed to be retained, with some newbuild elements necessary for its conversion into 12 apartments.
- (iii) The Westgate Building - redevelopment following demolition of existing: The more recent section of the former department store is proposed to be demolished and replaced with a four-storey building wrapping around Westgate and North Street, providing 2 retail units on the Westgate frontage and 36 apartments (including some maisonette-type duplexes) on the North Street frontage and across its upper floors.
- (iv) The Central Building - redevelopment following demolition of existing: This completely new-build element is proposed to comprise 28 apartments in a six-storey building.

No onsite car parking is proposed, albeit provision for deliveries is made within the proposed site layout and a number of secure undercover cycle parking areas is proposed, along with visitor cycle parking.

The Principal Planning Officer introduced the item and highlighted key information from the report and the update report.

With the agreement of the Committee the speaking time allowed for objectors was increased to 20 minutes and increased for the applicant to 10 minutes.

George Finding, Paul Lancaster, Andrew Holder, Graham Bowes and Mike Lane addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Ostrich pub had become known to be welcoming to all and was a massive but fragile part of the community. The building was the oldest purpose build pub and was over 200 years old.
- There was an agent of change principle in place to protect the pub and if the committee were in any doubt over this protection then they should reject the proposal.
- Before the current owners took over the pub it had been run into the ground and it had been recommended to tear down the building, but this was rejected, and the pub was saved. This was long remembered by the residents of Peterborough.
- After saving the Ostrich, the owner worked closely with a conservation officer, a civic society and Campaign for Real Ale, building design detail into the pub to ensure the survival and to meet the needs of the local population.
- The Beales development proposal was dangerous and would have a damaging effect on neighbourhoods, noise from the Ostrich pub would be damaging to those living in the accommodation and they would likely raise a noise pollution complaint.
- The Ostrich had tried to protect maximum noise levels and the future of the business was at stake.
- Minimal protection measures were being suggested for the development and the noise pollution team at the Council felt it was not good enough.
- There were flats proposed which would not be protected from the noise generated from the pub. The measures being proposed by the developer were not adequate

- There have been false statements that the pollution team had worked with the Ostrich landlord to try and mitigate the concerns that the landlord had in regard to the noise levels. There have been corrective sound tests carried out on dates suggested by landlord.
- Peterborough embraced the full range of diversity and the community spirit that was prevalent in the city. The Ostrich personified all of those aspects.
- Regular customers enjoyed to Ostrich and were made to feel welcome with excellent customer service. In 2022, Peterborough voted the Ostrich pub of the year. The pub offered a range of different music styles. There was something for everyone and management welcomed suggestions from customers.
- There was an acknowledgement that the noise assessment had taken place on a weekend in November 2022. If the noise assessment had taken place during the punk music festival, it would have shown that the current proposed abatement measures for the development would have been inadequate. This could have potentially resulted in complaints and the prohibition of musical entertainment at the Ostrich.
- It was unclear why the developer would not sign the deed of easement which would negate complaints made about noise should residents of the development want to complain to the Council.
- If the decision went through it could possibly result in closure of the Ostrich which would be a crying shame and a loss for the people of Peterborough.
- The final report pointed out protection of an existing business, such as the Ostrich, from the impact of potential noise complaints from residents in a new development.
- Was it acceptable that any nuisance must be due to the developer not taking sufficient steps to mitigate noise and that they must take remedial action at their own expense.
- A deed of easement would assist in preventing complaints being made all the time.
- The Peterborough and District branch of the Campaign for Real Ale has 2,000 members in its local branch that were opposed to the planning development.
- The Ostrich was city pub of the year and a flagship of quality ales. The location of the pub lends itself to an extremely low-density residential area.
- The outlook from the main entrance was a car park with no residential development, at the current time there was little consequence when noise was made.
- The Peterborough Campaign for Real Ale were concerned if the project were to go ahead without due consideration for the long existing Ostrich.
- There were questions over whether the property developers would make potential purchasers aware that there was a live music venue immediately in front of these brand-new properties.
- The Ostrich was an important venue and had helped people feel a part of the local community, making a positive impact on their mental health.
- People travelled far and wide to play at the Ostrich, it would be a shame if any noise complaints stop that business.
- The premises was licensed until 2am but usually finished around midnight, on occasions this ran to 12.45am
- There were noise restrictions placed on the pub, this included keeping the doors closed until 9pm at night. The Ostrich landlord and staff were mindful of noise complaints. They were aware of the many other pubs that had to close after receiving a number of vexatious noise complaints.

- An example was the previous owner of the Swiss Cottage who received noise complaints for 10 years from a single resident that resulted in closure. The Cherry Tree on Oundle Road had to close due to a noise complaint from a single resident, even though they had measures in place.
- Noise control restraints included the front door being a barrier to sound. If multiple large groups enter and exit the premises at the same time, the front door can be open for some time. It is difficult to then control the noise pollution from the front doors if they are open for a long time.
- There was a consultation process during which the owners of the Ostrich pub wrote to the developers about noise problems. If the glazing was not installed properly then the noise from the pub would get through.
- The layout of the proposed flats was inadequate and would not mitigate the noise levels. It seemed as if the developers were not willing to make sacrifices to prevent noise complaints being made.
- The solution was to have the deed of easement, it was difficult to understand why the developers would not sign one. This would prevent any resident moving into the development making a noise complaint.

Sean Hedley, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- It was important that committee dealt with the facts in front of them. This included engaging with the Council over noise control which was deemed acceptable.
- The applicant had worked with technical officers to ensure a fully compliant, well-designed scheme was delivered.
- The application was validated in June 2022 and had been delayed by a request to address concerns of an objector in relation to a perceived noise issue relating to the 125 apartments.
- The building had been well marketed, looking to reuse the ground floor for shops and the rest of the space for residential purposes.
- The developer had worked closely with officers to ensure technical matters were agreed, that the scheme was policy compliant and fundamentally deliverable. It was noted that the Peterborough Civic Society were happy with the clock being restored and this building was to be retained as a local listed building.
- The Owner of the Ostrich considered that there were only less loud bands captured on the first noise assessment and further rounds of monitoring were undertaken to confirm beyond doubt that the noise levels were within acceptable limits. There were three assessments which happened in April, September and November in 2022. The significant gap in time reflects the sporadic nature of louder bands and conclusions remained that the developers had put in place the necessary mitigation. Professional evidence could be provided if needed.
- Pollution control had deemed noise levels technically acceptable and had recommended conditions which were acceptable.
- The predicted impact did not give rise to adverse impacts. This ensured that internal noise levels were acceptable. The issues raised by the Ostrich pub landlord were in relation to the two maisonettes close by and not the scheme itself.

- This was going to be a mixed use area within a constrained environment, which was happening across the Country. This was part of the £22 million development and was a key regeneration area of the city centre.
- This development would increase the spending in local shops. In addition some off site enhancements were agreed to be paid by the applicants including towards the local medical centre.
- It was not deemed necessary to sign a deed of easement as the noise levels would be mitigated by the approach taken by the developer.
- People would have the ability to complain about the level of noise, however, it would be investigated to determine whether a statutory nuisance was caused.
- The Deed of easement was ideally for adverse results of 78 decibels and the assessments on the Ostrich pub was 62 decibels. The assessment was done on two maisonettes which are suitably mitigated through glazing and mechanical ventilation, so it was seemly not necessary for a deed of easement.
- People had the right to complain, and it should not be taken away from them.
- Assessments were done on a worst-case scenario and the assessment was based on acoustic double glazing. The developers had proposed the use of secondary double glazing which would provide additional mitigation to the acoustic assessment already provided. The building would have mechanical ventilation throughout so there would not be any vents on windows. The measures that have been proposed were not minimal and had been assessed against a maximum level of 90 decibels.
- Initial assessments were completed on Easter weekend due to it being a bank holiday and the potential for it being a noisy weekend. A further assessment was then done in September and then again in the November to ensure enough testing was done against noise levels. There were 140 hours of data from the assessments.
- No measures were taken to amend the design in regard to noise because mitigation standards were satisfactory for noise in an internal space.
- Moving bedrooms would require a complete redesign and the scheme was technically fine.
- The developers had dealt with a number of scheme and it was not thought that a deed of easement was necessary.

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

- A deed of easement was a private agreement and not something that the Council could mandate or require from the developer.
- There were rare cases where a deed of easement had been made, however this was not something that could be imposed.
- The committee had to consider whether the mitigation was sufficient. Officers were confident that what was in place was sufficient and was backed by the pollution control team.
- There would be twice weekly bin collections in place and this had been conditioned as part of the application.
- Pollution Control Officers had stated their preference for the scheme to be designed with bedrooms facing away from the noise source. The absence of that design was not a reason for refusal provided that the mitigation given was sufficient.

- If looking at changing the layout of the other elements of scheme, it would require more architectural design plans and further delays.
- The scheme, once completed would be tested for noise limits. The main concerns raised were around the bass and background noise in place.
- The scheme was designed to protect the retail core of the main historic façade, there was no protection in place for the shop front signage.
- There was no requirement to have car parking provision for this development.
- It was intended that this development would be marketed as a car free development.
- There were existing disabled parking spaces on North Street which were restricted on parking times. There was unrestricted disabled parking on Park Road to the frontage of the site and there were pay and display bays with disabled parking for limited periods.
- There was a noise assessment which had taken into account the layout and design of the development as proposed to members of the committee.
- There had been no objections on the actual development itself. This was mainly around noise pollution. The development was to be a positive for the regeneration of a certain area which was not attractive and in a state of disrepair.
- It would be difficult to refuse on the basis of the noise levels taken during music events at the Ostrich pub as internal noise levels were deemed acceptable. Officers cannot find a reason that it would not be acceptable from a noise point of view.
- The pollution team had a concern with mitigation, and it was important to look at whether the mitigation was acceptable.
- There was some sympathy for the Ostrich and the patrons. There had been previous developments that had experienced concerns around noise. It was therefore understandable the concerns of those who had a venue where music was played. It was disappointing that the developer had not engaged more to come to a sensible mitigation around potential noise concerns.
- It was important to look at provisions of shops in the city centre and whether the city wished to retain these or strip the assets to be left with only shops and housing. This related to the Ostrich pub when considering the decisions and it was evident that the landlord of the pub had a positive attitude and was aware of the responsibilities involved surrounding noise complaints.
- It seemed the developers had tried to get round issues in the cheapest way possible. The committee needed to be mindful in accepting this it would create a large workload to the pollution team with complaints.
- The committee needed to base the decision on facts and merit with the evidence presented. It was clear that despite concerns of noise the applicant had done what had been required of them. If noise complaints were a concern, then people had the choice as to whether to buy in the development next to a pub.
- There was some disappointment with the process carried out to get to this point. However, this was an important development for the city, even though it seemed as if more residential units were popping up in the city centre.
- It was difficult to comprehend why the developer would not wish to sign a deed of easement. This would alleviate the concerns raised by the Ostrich. If the development went ahead as was there was a risk that the city centre would end up with no nightlife. People would go to other cities for the night life instead of Peterborough.
- This was a difficult decision listening to councillors and residents, the footprint of the building was positive, it could not be said of the same with the façade of windows, but as officers had made reference to the retail units would be more traditional.
- It was a balanced decision, however the officers had pointed out the reasons why the development was acceptable to them.

- If there had been suitable mitigation met, then there were no grounds to overturn the officer's decision. As a committee it would need to be evidenced and articulated that this mitigation was not sufficient in refusing the application.
- It was difficult to see any planning reason why refuse this, even taking account of the valid concerns raised by the landlord.
- Mitigations, although not at the optimum were acceptable from a technical perspective.
- The committee need to consider the proposal in front of them. The key question was whether the adverse impacts had been mitigated.
- There was sympathy to be had for the family orientated pub. The only concern was that the number of flats may generate income for the pub, and it was important to look at why the pub were against the development.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (For 6, Against 3, Abstentions 2) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

- * The principle of mixed-use redevelopment on this brownfield City Centre site is acceptable in accordance with Policies LP2 and LP47 of the Adopted Peterborough Local Plan (2019)
- * Subject to the resolution of the remaining matters of detail raised by the Local Highway Authority, the proposed development is considered capable of complying with Policy LP13 Adopted Peterborough Local Plan (2019).
- * The development will not have any unacceptable ecological impacts. New landscaping and habitats will be provided. The development therefore accords with Policies LP28 and LP29 Adopted Peterborough Local Plan (2019)
- * The site can be adequately drained in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019)
- * The development will not have any substantial or less-than-substantial effects on designated or undesignated heritage assets and the development is therefore considered to comply with LP19 of the Adopted Peterborough Local Plan (2019)
- * The applicant has satisfactorily demonstrated that acceptable living conditions can be provided for future residential occupiers, having had regard to all material amenity considerations and the Agent of Change principle in respect of noise from a nearby established live music venue.

11.2 23/00046/FUL - Elm Tree, Garton End Road, Peterborough PE1 4EZ

The Committee received a report, which sought the benefit of planning permission for the demolition of existing the buildings and erection of 7 no. three bed homes, landscaping, and infrastructure.

The original proposal was revised to better incorporate the parking within the design of the proposal to avoid a rear parking court. The design of the proposed dwellings was also amended to ensure a more in-keeping appearance with the surrounding area with the inclusion of chimney stacks. The landscaping of the proposal was also amended with the use of more appropriate native species which would benefit the local wildlife and biodiversity.

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

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

- Wheelie bins on the left hand side had been an issue for many years and never been resolved.
- Garton End Road was built years ago with private residencies and semi-detached houses. The locals felt the development was out of keeping for this area as nearly every other house was rented.
- There had been contact with the council regarding the issues and these had not been resolved.
- People who were troublemakers had moved on, but there was always the possibility that other troublemakers would move in.
- The land did not go to open market, and no one could put any bids in to put any other uses to the public house. The building could have been revitalised for other purposes. Some developers had brought the land to knock the building down and build houses on it. The first application was eight houses and now it was seven and there is still not enough parking for the areas.
- There was a dangerous bend that has caused lots of accidents over the years and accident prevention measures needed to be put in place.
- There had been poor communication with local residents as many were not made aware of the changes. The residents also had concerns over the possibility of grass verges.

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

- A number of break ins occurred on the property and security fencing was erected to prevent further criminal activity. In addition, there had been significant flooding in the building.
- The development would make the best use of an accessible site to meet local housing needs. The site was urban brownfield land and had been given priority to enable new development in the local plan.
- The development was an improvement on the existing unattractive site and it was an example of good residential design. The homes were designed to be attractive and the front of the development following the curve of the road was to act as a strong frontage to Garton End Road. The homes included solar panels to enhance the energy efficiency of the properties.
- The applicant had incorporated solutions to the Decision incorporated decision solution set out no technical objections in terms of traffic and no objection to arrangements.
- The levels of traffic would be significantly less than when the former pub was open.
- The site had legal rights of access across the access shared with the King's playing field. Both parties had access to land shared with the King's School.

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

- Some of the issues were outside of the application and had no material effect on the application.
- There had been demonstrated use of the path as access for the past ten years it was outside public ownership and was a private legal matter between the developer and new owner.
- A drainage strategy had been submitted.
- Harvesting of rainwater was beneficial and would benefit the development and the drainage team was satisfied with the drainage strategy that was submitted. Development would bring more grass areas than the previous pub.
- No specific condition to have applicant to keep grass areas grassed.
- The application if approved would uplift the area. Looks well designed and well positioned.

RESOLVED:

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

REASON FOR THE DECISION:

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

- The proposal is in accordance with Policies LP2, LP8, LP13, LP16, LP17, LP28, LP29, LP30 and LP32 of the Peterborough Local Plan (2019).

11.3 23/00121/FUL - 1 Padholme Road Eastfield, Peterborough PE1 5EF

The Committee received a report, which sought permission for the demolition of all outbuildings within the site, including the dressmaking unit to the east. In addition, the proposal includes the demolition of the single storey utility/garden room at the rear of No.1 Padholme Road.

The application seeks to construction a two-storey building with a ground floor retail unit and two-bedroom flat above, in the location of the current dress makers unit. Access to the flat is through the amenity space to the rear, which has been sub-divided to provide curtilage for both the existing dwelling and the flat. The side lane, Corcoran Mews, would be utilised for vehicular access into the two new vehicular parking spaces. Each property will have an area for bin storage within the amenity spaces.

This application was a re-submission of the previously withdrawn application 22/00695/FUL. The proposal remains the same, however there were few minor tweaks to the location of bin storage and curtilage layout.

The opportunity was provided to the applicant to amend the location plan to incorporate Corcoran Mews into the red line boundary, along with serving notice on the owner of the private road, given this is vital to allow the rear parking spaces to function.

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

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

- The premises was looking to change to a retail unit. The city centre was going through redevelopment and expansion. The site was mere minutes' walk from the city centre, the university, the library, local amenities and shops.
- The site had been undeveloped and had been this way for sometime. The site had been left derelict.
- The proposal was to create an exciting and affordable opportunity for students, young families and professionals that were able to access the amenities.
- The site currently attracted anti-social behaviour. The development would reduce access to site which would reduce anti-social behaviour and improve the street scene.
- Commercial units allowed for the ability to charge less 25 percent than market value on rent.
- It was the intention to focus on students and young families. The applicant was also considerate of families in the community.
- There was to be no detrimental impact of privacy for the local residents.
- It was proposed that the commercial unit could be made into dress making shop in the new development.
- The dress makers premises were to be in operation from 9am to 5pm and the parking space would be for the dress makers use.
- The property would not require normal commercial bins.
- The applicant was looking for tenants that did not drive to promote a greener Peterborough.
- Alterations in regard to amenity space were made in the second application.

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

- There could be restrictions on the parking bay outside of number 5.
- The applicant did not respond to the parking survey from March and highways had put in place double yellow lines in front of the property for safety.
- There was an approval in 1985 for the use of the building as a dress making shop. There were concerns that open retail use would cause amenity issues.
- There were minor changes to the boundaries since the previous application.
- There were a number of problems that need to be addressed and not pushed aside. It would be advised to reject the application and accept officers' recommendations.
- The biggest concern was the lack of parking facilities.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (For 8, Against 0, Abstentions 3) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

At this point the meeting was adjourned, and the remaining items were to be determined at a reconvened meeting.

11.4 23/00001/TPO - 76 Guntons Road Newborough Peterborough PE6 7RT

RESOLVED

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

11.5 23/00004/TPO - Rhine Avenue Peterborough PE2 9SN

RESOLVED

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

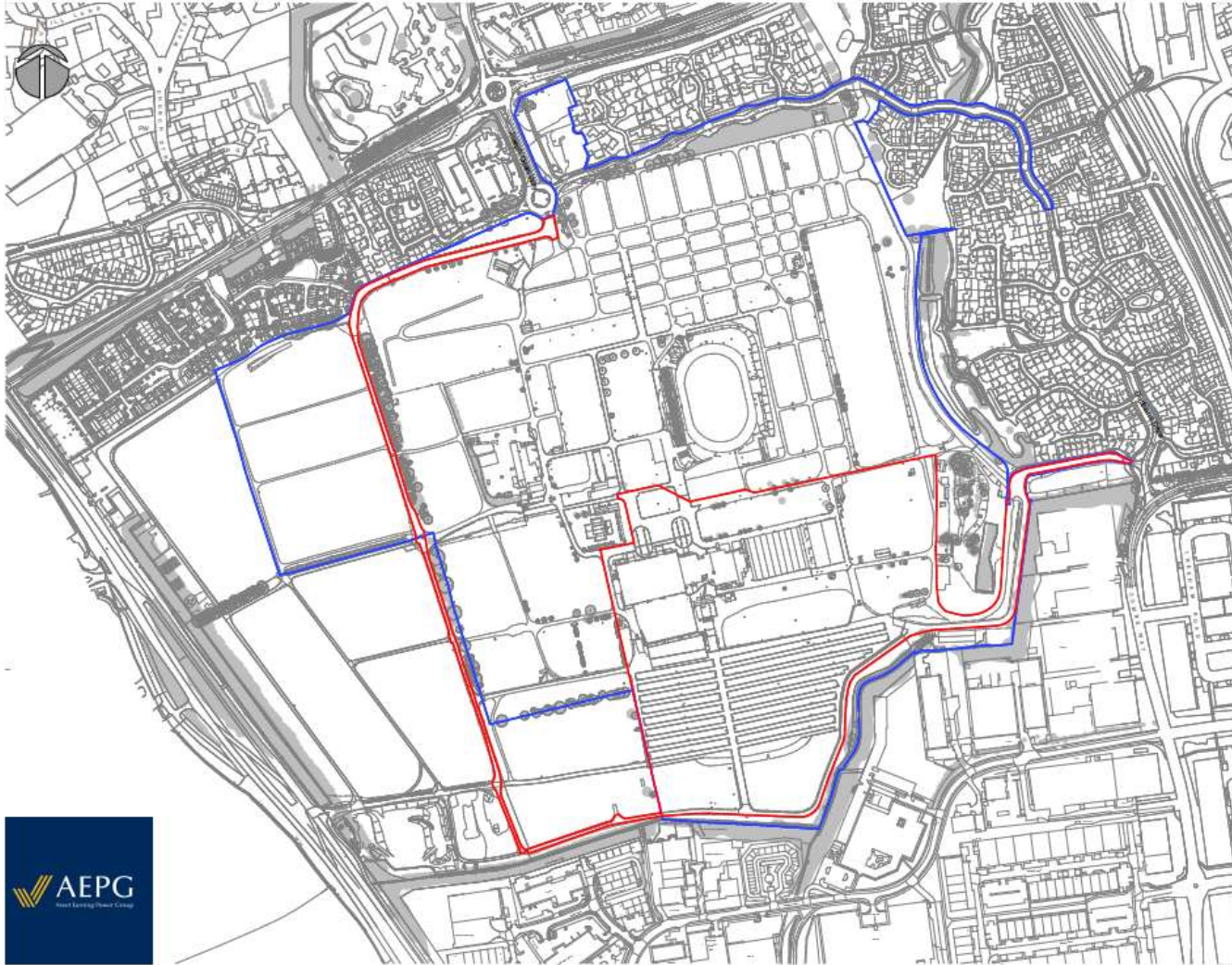
11.6 23/00003/TPO - 99 Fulbridge Road, New England, Peterborough PE1 3LD

RESOLVED

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

Chair
1.30pm - 5.40pm

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Reference: 23/00251/FUL

Site address: Exhibition Hall, East of England Showground, Oundle Road, Alwalton
Peterborough

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Application Ref: 23/00251/FUL

Proposal: Temporary change of use from Sui Generis Showground and F1 exhibition hall to B8 car storage and distribution with ancillary car preparation and maintenance and erection of x2 mobile office cabins, x2 paint booths/ovens and marquee (part retrospective)

Site: Exhibition Hall, East Of England Showground, Oundle Road, Alwalton

Applicant: c/o Lee Sharp East of England Showground Services Ltd

Agent: Mr Nick Harding - Lincs Town Planning Services Limited

Referred by: **Councillor Julie Stevenson**

Reason: Highway safety, noise and disturbance, hazardous materials, smells and archaeology.

Site visit: 30.03.2023

Case officer: Mr Asif Ali

Telephone No. 07572 463902

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

Recommendation: **REFUSE**

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

Site Description

The application site is a parcel of land within the East of England Showground which includes the Arena and Pavilion buildings. The application site encompasses approximately 19 hectares of the Showground site with the remaining approximately 31 hectares of the Showground site not within the red edge of the application site. There are two main access routes into the East of England Showground site - one from the north (Orton Northgate) off Joseph Odam Way and the other access is from the east (Orton Southgate) off Dunblane Drive.

The application site is surrounded by predominantly residential properties to the north and east of the East of England Showground with industrial/commercial uses to the south and south-east of the site. To the west of the site lie open fields which border the A1, the A1 runs north-west to south-east.

The wider East of England Showground site is located outside of the urban boundary area and as such is classified as open countryside. A large part of the wider East of England Showground is also allocated for redevelopment under Local Plan policy LP35.7 and is subject to a specific policy LP36 setting out development principles. Two outline planning applications for residential development (650 dwellings) and residential/mixed use development (850 dwellings, school, care home, hotel, retail etc), have been submitted on the wider East of England Showground Site, which are currently being considered by the Local Planning Authority. No decision is expected to be made by the Local Planning Authority on these applications in the near future as consultations with local residents and consultees is still ongoing.

Proposal

The application is part retrospective in nature as the car storage and distribution use has been operating on site since at least February 2023. The application seeks a temporary permission for 5 years.

The proposal includes the following elements:

- Conversion of the exhibition hall (arena) for car repair and preparation, this would include the provision of paint booths inside the Arena building
- Change of use from open fields and car park area to car storage and distribution area
- Erection of temporary structures: 1no. Marquee, 2no. paint booths and 2no. portacabins which are proposed to be used for car repair and painting uses for a short-term temporary period until the works have been completed to the Arena building. The Marquee would measure 40.1m by 20.3m in terms of footprint.
- The proposal states the total number of employees on site will be 160.
- There will be a total of 8 HGV movements (4 car transporters) as well as 160 delivery vehicle movements per day.

The application states that the proposed development will use the Orton Southgate access off Dunblane Drive. The existing Showground use would operate from 35ha of remaining land located to the north of the site accessed from the Orton Northgate access off Joseph Odam Way.

2 Planning History

Reference	Proposal	Decision	Date
23/00412/OUT	Outline permission for up to 650 dwellings with associated open space and infrastructure, with access secured and all other matters (appearance, landscaping, layout and scale) reserved. Including demolition of all buildings	Pending Consideration	
23/00400/OUT	Outline permission for up to 850 dwellings, care village (up to 3.27 hec gross), up to 20,300 sq m of Class E [Class E (a), (b), (c), (d), (e),(g) (i)] and F1 floorspace of which: 1. Not more than 1000 sq m of floor space being Class E (a); 2. Not more than 1000 sq m being Sui Generis drinking establishment / drinking establishment with expanded food provision; bed hotel (up to 250 bed), car parking / servicing, 2 fe primary school, associated open space & infrastructure. Demolition of all buildings except for Arena and barn. All matters reserved save for access.	Pending Consideration	
06/00755/REM	New exhibition facility with associated toilets, playroom and service yard, upgrading of parking area	Permitted	21/07/2006
04/00586/OUT	New exhibition facility	Permitted	14/06/2004
03/01717/FUL	Single storey extension to the Peterborough Suite	Permitted	12/07/2004
98/00261/FUL	Use as car park	Permitted	06/10/1998

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 Settlement Hierarchy and the Countryside

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

LP13 - Transport

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

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

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

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

LP16 - Urban Design and the Public Realm

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

LP17 - Amenity Provision

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

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

LP19 - The Historic Environment

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

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

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

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.

LP30 - Culture, Leisure, Tourism and Community Facilities

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

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

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

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.

LP36 - East of England Showground

Within the Showground the facilities related to the function of shows, conference facilities, employment related development and residential development (650 units) will be supported in principle subject to there being no unacceptable adverse impact on the surrounding uses. A comprehensive master plan should be submitted in advance or alongside any significant proposals. The loss of existing leisure and sports facilities will not be supported unless replacement facilities are provided.

4 Consultations/Representations

Orton Waterville Parish Council (Final)

Objection – not in keeping with being accessed through a residential area. Most significant concern is the access to the site via Dunblane Drive which is residential. The Showground operated without residential properties nearby but the residential developments of Orton Northgate and Southgate are now located close by now and the proposal would be unacceptable in term of traffic and

pollution.

PCC Peterborough Highways Services (Final – 27.09.2023)

Objection -

Further information is required as follows:

- Update Transport Statement to; clarify frequency and relationship with Showground events, Personal Injury Accident data, staff vehicle movements, comparative data from another site used by the occupier to provide trip generation data, flow diagrams as well as appropriate mitigations and assessments to support the data submitted.
- Submission of a 2 week survey of the access from Dunblane Drive to outline the number of car transporters and other vehicles coming in and out of the site.
- Confirm whether the existing car place adjacent to the site access is to remain in use or cease.

Despite a meeting with the transport consultants on the 6th of September no information has been submitted required to demonstrate that there would be no significant adverse impact on the highway.

The LHA would have concerns over events traffic using the Dunblane Drive access when this (DHL) use is in operation. It has occurred previously (during the course of this application) and resulted in a car transporter blocking one side of the circulatory carriageway of the Orton Parkway/Newcombe Way roundabout with no vehicles being able to pass as observed by the LHA Officer.

The LHA would seek to restrict the use of the Dunblane Drive access to solely for the proposal, with all other traffic associated with the remainder of the Showground site having to use the Joseph Odam Way access.

The submitted swept path drawings indicate that the vehicles may conflict, if more than 1 car transporters are trying to use the Dunblane Drive / Newcombe Way junction, which would result in works being required to the highway in this location. The need for these works to be carried out is dependent on the number and frequency of car transporters visiting the site.

Further information is required on EV charging bays and cycle parking, and a Travel Plan should be secured by s106 or condition.

Anglian Water Services Ltd

No objection subject to a condition requiring a surface water management strategy and informatives relating to Anglian Water assets and foul water.

Active Travel England

No comments as the ATE's statutory consultee remit applies on application made valid on or after 1 June 2023.

National Highways (Final)

No objection.

PCC Conservation Officer

No objection.

PCC Tree Officer

No objection subject to condition.

PCC Pollution Team

Comments advising on limits relating to the annual consumption of organic solvent in relation to the respraying of vehicles.

Archaeological Officer

Satisfied with the Archaeology Statement submitted by the Applicant, however, request that groundwork for the marquee foundation slab be discussed and carried out under archaeological supervision.

Lead Local Drainage Authority

No objection.

Environment Agency

No objection subject to condition.

PCC Wildlife Officer

No objection.

Peterborough Cycling Forum

No comments received.

SHELAA Contact

No comments received.

Huntingdon District Council

No comments received.

Opportunity Peterborough

No comments received.

Local Residents/Interested Parties

Initial consultations: 84

Total number of responses: 152

Total number of objections: 151

Total number in support: 1

152 comments were received as of 26/09/2023, 151 in objection and 1 in support. The comment in support made no further comments, and the objections can be summarised as below.

Objections:

- Development begun before planning permission has been granted.
- Access via Dunblane Drive will cause significant issues for residents.
- Hours of operation too extensive which will result in adjacent houses being adversely impact by early and late arrivals, and there will be no respite for residents.
- Vehicles waiting at the entrance of Dunblane Drive prior to opening hours or awaiting access cases dangerous obstructions at the turning.
- Large transporters creating dangerous backlogs into Newcombe Way particularly at busy times.
- The additional private car movements from staff and other entering and exiting the site will adversely impact the rush hour traffic.
- The proposal is for an industrial use which should have an access via the industrial site or off the A1.
- Council should insist on adequate and effective transport access prior to granting permission.
- Proposal contrary to LP30 of the Local Plan.
- Proposed use already adding to the level of noise disruption.
- The proposed '5 year temporary' development will not be less impactful than current showground activity.
- The buildings and land within the application site are individually or jointly used for approximately 30 events per year. So, the number events are small.
- Car transporters too big for the current road layout, damaging surrounding verges and infrastructure.
- There are alternative and more suitable access options to the Showground for car transporters

which should have been explored before developing the site and designating the Dunblane Drive access the preferred access point.

- If the proposed entrance is not signposted or communicated to drivers effectively it could lead to delivery vehicles and transporters trying to come through Northgate to get to the Showground entrance, resulting in delivery vehicles and transporters to turn around in small residential streets.
- The proposed industrial use is a significant change of use and is not in keeping with being accessed through a residential area.
- As of this week, large 'industrial' gates are being installed at the Dunblane Drive entrance, entirely inappropriate in what is a residential area.
- There will undoubtedly be an increase in safety risk with additional daily traffic.
- Vehicles for industrial use should not access the site via a quiet residential area.
- The air pollution will affect resident's quality of life.
- Car transporters and cars driving at the back of my property are very noisy and polluting as well as being an eyesore when they drive past.
- The cab drivers of the transporters will be able to look into all the houses and gardens as they drive along the access road.
- The traffic survey claims the walk to the nearest bus stop is 950m which is measured from the nearest possible point of the new development. If measured from the likely work place of the employees when they finish this distance will be 1350m.
- Entirely possible that the eventual number of employees, transporters, delivered vehicles and dispatched vehicles will be different from those specified in the application.
- If minded to approve in any form it is essential that the operation should be constrained by conditions restricting DHL to the figures quoted in the application and no more.
- Chemical pollution.
- The Showground has been diminished with more and more development permitted increasing traffic, adding pressure to local services.
- Dust from road into Showground, not good for asthma and noise.
- Always understood that there would be occasional but not continual disruption from the showground.
- No traffic survey carried out for the Dunblane Drive ingress.
- Lack of transparent engagement with the residents of Orton Southgate and Northgate.
- No visible master plan provided as per Policy LP36 and demonstration on how the showground functioning will be retained.
- Whilst LP36 is primarily focused on housing, it cannot be right that it is not considered for this application.
- The application states 4 car transporters, however, in a recent meeting with the Applicant the number of car transporters was 4 to 8.
- In responding to the access through Dunblane Drive and the original approvals relating to the Showground provided for free access for vehicles 24/7. That is a red herring. That free access was to support Showground activities and is irrelevant to the current requirement to support an industrial facility.
- Local wildlife will be disturbed or ruined.
- House prices will be reduced due to the proposal.
- Multiple occasions where car transporters have been reversing out of Dunblane Drive onto Newcombe Way or reversing out of the Dunblane Drive entrance.
- Gates for the Dunblane Drive access should be set back further so as to provide berthing for at least 2 HGVs which would avoid blocking up Dunblane Drive and Newcombe Way.
- Traffic management needs to be a serious consideration in not just this application, but any future use of the site.
- Changing parking locations and reduced parking capacity on site has led to traffic impact from Showground events held in 2022 and 2023 due to this proposal. 30/40 minute waits have become the norm at certain times.
- Goods Vehicle Operator's Licence has been applied for, the notice was published on 23 March but locals were not made aware until 14 April, a day after the 21 day notice period to object.
- Applicant has installed a portable kiosk right outside my house, accompanied by a lighting generator. The noise from the generator is causing me unacceptable impact.
- The residential areas of Orton Southgate and Orton Northgate were designed to complement an

already existing showground not a business.

- Multiple instances of more than 4 car transporters using the site, far in excess of the stated numbers.
- There have been all of the listed facilities on site at the East of England Showground since August 2021 as my business City Auction Group and PurpleRock were using paint booths, vehicle repair areas, logistics zones, parking for 1250 vehicles and supporting offices until the end of September 2022.
- We don't want our precious East of England Showground complex and valuable green space turned into an increasing noisy and busy industrial complex, construction site and car park.
- The Showground should not be developed for housing or for industrial uses.
- The Peterborough Panthers Speedway Team being forced to cease trading without being offered alternative land as in LP30.
- The elimination of the Arena as a leisure facility without its immediate or even guaranteed replacement means that this application does not comply with Peterborough's extant Local Plan and should be rejected in its entirety.
- Residents want to live in a decent area, suitable for families, clean air, hazard free from industrial activity. This is continuing to have a detrimental impact on quality of life.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and character
- Highway safety
- Neighbour amenity
- Other

a) Principle of development

Rather than physical redevelopment of the site, the application seeks the temporary five-year change of use of a parcel of land including of open land from car parking/grassed areas to a car storage area. The proposal would also result in the change of use of the Arena to storage and ancillary car repair associated with the storage and distribution use proposed. Some temporary structures would be erected for the car repair and painting uses for a short-term temporary period until the internal works have been completed to the existing buildings on site. The Agent has stated that they would be willing to agree to a short-term period such as the end of this year for all the temporary structures to be removed and the land returned to its original state before the structures were erected.

Given the location of the site in open countryside beyond the settlement boundary, Policy LP2 and LP11 are relevant. The application also proposes development on an allocated site, and as such Policy LP36 is relevant in the consideration of this application. Furthermore, the proposal would result in the loss (albeit temporary) of a leisure/cultural facility and as such policy LP30 is relevant

Policies LP2 and LP11

Policy LP2 limits development within the open countryside unless it meets the listed exemptions including those listed in policy LP11. Rather than new permanent physical redevelopment, the proposal would alter existing buildings on site and change the use of open land to car storage. The change would be from one commercial use to another commercial use and would be temporary and reversible in nature. However, the proposal is beyond the defined urban area of Peterborough and therefore classed as open countryside. It does not fall neatly into any of the categories of development allowed under LP2 or LP11 and is therefore contrary to these policies.

Policies LP36 and LP30

Policy LP36 outlines uses (of a significant scale) which will be supported in principle on the part of

the showground site, which is allocated for development, subject to an approved masterplan. The uses which are supported include:

- Facilities directly related to the function of shows on the Showground itself;
- Conference facilities (D1 and D2);
- Employment related development;
- Residential development of around 650 dwellings.

LP36 also states that a comprehensive master plan in advance of, or alongside, any significant proposals will be required and, if approved by the council in advance, this would become a material consideration in the determination of future planning applications. Such a master plan must demonstrate how the functioning Showground will be retained. Policy LP36 further states -The loss of any existing leisure and sports facilities will not be supported unless replacement facilities are provided in accordance with Policy LP30. Also adding that any proposal should have no adverse impact on the surrounding uses especially neighbour amenity as well as ensuring any proposal maintains the character of the area.

Policy LP30 states that the loss, via redevelopment, of an existing community, leisure, tourism or community facility will only be permitted if it meets one of the exceptions set out below:

- k. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or
- l. The service is provided by the facility is met by alternative provision that exists within reasonable proximity; or
- m. The proposal includes the provision of a new facility of a similar nature and of a similar or greater size in a suitable on or off-site location.

The five-year permission, sought by the applicant, whilst temporary, would be a significant development which would result in the loss of a unique community, leisure and cultural facility through the conversion of the Arena. This would trigger the need for a masterplan of the site demonstrating how the functioning of the showground would be retained. Further, a five-year loss of the Arena building would also require the applicant to demonstrate how the proposal meets the exception criteria of Policy LP30 listed above. Neither a Masterplan nor sufficient information against Policy LP30 has been provided with the application. The Applicant submitted a statement received on 30 June 2023 which outlined their responses to LP30 and LP36, together with a Viability Overview Statement. However, no evidence was submitted to support the overview set out within the statement, therefore only limited weight can be given to this.

The Statement acknowledges that the redevelopment of the Arena to another community facility has not been considered by the applicant, relying on the temporary nature of the development as sufficient justification.

The scale of development as well as the temporary nature of the proposal are key considerations when assessing under policies LP30 and LP36. Importantly, the interpretation of 'significant' for LP36 which is the trigger for the masterplan as well as the interpretation of 'loss' for LP30 which is the trigger for meeting one of the exceptions in order for the LPA to support the development, require careful consideration.

First in relation to LP30, whilst a loss in most cases is clear, especially via physical redevelopment, a temporary use is not as clear cut in defining a loss. This needs to be assessed on a case by case basis. The Arena would be much less likely to return to its original use, the longer the time period given over to another use. Officers have taken a view that a 5-year temporary permission would be tantamount to a loss. Whilst the Applicant has provided their justification in why the 5-year period is requested, this is based on optimising economic benefits in return for their investment into the site and while the public benefit from the development, i.e. a temporary source of employment, is considered and afforded moderate weight, this would not outweigh the harm from losing a unique facility which serves the city and provides a unique public benefit.

As such the proposal does not fall neatly into any of the categories of development allowed under

LP36 and LP30 and is therefore contrary to these policies.

Notwithstanding the above, a shorter temporary permission may be considered not to constitute a 'loss' for the purposes for LP30 and would allow a much greater chance for the Arena to return to its original use until the redevelopment of the entire site is carried out under a comprehensive masterplan for the future vision of the East of England Showground site. Similarly, a shorter temporary permission would not constitute 'significant' development for the purposes of LP36.

Principle of development conclusion

Being beyond the defined urban boundary of Peterborough, and therefore technically in open countryside, the proposal conflicts with policies LP2 and LP11. However, the proposal relates to a site which is previously developed and would involve a reversible change of use from an existing commercial use to another and would not result in any significant physical development or harmful encroachment onto undeveloped land. This together with the temporary nature and economic benefits from job creation would be sufficient to outweigh this technical policy conflict.

Furthermore, it is considered an appropriate condition can be secured for a shorter temporary period of 3 years which would not trigger the "demonstration of loss" and "masterplan" requirements of both policies LP30 and LP36.

In conclusion, the principal of development is acceptable subject to a temporary three-year limitation and subject to compliance with all other relevant policies which are addressed below.

b) Design and character

The proposal would result in the erection of temporary structures located within the site which would be a stop-gap measure until the conversion of the existing exhibition hall building on site has been completed. The conversion process for these buildings would result in limited external changes with vents being erected on the roof top of the Arena building. The alterations would not adversely impact the character and appearance of the site and surrounding area.

The proposal would result in a change in the character of the site as a result of the proposed car storage and distribution use. This represents a change from a leisure type use to an industrial and warehousing use. The application, however, is proposed for a temporary period only that could be secured by way of a planning condition if the application was recommended for approval. While the applicant has proposed a time period of five years, officers consider that a three year time period would be more appropriate in order not to compromise any future redevelopment of the site in comprehensive manner and to limit the impact on the character of the site and surrounding area. As a result, subject to such a condition, there would not be an adverse impact on the character of the site and surrounding area.

The proposal would not materially impact upon any relevant heritage assets.

In light of the above conclusion, it is considered that appropriate measures can be secured by way of conditions to avoid any adverse impact on the design and character of the site and surrounding area, and as such there would be no conflict with Policies LP16 and LP19 of the Peterborough Local Plan (2019).

c) Highway Safety

There are existing planning consents relating to the wider Showground site which are relevant to the consideration of this application.

The Applicant has confirmed that whilst they do not intend to carry out Showground events from the remaining parcel of land not impacted by the application site, they still wish to retain the right to carry out these events under the previous planning permissions. Therefore, the LPA would need to consider the impact of both uses being carried out at the same time in the worst-case scenario as

the LPA would have no control over the existing uses. The Applicant has stated that as the access into the site remains unrestricted, they are able to access the site with an unlimited number of vehicles as the site currently stands using either the Dunblane Drive or Joseph Odam Way accesses. Whilst the Applicant has included both accesses to the Showground site within the red edge, they have stated that the proposed use will solely make use of the Dunblane Drive access. This would include access by car transporters, staff vehicles as well as all other vehicles.

National Highways raised no objection to the proposal noting that the proposal would not result in a severe impact on the strategic road network, namely the A1 and its junctions.

The Local Highway Authority (LHA) are responsible for the local highway network and have raised an objection to the proposed development due to insufficient information being provided in order to assess the impact on public highway safety. The further information requested is in relation to:

- updating the Transport Statement,
- a survey of the site access at Dunblane Drive, and
- an assessment of the cumulative impact of the proposed use combined with the remaining Showground use.

The existing Showground site is a sui generis use, the very nature of the approved use on site is unique (not falling within a specific use class category) and plays host to major events that are held typically outside of peak network hours and are generally spread out over a number of days to account for setting up and packing away. The applicant intends to retain use right of the remaining 35ha land for Showground uses. Officers contend that there is a marked difference in the operation of Showground activities from the proposed car storage and distribution use which proposes a Monday to Friday use from 6am to 6pm. For this reason, additional information is required to enable the LHA to make an assessment of the materially different traffic movements arising from the proposed use to assess the likely impact on the public highway safety.

The initial highway information submitted for the proposed development stated there would be 4 transporters visiting the site per day with 80 vehicle deliveries per day. The number of employees on site was initially to be 140, however, during the application this was raised to 160 employees. The Applicant has also stated that the proposed development use would only use the Dunblane Drive access and any Showground facilities/events traffic would be accessed via the Orton Northgate access. Whilst this is noted, without sufficient highway information being provided to demonstrate the highway impact, suitable conditions or mechanisms to secure appropriate measures such as controlling accesses for specific uses cannot be secured.

Given the above it is considered that insufficient information has been provided to demonstrate that the proposed development would not result in an adverse level of impact on public highway safety as such the proposal would be contrary to Policy LP13 of the Peterborough Local Plan (2019).

d) Neighbour amenity

Local residents have raised multiple concerns with regards to the car transporters missing the entrance into the application site on the Dunblane Drive access and continuing onto the access road that leads into the residential estate which has caused damage to the public highway as well as traffic issues. The roads serving the residential estate are not designed for accommodating HGV traffic, however, there is no weight restriction currently in place on Dunblane Drive and the roads that lead off Dunblane Drive. The highway impact would be considered within the details that have been requested within the above section, however, it is important to note that only limited control can be exerted on HGVs missing the Dunblane Drive access in light of the current highway situation ie, lack of a weight restriction on Dunblane Drive.

With regards to other elements of the proposal, the development would not result in a significant level of overbearing, overshadowing or any adverse dominant impact on the amenity of the adjoining neighbours.

The proposal would result in HGVs passing neighbouring properties adjacent to the Dunblane Drive access while the access road out of the site onto Dunblane Drive has properties on Rosyth Avenue and Dunblane Drive which either back on or are located adjacent to the access road separated by a small grass verge nearer the access. Some occupants of these properties have raised concerns in relation to drivers being able to view into their gardens and windows from their raised position in HGVs. However, it is considered that the current use of the site allows for a similar impact with exiting HGV drivers having an elevated view in relation to some adjacent neighbouring properties and the proposal would not adversely change the existing situation in respect of that matter. It is further considered that the HGV traffic would be moving along the access road and that any views into the garden would be momentary and restricted during operating hours of the proposal. On balance, it is considered that the proposal would not result in an adverse level of overlooking.

In light of the above it is considered that the proposal would not result in an adverse level of impact on neighbour amenity in accordance with Policy LP13 of the Peterborough Local Plan (2019).

e) Other

Orton Waterville Parish Council (PC) raised an objection to the proposal noting the significant change of use and the introduction of an industrial operation which is not in keeping with being accessed through a residential area. The PC noted most significant concern is the access to the site via Dunblane Drive which serves a predominantly residential area. The PC also noted that whilst the Showground operated without residential properties nearby, the residential developments of Orton Northgate and Southgate are now located close by and the proposal would be unacceptable in term of traffic and pollution. The PC comments with regards to impact on the character of the area and of traffic impacts on residential amenity have been addressed in the relevant sections above.

With regards the pollution impact, the Council's Pollution Control team raised comments in relation to the respraying of road vehicles and the need for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016 if the annual consumption of organic solvent is likely to exceed 1 tonne. Concerns relating to vehicular pollution, noise and hazardous materials was not raised by the Pollution Control team and it is considered that the proposal would not in a significant level of vehicular movements compared with the existing use that would require any air quality measurements.

The Council's Tree Officer raised no objection to the proposal subject to securing the development in accordance with the submitted Arboricultural Report.

The Council's Wildlife Officer raised no objection to the proposal noting that the proposal results in the temporary change of use of poor modified grassland. However, it was noted that even poor modified grassland has value within the biodiversity metric 4.0. Given the temporary basis there is no need to secure any additional biodiversity gain, but any permanent loss of the poor modified grassland would require appropriate ecological net gain.

The Environment Agency raised no objection to the proposal subject to securing the submitted flood risk assessment by condition.

The Council's Archaeological Officer is satisfied with the Archaeology Statement submitted by the Applicant; however, they did request that groundwork for the marquee foundation slab should be discussed and carried out under archaeological supervision.

Anglian Water raised no objection to the proposal but recommended the inclusion of a condition requiring the submission of a surface water management strategy as well as informatives relating to Anglian Water assets and foul water. In the event of an approval, it is considered appropriate to secure these details by condition and informative as appropriate.

The Council's Drainage team raised no objection to the proposal.

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 reason:

- R 1 Insufficient information has been provided to demonstrate that the proposed development would not result in an adverse level of impact on public highway safety. The proposal would retain Showground uses from the remainder of the application site whilst introducing a car storage and distribution use for which they have failed to provide sufficient details to demonstrate that it would have an acceptable impact on the public highway network. As insufficient information has been submitted which does not allow the Local Planning Authority to fully assess the highway impact of the proposal, it is considered the proposal would be contrary to Policy LP13 of the Peterborough Local Plan (2019).

Copies to Councillors – Councillor Nicola Day
Councillor Kirsty Knight
Councillor Julie Stevenson

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PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
17 OCTOBER 2023	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Cereste - Cabinet Member for Growth and Regeneration		
Contact Officer(s):	Daniel Worley Senior Conservation Officer	Tel: 07920 160264	

Article 4 Direction at 1073 Lincoln Road, Peterborough

RECOMMENDATIONS	
FROM : Daniel Worley - Planning Services	Deadline date : N.A.
<p>That Committee:</p> <ol style="list-style-type: none"> Notes the outcome of the public consultation on the proposed Article 4 Direction for 1073 Lincoln Road, Peterborough Supports the adoption of the Article 4 Direction at 1073 Lincoln Road, Peterborough 	

1. ORIGIN OF REPORT

- 1.1. A prior approval application (23/00507/PRIOR) was received to demolish No.1073 Lincoln Road and all of the associated outbuildings. No.1073 is on the Local List of Heritage Assets within Peterborough (Local List) and is considered an important heritage asset.
- 1.2. An Emergency Article 4 Direction was placed upon the dwelling on the 22nd of May which last for six months (until the 22nd of November) unless either adopted or refused by the relevant committee

2. PURPOSE AND REASON FOR REPORT

- 2.1. This report is before Members for confirmation of the Emergency Article 4 Direction at 1073 Lincoln Road, Peterborough

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept	N/A

		(please specify which Government Dept)	
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4. BACKGROUND

- 4.1. No.1073 Lincoln Road was adopted on to the Local List as part of the original list of over 200 (Appendix 1) assets as part of the collaboration between PCC and the Civic Society. It is considered one of the most significant Locally Listed buildings and separate from designation is considered to have the equivalent significance of many Listed buildings within the district.
- 4.2. A prior approval application (23/00507/PRIOR) was received to demolish No.1073 Lincoln Road and all of the associated outbuildings. This application was refused on the 22nd of May after the serving of the Emergency Article 4, as the proposed works now require expressed permission.
- 4.3. An application was made by Officers to Historic England for their consideration to List the building. Historic England will always sieve applications when demolition is involved. In this instance after an initial consideration, it was decided to not undertake a full consideration assessment. I would suggest that the historical and architectural significance of this building is greater than a large number of Listed buildings within the district however the failure to assess the building for Listing by Historic England is due to the increasing strictness of the Listing criteria for this type of building.
- 4.4. The building is not visible on the 1805 Enclosure Map and there is a record of the building from an auction record in 1868. However, from pictures of the interior, particularly the staircase and the panelling suggest a date no later than 1820.
- 4.5. No.1073 has two main phases of development, the original stone property and a mid Victorian brick extension to north-east. In addition to this there a few other phases of development including the possible re-fronting of the south-east elevation, two phases of on the north-west elevation and the single storey extension to the north-east. The historic core still dominates and is the primary aspect of the building.
- 4.6. With regard the outbuildings to the dwelling, which are proposed to be covered by the Article 4, there are two of significance. The first is the two storey construction and the second, the coal store to its west. Both are visible on the 1890 OS Map and are likely to date from around the time of the Victorians extensions to the dwelling in the 1870's.
- 4.7. Walton has only two buildings surviving from prior to 1890 as demonstrated by the OS Map of that date. This building, 1073 Lincoln Road and the Grade II Listed 1103 Lincoln Road located 150m to the north. The only other remnants of the historic village are the road layouts and the location of the redeveloped Paul Pry.

Permitted Development Rights which are restricted

- 4.8. The specific development rights which are proposed to be restricted by the Article 4 Direction are Schedule 2
 - Part 1 (Development within the curtilage of a dwellinghouse)
 - Part 11 (Heritage and Demolition) Class B (demolition of buildings)

- 4.9. The purpose of the removal of permitted development within Part 1 is to require any alterations to the elevations to require consent. The reason for this is to match existing Article 4 Directions which have been placed on other Locally Listed buildings within the district
- 4.10. There are a series of existing Article 4 Directions within Peterborough which remove these restrictions on particular elevations to which generally face the highway to ensure that their contribution to the street scene is retained. The vast majority of these buildings are therefore terrace rows or rows of identical buildings.
- 4.11. In this instance the significance of the building is not considered to be limited to a specific elevation that faces the highway, especially as both the north and south elevation which do not face the highway are considered significant. It is further complicated by the shape of the building and the outbuilding.
- 4.12. The purpose of the removal of permitted development within Part 11, Class B is to stop any demolition without consent. The reason for this was to ensure that any demolition of the Locally Listed building required expressed consent and therefore all material planning considerations can be taken into account.
- 4.13. In addition as this is one of the most significant Locally Listed buildings within the district, its interest is derived from its historic and architectural interest and its contribution to its setting.

Planning Policy Background

- 4.14. Both paragraph 197 National Planning Policy Framework (NPPF) and the corresponding National Planning Practice Guidance (NPPG) recommends that 'local planning authorities keep a local list of non-designated heritage assets' and 'all non-designated heritage assets be identified as such'. The addition of the proposed heritage assets to the Local List contributes to the effort to create a comprehensive list of identified non-designated assets within Peterborough.
- 4.15. Further, Policy LP19 of the Peterborough Local Plan (2019) requires particular emphasis, amongst others, on the 'identification and protection of significant non-designated heritage assets and their settings' The proposal to insert additional assets on the Local List in this respect constitutes identification which would subsequently more readily ensure their long-term protection.
- 4.16. Paragraph 53 of the NPPF 'The use of Article 4 directions to remove national permitted development rights should: be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area' The heritage of and within an area are considered important aspects of the well-being of an area.
- 4.17. Historic England's Advice Note 'Local Heritage Listing: Identifying and Conserving Local Heritage' states 'Where a local planning authority is concerned that such changes may be detrimental to a heritage asset, they could consider the use of an Article 4 Direction to control them' The demolition of a Locally Listed building would result in full loss of significance and would thus be detrimental to the heritage asset.

4.18. LP19 states, 'Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention, though regard will be had to the scale of any harm or loss and the significance of the heritage asset. Any special features which contribute to an asset's significance should be retained and reinstated, where possible' The Article 4 will ensure that these material planning considerations are taken in to account within any works to the building

4.19. It should be noted that the adoption of an Article 4 Direction on a heritage asset does not ensure that it cannot be demolished or altered, it just means that any proposals require expressed permission through a planning application in which all material planning considerations will be taken in to consideration, including any proposed redevelopment scheme.

5. Public consultation

5.1. As detailed above, the submission of this report follows a public consultation.

5.2. The consultation was run in different stages. The owner (and agent for the 23/00507/PRIOR application) was served with a copy of the Article 4 Direction and a letter on the 22nd informing them of their consultation would end on the 27th of June. Sine notices at No.1073 were also placed on the same day with the same consultation deadline.

5.3. A public consultation was conducted from the 16rd of June until the 14th of July with a notice put in the Peterborough Telegraph and a consultation running from 23rd of July to the 14th of July on PCC's website.

5.4. No representations have been received from either the owner of N.1073 or their agent, neighbors or interested parties.

5.5. Discussions regarding the Article 4 Direction have been had both during and after the consultation period with both the owner and their representative, for which it was suggested that no objection to the Article 4 Direction would be forthcoming.

5.6. Further information regarding the property and its previous occupiers and there personal experience of the property was provided by two different people, however neither made comments upon the Article 4 Direction.

6. **ANTICIPATED OUTCOMES**

6.1. The emergency Article 4 Direction for 1073 Lincoln Road will be adopted

7. **REASONS FOR RECOMMENDATIONS**

7.1. Adoption of the Article 4 Direction for No.1073 Lincoln Road would :

7.2. Have a positive impact upon the conservation of the heritage of Peterborough, by ensuring that development takes into consideration the impact upon the relevant non-designated heritage assets; and

7.3. The proposal would further the stated aim of Policy LP19 of the Peterborough Local Plan (2019).

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1. Do nothing – This would be contrary to Government guidance set out within the National Planning Policy Framework (2019) and Guidance on Local Heritage Listing by Historic England (2021) and could result in the irreversible loss of a non designated heritage asset.

9. IMPLICATIONS

- 9.1. There are no specific financial implications for the City Council identified in this report.

10. BACKGROUND DOCUMENTS

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

- Local Heritage Listing, Historic England Advice Note 7 (2021)
- National Planning Policy Framework (2019)
- National Planning Policy Guidance (2019)
- Local List of Heritage Assets in Peterborough (2012)
- Peterborough Local Plan (2019)

Copies to Councillors – Councillor Simon Barkham

Councillor Nick Sandford

Councillor Asif Shaheed

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**Walton & Paston
1073 Lincoln Road**

Local List Ref:	WP3
Group value:	No
Selection criteria:	A1 B2
Construction date:	early 19 th c
Use:	Residential

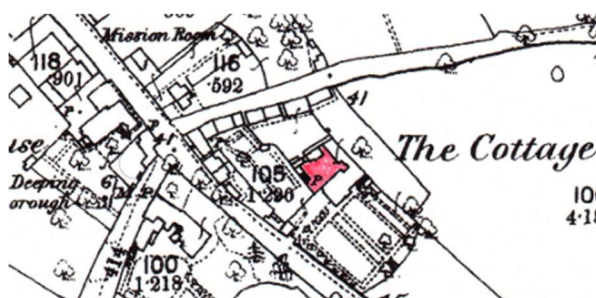


Reason for selection

Possibly part of an old Manor House site. Property retains many original features and is locally important.

Description

Irregular plan. Complex two storey building with additions. Built of coursed stone and brick under complex hipped welsh slate and clay tile roofs. Small outshut to north under lean-to-roof with single timber sash window with margin lights and coloured glazing to margin lights.



Timber entrance door case with a flat hood. Further extensions to core building with two storey element. Original timber part glazed door with fanlight over. Right of door single undivided timber sash window. Ashlar chimney stack to front elevation. Single stone buttress next to single storey, slightly curved, outshut with narrow slit single light window under a Collyweston slate roof.

-
- 1805 Inclosure Map: shows no buildings in this location
 - PA 21 March 1868 p2 (col 4); auction advert for “Walton Cottage” [so standing then ?]

Only surviving one of three or four superior residences to be found at one time in this area. As the land was Copyhold of the Manor it ought to be possible to work out roughly when built. Very possibly the one-time home of EC Gordon-England, Chief of Sage's Aircraft Division during WW1.

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 7
17 October 2023	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste - Councillor Cereste - Cabinet Member for Growth and Regeneration		
Contact Officer:	Lee Walsh (Development Management Team Lead)	Tel: 07920 160772	

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE APRIL - JUNE 2023

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: October 2023
It is recommended that the Committee: 1. Notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Government monitors the performance of local planning authorities in deciding applications for planning permission. This is based on their performance in respect of the speed and quality of their decisions on applications for major and non-major development.
- 1.2 Where an authority is designated as underperforming, the Town and Country Planning Act 1990 (as amended) affords applicants the option of submitting their planning applications (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 1.3 This report focuses on just the performance of Peterborough City Council in regards to the quality of its decisions on planning applications. It is useful for Committee to look at the Planning Service's appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs.
- 1.4 This report is presented under the terms of the Council's constitution Part 3 Section 2 – Regulatory Committee Functions, paragraph 2.6.2.6.
- 1.5 This report covers the period from 1 April 2023 to 30 June 2023, and a list of all appeal decisions received can be found at Appendix 1.
- 1.6 For the purposes of 'lesson learning', these update reports will normally cover a selected number of cases in detail whereby the Local Planning Authority (LPA) has lost its case. Attention will be paid to the difference in assessment of the selected schemes between the LPA and Planning Inspector.

2. TIMESCALE.

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

- 3.1 In the period of 1 April 2023 to 30 June 2023, a total of 10 appeal decisions were issued. This number is similar to the corresponding periods in 2021 and 2022 whereby 13 and 9 appeal decisions were received respectively.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission and all 10 resulted from Officer delegated decisions. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 10 appeal decisions issued, 8 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 2 cases were allowed. Therefore, the percentage of appeal dismissals stood at (80%). 2 appeals were allowed (20%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a similar, albeit slightly better, level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table. However it is akin to the overall average during that period, thereby identifying a relatively consistent quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
Oct - Dec 2021	8	3	37.5 %
Jan - Mar 2022	8	2	25 %
Apr – Jun 2022	8	1	13%
Jul – Sept 2022	9	3	33%
Oct – Dec 2022	9	5	55%
Jan – Mar 2023	12	4	33%
Apr - June 2023	8	2	20%
TOTAL	46	12	26 %

- 3.5 With regards to the measure against which the Government assesses appeal performance, this is calculated based upon the number of appeals lost (allowed against the Authority's decision) as a percentage of the total number of decisions made by the authority. The Government has set the target at no more than 10% across a rolling 2-year period.
- 3.6 The table provided at Appendix 2 sets out the performance of the Council against the Government target between April 2023 and March 2023 (inclusive). As can be seen, the Council is performing far below the threshold set by Government and as such, this does not pose any concerns in terms of the quality of planning decisions being issued.
- 3.7 Turning to any lessons learnt from the appeal decisions, overall, the Planning Inspectorate has generally agreed with the Council's judgement on issues of parking, character and appearance and residential amenity. However in two cases dismissed on design grounds, the inspector disagreed with the Council's other reasons for refusal. In the case of a proposal for an apart-hotel in Millfield (appendix 3), the inspector took a more relaxed view on parking and amenity, given the inner city location. Likewise in the case of a bungalow at Eye (appendix 4) the highway impact was found to be acceptable. The lesson here is that occasionally finely balanced issues can go either way.

- 3.9 In the case of a proposed retention of an unauthorised kennels business and temporary dwelling at Glinton (appendix 4), which was allowed, the inspector was supportive of the Council's position to some extent but took the view that the business now on the site was 'materially' a new enterprise established in 2020, which had the potential to be profitable enough to sustain a fulltime worker. The Inspector therefore decided to granted planning permission for the business for a further three years so that it could demonstrate that it could fulfil the requirements of the policy. However an the inspector upheld an enforcement notice requiring the land to be vacated at the end of this period should further not come forward to demonstrate the viability of the business. Again this was fairly finely balanced and could have gone either way.

4. IMPLICATIONS

- 4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the planning/appeal processes themselves must have due regard to legal considerations and requirements.
- 4.2 **Financial Implications** – This report itself does not have any financial implications.
- 4.3 **Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.
- 4.4 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

5. APPENDICES

1. Table of appeal decisions made April 0 June 2023 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued April 2023 – June 2023 (inclusive)

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Appendix 1 – Appeals Performance from 01.04.23 – 30.06.23

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
22/01439/PRIOR	130 Eagleshorpe New England Peterborough PE1 3RT	Single storey rear extension Maximum depth from original rear wall: 6m Maximum height: 2.5m (to eaves: 2.5m)	yes	n/a	<p>Upon assessment of the plans submitted, the Local Planning Authority considers that the proposed development does not comply with the limitations and conditions set out under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and hereby consider that the proposal is not permitted development for the reasons stated below:</p> <p>- The rear wall or walls of a house are considered to be those which are directly opposite the front of the house. As the proposed extension would adjoin the south-east side elevation, the proposal description is considered inaccurate.</p> <p>- The existing dwellinghouse has a width of approximately 7.1 metres, while the proposed development would measure 6 metres in width. It would therefore have a width more than half the width of the existing dwellinghouse. This is contrary to Part 1, Class A.1(j)(iii) of the above Order.</p> <p>The application is therefore refused and planning permission is required for the proposed development.</p>	Written Reps	Dismissed 30.06.2023	n/a	The Inspector agreed that the extension was not permitted development for the reasons stated in the reasons for refusal.

22/01263/HHFUL	9 Westwood Park Road Peterborough PE3 6JL	Demolition of existing carport and construction of smaller carport	Refuse	n/a	<p>This proposal is not considered to be in accordance with local and national planning policy. This has been discussed with the applicant, and it has not been possible to identify solutions to the concerns as set out in this decision.</p> <p>The carport, by virtue of its siting, height and scale results in unacceptable visual harm the character and appearance of the application site and surrounding area. This is specifically in relation to its siting in close proximity to the site boundary along Westwood Park Road, and in its streetscene context within the Thorpe Road Special Character Area, as well as the its size and massing which combine to make this structure unacceptably dominant and an incongruous feature within the street scene and surrounding area. Overall, the proposed scheme would be a prominent and obtrusive feature and visually at odds within the surrounding locality and resulting in adverse visual harm to the special character area setting. Accordingly, the proposal is contrary to Policies LP16, LP19 and LP20 of the Peterborough Local Plan (2019).</p>	Written Representation	Allowed 27.06.2023	N/A	The inspector acknowledged that there was some minor conflict with one of the bullet largely points of policy LP20. However they considered the car port to have limited impact and that it would not undermine the special character area especially given that it would be screened by a hedge
22/01025/PRIOR	Grass Verge At West Lake Avenue Hampton Vale Peterborough	Installation of a 15m-high telecommunications monopole support antenna, 3 no. additional ancillary equipment cabinets and associated ancillary development hitherto	Refuse	n/a	<p>This proposal is not considered to be in accordance with local and national planning policy. This has been discussed with the applicant, and it has not been possible to identify solutions to the concerns as set out in this decision.</p> <p>The proposal, by virtue of its siting and appearance, would unacceptably impact upon the visual character and appearance of the surrounding street scene and area. The proposed development is to be</p>	Written reps	Dismissed 01.06.2023	n/a	<p>Whilst some colours may reduce the prominence of the proposed development to a limited degree, they would not successfully conceal its height, bulk, and incongruous presence in these suburban surrounding. the proposal would result in significant harm to the character and appearance of the immediate area, and limited harm in wider views.</p> <p>The evidence provided is not sufficient in detail for me to reasonably conclude that there are no more suitable sites for the installation. Consequently, the harm that the proposal</p>

					<p>sited forward of the Hampton Vale Primary School and opposite a large area of public open space. There is no doubt this part of West Lake Avenue is a hub and focal point of the area. At 15m in height the monopole would be significantly taller than the other vertical infrastructure in the surrounding area, i.e. street lamps and school, with it extending approximately 7.4m higher than the tallest structure existing. The monopole would therefore appear unacceptably tall and its appearance visually harmful to its surrounding context. It would appear disproportionately prominent in the street and in combination with the other surrounding street furniture result in a cluttered appearance in the local hub, detracting from the openness which currently characterises the street. Accordingly, the proposal due to its siting and appearance would result in unacceptable harm to the visual character, appearance and amenity of the surrounding area, contrary to Policy LP16 of the Peterborough Local Plan (2019) and fails.</p>				would cause to the character and appearance of the area is not outweighed by the need for it to be sited as proposed.
22/00892/HHFUL	<p>91 Swallows Road Peterborough PE1 4EX</p>	Erection of single and two storey extensions	Refused	n/a	<p>The proposal, by virtue of its scale and siting, would unacceptably impact upon the character and appearance of the site and surrounding area. The proposal would lead to the infilling of the visual gap which forms an important aspect of the distinctive historical development pattern found within the street character, and result in a terracing effect which would erode the overall character of the site and surrounding area. This would result in unacceptable irreversible harm to the character, appearance and visual amenity of the locality and is</p>	Written Reps	<p>Appeal Dismissed 21.06.2023</p>	n/a	<p>The Inspector noted where side extensions have occurred it has resulted in a continuous frontage which adversely affects the character and appearance of the area. The appeal proposal would replicate the adverse terracing effect and further intensify.</p>

					therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).				
22/00831/FUL	52 Priory Road West Town Peterborough PE3 9ED	Change of use of residential outbuilding to self contained studio	Refused	n/a	The proposed self contained studio, by virtue of its design, window orientation, unclear extent of proposed amenity space and close proximity to No. 52 Priory Road would result in unacceptable overlooking and loss of privacy to the occupiers of both properties . The front facing windows within the proposal would permit views into the rear-facing habitable rooms of No.52 Priory Road, and their respective amenity spaces and vice versa at a distance that would result in an unacceptable loss of privacy for the existing and future occupants. Accordingly, the proposal would result in unacceptable harm to the amenities of occupants of the site, contrary to Policy LP17 of the Peterborough Local Plan (2019).	Written representation	Dismissed 10.05.2023	n/a	The proposal would provide a unit of relatively inexpensive accommodation which would have social and economic benefits for the city. However, the scheme would not provide acceptable levels of privacy for existing occupiers of the main house or the occupiers of the studio, and this tips the planning balance firmly against the proposal. Having regard to the above the appeal should be dismissed.
22/01032/FUL	6 Peacock Way Bretton Peterborough PE3 9AA	Erection of two storey 3-bed residential dwelling with associated landscaping	Refused	n/a	The proposed development will result in the surrounding area being lopsided and unbalanced when viewed in the immediate context of the site. The proposal would not respect the verdant and low-density character of Peacock Way and the proposal would increase the density of the area, introducing built development in a parcel of land which would result in an adverse level of impact on the site and surrounding area. Further, the proposal would be contrary to the established character of the area by placing a dwelling on a plot which serves as one of the bookends of the wider site. The proposed development would also extend beyond the building line of Nos. 6 and 8 Peacock Way which would result in the proposal being unduly prominent in the street scene. As	Written representation	Dismissed 07.06.2023	n/a	The inspector agreed that the proposed dwelling would be unduly prominent and would harm the character and appearance of the area.

					such the proposal would encourage built development of a size and scale that would result in an adverse impact on the character and layout of the site and surrounding area contrary to Policy LP16 of the Peterborough Local Plan (2019).				
22/00270/OUT	Land R/o 1113 - 1121 Bourges Boulevard Millfield Peterborough PE1 2AT	Outline application for one single storey dwelling with all matters reserved	refused	n/a	It is not considered that this proposed backland garden site, could acceptably accommodate a single storey dwelling, without resulting in a form of development, which would appear visually uncharacteristic and harmful to the layout pattern and character of development in the surrounding area. The proposal is therefore contrary to policy LP16 of the Peterborough Local Plan (DPD) 2019.	Written Representation	Dismissed 25.05.2023	n/a	The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict.
22/00046/FUL	Land Adjacent To 33 Eye Road Dogsthorpe Peterborough PE1 4SA	Demolition of garage and outbuildings and erection of a 2 bedroom bungalow	Refused	n/a	The proposal, by virtue of its siting and backland nature, would unacceptably impact upon the amenity of surrounding neighbouring properties. This is particularly in relation to No. 33 Eye Road, where traffic generated by the proposal would be passing close to the front door, windows, and the rear garden to No. 33 Eye Road, this, along with the impact of noise and disturbance from manoeuvring of vehicles, engines starting, closing doors, taking place immediately adjacent to rear gardens of residential properties would result in unacceptable level of harm upon the amenity of existing residents. The use and enjoyment of the private gardens would be harmed as a result of the noise and disturbance and the proposal would unacceptably impact upon the amenity of surrounding neighbours.	Written Representation	Dismissed 04.04.2023	n/a	<p>The inspector considered that due to the large front and rear gardens of the surrounding sites and the loss of trees on site that the impact would have a negative impact on the surrounding area and appear at odds; conflicting policies LP16 and LP29.</p> <p>The living conditions to No.33 would not result in harm that would outweigh the private benefit however when considering the future occupier amenity, the inspector found that the unsuitable boundary treatments to protect the application site from privacy concerns and overlooking from nearby properties.</p> <p>The inspector found that there would not be a harmful effect on pedestrian, cyclists and drivers using Eye Road, therefore permission would be in accordance with LP13.</p>

					<p>The proposed bungalow lies close to the rear of dwellings fronting Sherborne Road which would have first floor windows looking directly into the rear garden of the proposed bungalow from a distance less than 5m in places. In addition to this the proposed bungalow would be close to properties on Sherborne Road which would have first-floor habitable windows approximately 14m from habitable windows of the proposed bungalow. The proximity and relationship of the proposed bungalow with existing dwellings would result in an unacceptable level of amenity for existing residents and future occupiers of the proposed dwelling by way of overlooking and loss of privacy.</p> <p>The proposal is therefore considered contrary to Policy LP17 of the Peterborough Local Plan (2019).</p> <p>The backland nature of the proposal would unacceptably impact upon the character and appearance of the surrounding area. The proposed bungalow would result in a cramped layout, at odds with the surrounding built form due to the long driveway and relationship of the proposed dwelling to existing gardens and residential properties. This would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area, and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).</p> <p>Insufficient information has been provided by the applicant to demonstrate that the proposal meets the requirements of Policy LP13 of the Peterborough Local Plan (2019). The proposal gives rise to</p>				
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					<p>serious concerns regarding road user safety.</p> <p>Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on trees, as such, the proposal does not accord with Policy LP29 of the Peterborough Local Plan (2019).</p>				
21/01674/FUL	<p>Marcus House</p> <p>English Street</p> <p>Millfield</p> <p>Peterborough</p>	<p>Erection of extensions and alterations to existing building to form a four and two storey building, including a change of use to form 23x self-contained 'aparthotel' (sui generis use) including associated works to form 20x parking spaces, cycle parking and bin storage</p>	Refused	n/a	<p>By reason of size, scale and massing of the proposed works, this would result in a building which would be markedly out of keeping with the established pattern of development, scale and character of the area. Given the juxtaposition of the building within the street scene, these works would unnaturally draw the eye, and the unacceptably adverse overbearing impact on the neighbouring properties would be visually prominent. As such, the proposal is contrary to Policy LP16 of the Peterborough Local Plan, Paragraphs 130 and 134 of the NPPF (2021) and Paragraphs 41-43 of the National Design Guide (2021).</p> <p>Further to the intensification of the vehicle access serving the application site, it has not been demonstrated that the site would be capable of accommodating the proposed use, and whether future occupiers could enter and leave the site without causing an adverse highway safety hazard to pedestrians and other highway users. As such, the proposal is contrary to Policy LP13 of the Peterborough Local Plan (2019).</p> <p>By reason of size, scale, massing and juxtaposition, the proposal would result in unacceptably adverse levels of overlooking to the primary amenity space serving No's 842 and 896 Bourges Boulevard, and it would</p>	Written reps	Dismissed 30.06.2023	n/a	<p>The inspector considered that even taking into account the amendments to the scheme (loss of dormers) the addition of new stories and other external works would still result in a dominance on this corner plot. Its overall scale, height and form would not sit comfortably sited between more modest scale dwellings, where it would appear an abrupt and imposing building that would draw the eye.</p> <p>The Inspector found no harm to existing or future occupiers amenity, subject to the inclusion of appropriate internal privacy measures on the affected windows. Neither did the Inspector find any harm to highway safety, with plenty of off street parking provision noted during the site visit.</p>

					<p>result in unacceptable adverse levels of overlooking and loss of privacy to habitable windows serving No. 900 Bourges Boulevard. In addition to this, the proposal would unacceptably and harmfully diminish the outlook serving primary habitable rooms to 1 English Street, which would force future occupiers to draw their blinds or curtains for the majority of the day to be afforded any privacy, placing an undue reliance on artificial light. As such, the proposal is contrary to Policy LP17(a) of the Peterborough Local Plan (2019).</p> <p>Notwithstanding the frequent turnover of guests associated with the development proposed, a number of ground floor units would be afforded poor outlook and poor levels of privacy due to primary habitable windows facing directly onto Bourges Boulevard, English Street and on-site circulation areas, with little to no defensive space. This would force future occupiers to draw their blinds or curtains for the majority of the day to be afforded any privacy, placing an undue reliance on artificial light. This unacceptably harmful impact would be exacerbated through the poor levels of natural light and outlook to a number of units, including Units 5, 6 and 13. As such, satisfactory amenity for future occupiers would not be provided, and the proposal is contrary to Policy LP17(b) of the Peterborough Local Plan (2019).</p>				
20/01275/FUL	<p>Buffingham Kennels</p> <p>Waterworks Lane</p> <p>Glington</p>	Proposed continuation of use of land and siting of mobile home in connection with and use of land,	Refused	n/a	<p>As a temporary planning permission has already been granted for the development, the residential caravan element must be considered as a permanent dwelling within the open countryside. Insufficient evidence has been</p>	Hearing	<p>Allowed</p> <p>03.05.2023</p>	n/a	The appeal the LPA's decision to refuse the planning application was dealt with concurrently with an appeal against an enforcement Notice requiring the land to be cleared as the business case was not proven.

	Peterborough PE6 7LP	kennels and associated fencing as licensed establishment for breeding dogs and erection of additional timber kennel, as well as formation of vehicle access and associated car parking			<p>provided to demonstrate that: the enterprise has been planned on a sound financial basis; the need relates to a full-time worker; and the functional need cannot be fulfilled by an existing dwelling, or the conversion of an existing building in the area, or any other existing accommodation in the area which is suitable and available by the worker concerned. As such, the proposal is unacceptable in principle and contrary to Policy LP11, Part D (m, n and o) of the Peterborough Local Plan (2019).</p> <p>Waterworks Lane is an unlit, single track lane subject to the national speed limit, and serves a number of businesses and a water treatment facility. It has not been demonstrated that the proposed parking area to serve the development would provide satisfactory space to allow vehicles to enter and leave in a forward gear, which could result in vehicles undertaking unsafe manoeuvres within the public highway, or parking in unsafe locations within the public highway. As such, the proposed development would constitute a highway safety hazard, and is contrary to Policy LP13 of the Peterborough Local Plan (2019).</p> <p>To facilitate the proposed vehicle access this would remove a large section of hedgerow along a rural lane, which is characterised by an established and mature hedgerow. This vehicle access would diminish the rural nature and character of the lane, and this unacceptable harm would be exacerbated through the proposed area of car parking within an agricultural field, which in itself and without satisfactory justification constitutes an unacceptable</p>				<p>To some extent the Inspector was supportive of the Council's position, but took the view that the business now on the site was 'materially' a new enterprise established in 2020, which had the potential to be profitable enough to sustain a fulltime worker. The Inspector therefore decided to granted planning permission for the business for a further three years so that it could demonstrate that it could fulfil the requirements of the policy.</p> <p>However, it should also be noted that the Inspector upheld the enforcement Notice which runs with the land. Effectively, if the occupier of the land is not able to demonstrate that the business can support a fulltime worker than a subsequent application will be refused and the Enforcement Notice will come into effect.</p> <p>The onus is squarely with the occupier of the land to ensure they keep proper financial records that can be verified independently and that they can demonstrate accordance with planning policy LP11 or they will be required to vacate the land or risk criminal sanctions.</p>
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					encroachment into the open countryside, to the detriment of the character and appearance of the immediate locality. As such, the proposed parking area would be contrary to Policy LP16 and LP27 of the Peterborough Local Plan (2019).				

Appendix 2 – Appeals Quarterly Monitoring from 01 April 2023 to 30 June 2023 (inclusive)

		Jul - Sep 2021	Oct - Dec 2021	Jan – Mar 2022	Apr – Jun 2022	Jul - Sep 2022	Oct- Dec 2022	Jan-Mar 2023	Apr- Jun 2023	Period TOTAL
M A J O R	Total decisions	9	15	17	5	13	12	15	0	9
	Allowed appeals	0	0	0	0	0	0	0	0	0
	Percentage	0 %	0 %	0 %	0 %	0 %	0 %	0%	0 %	0.00 %

N O N - M A J O R	Total decisions	231	256	215	208	246	223	176	369	1,924
	Allowed appeals	1	3	2	1	3	5	4	2	21
	Percentage	0.43 %	1.17 %	0.93 %	0.48 %	1.22 %	2.69 %	2.27%	0.54 %	1.09 %

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Appeal Decision

Site visit made on 11 May 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/J0540/W/22/3308905

Marcus House, English Street, Millfield, Peterborough PE1 2LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Profectus Holdings Ltd against the decision of Peterborough City Council.
 - The application Ref 21/01674/FUL, dated 22 October 2021, was refused by notice dated 16 June 2022.
 - The development proposed is described as extensions and alterations to existing building including change of use to aparthotel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council's decision notice refers to Policy LP17 of the Peterborough Local Plan (PLP), which deals with matters related to existing occupiers and future occupiers. From the evidence before me, it is clear the Council have sought to identify matters related to existing occupiers under the first part of the Policy and specified it as LP17(a). Similarly, the Council, when dealing with matters related to future occupiers, have stated LP17(b). As such, I have proceeded on this basis and not that the Council's fourth reason for refusal relates to criterion b. of Policy LP17 of the PLP.
4. During the determination of the planning application, the Council accepted amended plans. I have based my decision on these amended plans, which included the removal of the roof-level dormers.

Main Issues

5. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the living conditions of neighbouring occupiers with particular regard to privacy at 842, 896 and 900 Bourges Boulevard and outlook at 1 English Street; (c) whether the proposed development would provide adequate living conditions for future occupiers; and (d) highway safety.

Character and appearance

6. The appeal site is situated on the eastern side of Bourges Boulevard, a busy route serving a number of community facilities and residential properties. This side of Bourges Boulevard consists mainly of modest two-storey terraced properties with sporadic two-storey semi-detached and detached properties located on a strongly defined building line. Despite some variations in style, properties on this side of the street have a consistency in scale which contrasts with the more modern taller, bulkier developments on the opposite side of the street. Whilst the appeal building has a prominent horizontal façade its overall height and shallow roof pitch assist in the building assimilating well within the street scene.
7. The opposite side of Bourges Boulevard has a communal character and contains taller/bulkier built forms of development in the form of a community hub and a school. This built form is tapered to either side by a parking area and open land.
8. The proposed development would see significant alteration to the existing two-storey and part single-storey property with additional stories added and other external works including a tall roof with lower roof sections. Amendments have been made to the design of the proposal, during the Council's determination, in an attempt to reduce its scale and mass. However, even when taking into consideration the loss of the dormers, the appeal building would be a dominant form on this prominent corner plot. Its overall scale, height and form would not sit comfortably sited between more modest scale dwellings, where it would appear an abrupt and imposing building that would draw the eye.
9. Whilst the prevailing pattern of built development found nearby is of two-storey residential properties, there are buildings of a greater scale located close by. Nevertheless, these buildings share a different relationship with their surroundings. Both the community hub and school are relatively consistent, whereby they occupy positions in well-sized plots with open views to the sides, emphasising their wider public use as community buildings. Similarly, the nearby Mosque occupies a plot whereby it is seen as a separate building detached from other nearby buildings and reinforces its character as a public building.
10. In contrast, the height of the appeal proposal, its tall roof profile and its proximity to neighbouring buildings would appear incongruous in this location and would conflict sharply with the existing rhythm of this side of Bourges Boulevard and from some views along English Street. It would introduce a dominant form which, for the reasons given above, would not sit comfortably in this location and would have an unacceptable harmful effect on the character and appearance of the area.
11. In finding harm, the proposed development would fail to accord with criterion a. of PLP Policy LP16, in so far as the proposed scheme would fail to respect the context and distinctiveness of the appeal site and surrounding area including the pattern of development. It also fails to take into account the harm to existing views into the site. As such, it has not been demonstrated that the proposed scheme makes effective and efficient use of the building or that it is flexible over its lifespan contrary to criteria b. and c. of LP16. Notwithstanding the harm I have found in relation to the design of the proposed scheme, I find the proposed materials to be used would be acceptable. Additionally, based on

the details before me, I find the scheme would not conflict with LP16 criteria e.-i.

12. While there is no conflict with other elements of LP16, it remains contrary to the policy when taken as a whole. This, in part, requires new development, to positively contribute to the character and local distinctiveness of the area. It would also be contrary to the National Planning Policy Framework, where it states developments should be sympathetic to local character and the National Design Guide, in so far as it requires new development to be well-designed and integrated into its surroundings.

Living conditions - neighbouring occupiers

13. Having considered the relationship between the appeal building, No 896 and the positioning of windows on the proposed building, I find that the distance between these properties would be sufficient to prevent a loss of privacy for existing occupiers of No 896.
14. No 900, unlike other properties, has its principal elevation facing south toward English Street. While the separation distance between No 900 and No 986 is smaller than the Council's guidelines suggest, the relationship between the two properties is such that it would not lead to an unacceptable loss of privacy.
15. On the opposite side of the junction with English Street is No 842 which has been extended with various additions such that a limited amount of outdoor amenity space now exists. This remaining private outdoor space sits behind a tall boundary wall. Despite the proposed increase in the height of the appeal building and the addition of windows facing onto No 842, this private amenity space will continue to be enclosed where views to and from the appeal building will remain restricted, thereby protecting the privacy of occupiers at No 842.
16. No 1 is located adjacent to the footway on the opposite side of the street to the appeal building, where pedestrian and vehicular traffic is present. No 1 shares an existing close connection with the appeal building. Nevertheless, despite the increased height and additional windows to serve the appeal building, I do not find that the proposed relationship between these two buildings would be altered in such a way that it results in an unacceptable loss of privacy or harm to outlook for the existing occupiers.
17. I conclude that the proposed development would not have a significantly harmful effect on the living conditions of neighbouring occupiers. The proposal would therefore comply with Policy LP17 of the PLP, which seeks to ensure, amongst other things, that new development does not unacceptably impact upon the amenity of existing occupiers of existing nearby properties.

Living conditions - future occupiers

18. There are a number of rooms proposed to be served by ground floor windows located close to the existing footway of nearby streets but also sited in close proximity to the communal courtyard. Additionally, units five, six and thirteen would be sited inward, facing the courtyard area.
19. I am mindful that the proposed use is not for permanent residential accommodation and occupiers would be transient. Nevertheless, future occupiers should still benefit from adequate natural light, privacy and outlook. In this regard, rooms facing Bourges Boulevard and English Street would share

a similar relationship to existing dwellings nearby in that they are located close to the footway as is the current arrangement of the appeal building.

20. Many nearby residential properties have some form of internal privacy screen, such as blinds, that allow for adequate natural light to enter these rooms and also provide privacy. Such internal features are commonplace for residential areas and for hotel room accommodation. As it would likely be standard practice to offer rooms such privacy options, I find no reason why the proposed scheme would not provide adequate natural light, privacy and a sufficient outlook to future occupiers.
21. Should such features not be included, the proposed development would share a comparable relationship to the footway as the existing building and other nearby dwellings. As such, living conditions would be similar to many properties found nearby which do not have their blinds closed throughout the day in order to have privacy.
22. Unlike, the other proposed units, some of the windows serving units five, six and thirteen are less likely to receive as much natural light, given their location within the courtyard and the height of the host building. Given the width of the courtyard and projecting wings of the proposed building, sufficient levels of light would still reach these rooms. Additionally, I see no reasons why, subject to privacy blinds or similar that there would be any harm to the privacy of flats five and six for reasons I have already set out.
23. I accept that there is likely to be some limited harm with regard to the outlook for bedrooms serving unit five and unit thirteen as they face onto a blank wall. However, taking into account that there would be some relief when looking out beyond the courtyard and given the likely temporary occupancy arrangements, I do not find that this harm would be significant to the detriment of future occupiers.
24. Consequently, the proposal would provide suitable living conditions for the future occupiers of the proposed development, compliant with Policy LP17 of the PLP. This seeks, amongst other things, new development provides adequate levels of natural light and privacy for future occupiers.

Highway safety

25. My site visit took place in the late morning on a weekday. While this can only represent a snapshot in time, a substantial amount of on-street vehicle parking was widely available in the vicinity of the appeal site. In addition, I saw how there are a number of parking restrictions in front of the appeal site car park, including double yellow lines which ran the length of this section of English Street. These restrictions, street layout, building lines and low level boundaries allowed for high levels of visibility for both users of the appeal site carpark and other road users and pedestrians.
26. The proposed scheme would allow for increased occupancy levels and therefore a greater level of parking demand and use of the carpark area. However, users of the carpark would likely be travelling at low speeds and the opening of the carpark would be wide enough with sufficient levels of visibility to provide a safe form of access and egress onto the adjoining street. Furthermore, it should be noted that given the availability of nearby on-street parking, visitors

may also seek to park on convenient options available on Bourges Boulevard, thereby placing less demand on the carpark area.

27. Additionally, I have been presented with no evidence to indicate that the existing carpark arrangement, whilst likely to result in fewer vehicle trips, has resulted in any accidents to indicate there is an existing issue with how vehicles enter and exit the site, or the height of surrounding boundary treatments causes an obstruction to visibility. If I had been minded to approve the appeal scheme, a suitably worded condition restricting the height of any additional boundary treatments would have been necessary to ensure visibility is retained.
28. Therefore, subject to a condition on boundary treatment heights, the proposed development would not harm highway safety and would accord with Policy LP13 of the PLP, which seeks the safe and efficient movement of all modes of transport.

Other Matters

29. In reaching my decision, I have had regard to the fact that the appeal site is an accessible location with access to transport links and shops. Additionally, there would be social and economic benefits associated with employment during the construction and operation of this hotel-type facility as well as future occupants buoying up the local economy. I attach moderate weight to these benefits. However, in the form proposed, this development would result in the significant harm identified above and the benefits of the scheme do not justify development that would be contrary to the development plan.
30. The appellant has referred to there being no flood risk, impact on ecology, impact on air quality or detrimental noise. However, the lack of harm is neutral and weighs neither for nor against the development.

Conclusion

31. The proposal would provide acceptable living conditions for existing and future occupiers and would not result in harm to highway safety. Notwithstanding this and for the above reasons the development would be unduly harmful to the character and appearance of the area. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs this conflict or the harm identified above.
32. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR

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Appeal Decisions

Hearing held on 7 February 2023

Site Visit made on 7 February 2023

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03/05/2023

Appeal A Ref: APP/J0540/C/21/3278099

Buffingham Kennels, Waterworks Lane, Glinton, Peterborough PE6 7LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr L Greenhow against an enforcement notice issued by Peterborough City Council (the LPA).
- The enforcement notice was issued on 16 June 2021.
- The breach of planning control as alleged in the notice is, without the necessary planning permission, the unauthorised material change of use of the land to a mixed use for dog breeding and the stationing of residential caravan including timber outbuildings, associated infrastructure and fencing.
- The requirements of the notice are:
 1. Cease the unauthorised use for the breeding of dogs and the stationing of a residential caravan.
 2. Remove permanently from the land the residential caravan, other caravan, fencing, timber buildings and hardstanding areas.
 3. Demolish all the structures and internal fences on the land and permanently remove the debris from the land.
 4. Remove all resultant debris and level the land with top soil seed with grass.
- The period for compliance with the requirements is 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (e) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and a variation in the terms set out below in the Formal Decision.

Appeal B Ref: APP/J0540/W/21/3276906

Buffingham Kennels, Waterworks Lane, Glinton, Peterborough PE6 7LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ludovic Greenhow against the decision of Peterborough City Council.
- The application Ref 20/01275/FUL, dated 28 September 2020, was refused by notice dated 4 February 2021.
- The development proposed is described as the proposed continuation of use of land and siting of mobile home in connection with and use of land kennels and associated fencing as licenced establishment for breeding dogs and erection of additional timber kennel.

Summary of Decision: The appeal is allowed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal A – Preliminary Matters

1. The appellant confirmed at the Hearing that they no longer wished to pursue Appeal A on ground (c). I therefore take no further action in respect of the ground (c) appeal.

Appeal A – The Enforcement Notice

2. The use of the word permanently on two occasions within the requirements of the notice is unnecessary, having regard to the provisions of section 181(1) of the 1990 Act which states that compliance with an enforcement notice shall not discharge the notice. The notice can be corrected to delete the word without injustice to the appellant or the LPA.

Appeal B – Preliminary Matters

3. The description of the development in the heading above is taken directly from the application form. The parties agreed a revised description prior to the determination of the application. That description was, "proposed continuation of use of land and siting of mobile home in connection with and use of land, kennels and associated fencing as licensed establishment for breeding dogs and erection of additional timber kennel, as well as formation of vehicle access and associated car parking".
4. However, the continuation of use of land is not an act of development defined in section 55(1) of the 1990 Act. The parties thus agreed at the Hearing that the appropriate description is, "the proposed material change of use of the land to a licenced establishment for breeding dogs and siting of a residential mobile home including kennels, associated fencing, additional timber kennel, formation of vehicle access and associated car parking". I have therefore determined the appeal on that basis.

Appeal A on ground (e)

5. An appeal on ground (e) is made on the basis that copies of the enforcement notice were not served as required by section 172 of the 1990 Act.
6. The appellant argues that the pedestrian access serving the site is not shown within the Land to which the notice relates on the attached plan. The appellant believes that this access should have been included within the Land and the owners of that land notified of the service of the enforcement notice accordingly.
7. However, I see no reason why the adjacent Land ought to have been included within the plan attached to the notice. The alleged breach has taken place entirely within the Land edged in red. The notice does not allege any breach of planning control relating to pedestrian access to the Land.
8. All those with an interest in the Land have been served with a copy of the notice and, on the evidence before me, the notice was served as required by section 172 of the 1990 Act.
9. The appeal on ground (e) therefore fails.

Appeal A on ground (d)

10. In the appeal on ground (d), it is necessary for the appellant to demonstrate, on the balance of probabilities, that at the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
11. The relevant timescale for consideration under section 171B(3) of the Act is 10 years. Thus, the focus for the appeal on ground (d) is whether the material change of use took place on or before 16 June 2011 and the mixed use continued uninterrupted for a period of 10 years thereafter.
12. It is said that the use of the site for the breeding of dogs commenced in 2010 when the site was fenced, enclosed and a number of runs were established for use in connection with dog breeding, together with the siting of a caravan for use in whelping. It is therefore contended that the use has been extant for more than ten years before the enforcement notice was served.
13. However, the residential use of the Land did not commence until 2015. The appellant would therefore need to show that the material change of use to the mixed use of residential and dog breeding occurred more than ten years before the date of the enforcement notice and that the mixed use continued for the ten year period, regardless how long the original use continued for unchanged. Thus, the material change of use to a mixed use of dog breeding and residential would have taken place in 2015. Clearly a ten year period could not be demonstrated.
14. In any event, planning permission was granted for the change of use of the Land to dog breeding business, including residential mobile home, on 13 March 2017¹. That permission was granted on a temporary basis with a condition requiring the use to cease on 17 March 2019. Therefore, between 13 March 2017 and 17 March 2019, there was no breach of planning control under section 171A(1)(a) of the 1990 Act as the mixed use of the Land for dog breeding and residential benefitted from planning permission. Consequently, when the use continued post the 17 March 2019 expiration of the permission, a fresh breach of planning control, that being development without planning permission, would have started and the 10 year clock reset. A ten year continuous breach prior to the notice being issued can not therefore be demonstrated. Enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters at the date the notice was issued.

15. The appeal on ground (d) fails.

Appeal A on ground (a) and Appeal B

Preliminary Matters

16. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. The terms of the deemed planning application are derived directly from the wording in the allegation. Planning permission may only be granted for those matters, in whole or in part, as corrected or varied where necessary.

¹ LPA Ref: 17/00022/FUL

17. The development for consideration in respect of Appeal A is thus the material change of use of the land to a mixed use for dog breeding and the stationing of residential caravan including timber outbuildings, associated infrastructure and fencing. The development in respect of Appeal B is essentially the same, albeit it includes the proposed formation of vehicle access and associated car parking on the adjacent land. I have thus dealt with the two appeals in the round although individual conclusions and decisions have been reached on each.

Main Issues – Appeal A and B

18. The main issues are:

- the effect of the development on highway safety;
- whether there is an essential need for a rural worker to live at or near their place of work in the countryside; and,
- the effect of the development on the character and appearance of the area.

Reasons – Appeal A and B

Highway Safety

19. In respect of Appeal A, the LPA's reason for issuing the notice in respect of highway safety was that the mixed use gives rise to the use of a passing bay on Waterworks Lane for parking. In respect of Appeal B, the LPA's reason for refusing planning permission on highway safety grounds was because the LPA believed it had not been demonstrated that vehicles could enter and leave the site in a forward gear.
20. Waterworks Lane is a largely single-track road with, it is said, a speed limit of 60mph. I was able to see from my site visit that it is a long, straight and relatively flat road with excellent visibility of oncoming traffic in both directions. Whilst it generally serves a predominately rural area, there are a number of residential and commercial premises along the road, including premises which utilise heavy goods vehicles. Nevertheless, I saw from my site visit that traffic volumes are relatively low with vehicles travelling only intermittently along the highway. I have no reason to believe my observations were not representative of typical highway conditions.
21. Given the width of the highway, for most of its length two vehicles are unable to pass one another in opposite directions without conflict. Thus, there are several passing places along Waterworks Lane to allow vehicles approaching one another to pass safely. One such passing place sits adjacent to Woodcroft Grange to the front of the Land. I could see at my site visit that the passing bay is large enough to accommodate 2-3 vehicles.
22. The appellant uses the passing bay to park their own vehicle. In addition, it is used for parking by customers when they carry out viewings on the puppies which they may wish to purchase. The appellant indicated at the Hearing that around 95% of viewings are done on Saturdays and Sundays. Viewings are said to be by appointment only and there are never two appointments at any one time.
23. If two or three cars were parked in the passing bay, this would likely result in conflict between vehicles approaching one another on this part of Waterworks

Lane. Cars parked in the bay would prevent vehicles from the east yielding to those from the west, as they would be unable to move to the side to provide sufficient space to pass. Whilst my observations indicated that traffic movements along the road are not frequent, given the visibility and road conditions, vehicles travelling along the road are likely to do so at high speeds. The fact that traffic is light and sporadic on Waterworks Lane does not necessarily reduce the risk of collisions. Drivers travelling along the road at high speeds may have their awareness of oncoming vehicles reduced by the perceived low probability of there being oncoming traffic. I note that there is no existing injury accident data for Waterworks Lane. Nevertheless, I consider there is an increased risk of collision between oncoming vehicles as a result of the use of the passing bay for parking associated with the mixed use.

24. The proposed access and parking arrangements shown on the parking layout plan form part of the development in respect of Appeal B. They do not form part of the development in respect of Appeal A, nevertheless, the appellant has submitted the parking layout plan in respect of Appeal A on the basis that it would overcome the highway safety harm alleged in the notice.
25. The plan shows the site would be accessed via a new opening in the existing hedgerow, adjacent to the existing access to Woodcroft Grange. The submitted parking layout plan shows a 5m wide access would be created. This would serve a parking area which would provide for three spaces to be shared between the residential use and the dog breeding business. The parking area would be set back 5m from the highway. Each space would be 2.5m wide and 5m deep. There would be 6m depth between the spaces and the opposite edge of the parking area.
26. The LPA, on advice from the Local Highway Authority, argue that the most southerly of the three spaces could not be used if the other two spaces are occupied, and thus the scheme would provide an insufficient number of spaces to prevent parking on the highway. In addition, vehicles would be unable to exit the site in a forward gear, resulting in potential collisions with vehicles on the highway.
27. However, the appellant has provided a plan which shows vehicle tracking. The plan shows that there is sufficient space within the parking area for cars to exit the first space and leave the site in forward gear. No tracking is shown for the second or third spaces. However, it seems to me that at 6m, there will be sufficient space for a car to reverse out of those spaces and turn to exit the site in forward gear. Whilst it may require a number of points to the turn, I am satisfied that drivers would be capable of doing so. Moreover, I am satisfied that the spaces would not be unusable to the point they would deter drivers from parking in the area.
28. Thus, I am satisfied that each of the three spaces could be used. Consequently, the scheme provides for three off-street parking spaces which will avoid vehicles parking in the layby on the highway. Moreover, the arrangements would ensure that sufficient off-road parking is provided and that vehicles would be able to exit in forward gear safely. This would thus satisfactorily overcome any harm that would arise to highway safety from vehicles parking in the passing bay or exiting the site in reverse gear.
29. In respect of Appeal A, the land on which the proposed parking and access is proposed is not owned by the appellant. It sits outside the Land to which the

enforcement notice relates as shown by the red line on the plan attached to the notice. The owner of the Land was not served with a copy of the enforcement notice as a result. Consequently, it would not be open to me to impose a condition requiring cessation of the use and demolition of the buildings if the car park and access was not carried out within a certain time period as the appellant would be bound by the decisions and actions of the landowner. Since non-compliance with an enforcement notice is a criminal offence, I consider such an approach would be substantially prejudicial to the appellant. Thus, as the provision of the car parking and access could not be provided through the deemed application under Appeal A on ground (a), then the measures proposed therein would not overcome the highway safety harm which arises as a result of the development subject of Appeal A.

30. In contrast, in Appeal B the land in question is within the red line of the application site shown on the submitted plans. Moreover, the landowner was notified of the application and the appellant has completed Certificate B of the application forms advising as such. As a result, I am satisfied that it can be reasonably assume the landowner is aware of the proposal and the appellant has a degree of control over it as it forms part of the application.
31. I conclude, therefore, that the development in respect of Appeal A will have a harmful effect on highway safety, in conflict with Policy LP13 of the Peterborough Local Plan 2016-2036 (2019) (the LP) which states that permission will only be granted where appropriate provision has been made for safe, convenient and sustainable access and following appropriate mitigation the development would not result in a residual cumulative severe impact on any element of the transportation network including highway safety following appropriate mitigation.
32. I conclude that the development in respect of Appeal B will not have a harmful effect on highway safety, in accordance with LP Policy LP13.

Essential Need

33. The Land lies in the open countryside, adjacent to a single dwelling and surrounded by open fields. Policy LP11 of the LP states that planning permission for a permanent dwelling in the countryside to enable workers in enterprises where a countryside location is an essential requirement to live at, or in the immediate vicinity of, their place of work will only be granted subject to several criteria. They include: where there is a clearly established existing functional need; the need relates to a full-time worker; the unit and activity concerned has been established for at least three clear years, has been profitable for at least one of them and is currently financially sound with a clear prospect of remaining so; and, the functional need cannot be fulfilled by an existing dwelling, or the conversion of an existing building in the area, or any other existing accommodation in the area which is suitable and available.
34. Policy LP11 is broadly consistent with the National Planning Policy Framework (the Framework) which states at paragraph 80 that planning policies and decisions should avoid the development of isolated new homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
35. The appellant originally ran the adjacent Woodcroft Grange boarding kennels from 2008, where they subsequently began breeding dogs which in turn led to

their purchase of the Land. It is said that the appellant thereafter began breeding dogs on the Land from 2010. Kennels were erected first in 2012 and subsequently in 2013. In 2013 the appellant left Woodcroft Grange and moved around 6.5 miles away, returning to the Land daily to care for the dogs. The appellant thereafter moved onto the Land into a caravan in 2015 and has continued to breed dogs for sale on the Land since.

36. As set out above, the LPA granted planning permission for the change of use of the Land to dog breeding business including residential mobile home in March 2017. The permission was granted on a temporary basis to allow the business time to demonstrate it was financially sound, albeit the temporary period was for two years rather than the maximum three years which LP Policy LP11 allows for in such circumstances.
37. At the Hearing, the LPA accepted that it is essential for the dog breeding enterprise to be located in the open countryside given the potential noise issues that will arise. On that basis, there is no dispute regarding the suitability of the location for the dog breeding enterprise. Moreover, the LPA accepted at the Hearing that there is a functional need for a full-time worker employed in the dog breeding business to live on the appeal site to ensure the proper functioning of the enterprise, principally for reasons of security and animal welfare. Similarly, there is no dispute between the parties that the functional need cannot be fulfilled by an existing dwelling, or the conversion of an existing building, or any other existing accommodation which is suitable and available. I see no reason to conclude otherwise.
38. The dispute therefore lies solely on that part of LP Policy LP11 which requires permanent dwellings the countryside to demonstrate that the unit and activity has been established for at least three years, has been profitable for at least one of them and is currently financially sound with a clear prospect of remaining so. The LPA does not believe that there is sufficient evidence to demonstrate that is the case. In contrast, the appellant says that the business has been established and financially sound for well in excess of three years. Nevertheless, it was said at the Hearing that a new business model was introduced around March 2020 to increase the number of dogs being bred on the site, along with the erection of additional kennels. It is said this was done in response to the LPA's concerns that the business did not then support a full-time living wage.
39. There is no dispute between the parties that a dog breeding business on the Land has been established for several years. The LPA acknowledge it has been ongoing since at least 2016. The appellant argues that the business has been profitable in all of the last three financial years. The last three financial years being 2019/20, 2020/21 and 2021/22.
40. Profit and loss accounts for 2019/20 show a net profit of £6,842. However, LP Policy LP11 is clear that the enterprise must support a full-time worker. Whilst I recognise the appellant's personal preference to live a modest lifestyle, a profit of £6,842 would fall substantially short of supporting the wage of a full-time time worker, whether considering national minimum wage, national living wage or agricultural minimum wage. The business needs to support a sufficient full-time wage regardless of the lifestyle choices of the appellant.

41. In 2020/21, the accounts show an increased net profit of £11,452 which, whilst an increase on the previous year's net profit, still falls short of supporting a wage for a full-time worker.
42. Following submission of the appeal, the appellant provided updated financial information in June 2022. This included a profit and loss account for 2021/22. The account shows a substantial increase in net profit, with it increasing to £23,938 which would sufficiently support a full-time worker. However, whilst the accounts state they were prepared by a company, they are not signed nor is there any indication they were independently verified. Nevertheless, the LPA accepted at the Hearing that the figures presented looked reasonable and they had no reason to believe that the business had not been profitable in at least one of the last three years. I see no reason to disagree.
43. Nonetheless, it is clear that the appellant achieved such a significant increase in profit down to the new business model which involves breeding and selling dogs in more varied breeds and increased amounts. Thus, it seems to me that the breeding and selling of dogs at the current level is materially different from that which went on before since it involves new breeds and has been facilitated by new buildings. Therefore, the current business operating from the Land ought to be considered as a newly established enterprise in the context of LP Policy LP11. Given that it only commenced in March 2020, and was subsequently delayed as a result of the Covid-19 pandemic, it follows that the enterprise cannot have been established for at least three years and profitable for one of them. As a result, the development would not meet the requirements for a permanent dwelling under LP Policy LP11.
44. LP Policy LP11 does state that planning permission will not be granted for a new permanent dwelling in association with a proposed or newly established enterprise in the countryside. However, if a functional need is demonstrated, there is clear evidence of a firm intention and ability to develop the enterprise and there is clear evidence that the enterprise has been planned on a sound financial basis, permission may be granted on a temporary basis for no more than three years for a caravan, mobile home or wooden structure which can easily be dismantled.
45. The LPA pointed out at the Hearing that Policy LP11 states that, after a three-year temporary permission has expired, permission will only be granted if the criteria has been met and a further temporary period will not be permitted. Given that a previous temporary planning permission for a residential caravan has been granted on the Land, the LPA says a further temporary permission would conflict with the policy. However, it seems to me that if one considers the new business model a materially different enterprise such that it cannot meet the requirements for a permanent dwelling under LP Policy LP11, then it follows that it is a materially different enterprise for consideration under the temporary element of the policy. It is not therefore the same enterprise for which a temporary planning permission was granted in March 2017. I therefore take the view that it is open to me to consider the development as a newly established enterprise in the context of LP Policy LP11.
46. As set out above the LPA accepts that functional need for a dwelling on the Land associated with the enterprise has been demonstrated. The appellant has bred dogs on the Land for a number of years. There is no dispute over that. Furthermore, the LPA considered in the previous grant of planning permission

- that the appellant had an intention to develop a dog breeding enterprise on the Land. The appellant made clear at the Hearing that there is a commitment from them to develop the enterprise in the future. As a result, I am satisfied that there is clear evidence of an intention and ability to develop the enterprise.
47. As set out above, the financial accounts submitted show a healthy net profit of £23,938 for the last financial year 2021/2022. The LPA accepted at the Hearing that the figures in the accounts looked reasonable and did not query any of the figures within the accounts.
 48. Looking ahead, updated projections were provided at the Hearing by the appellant. They showed estimates for the financial year 2022/23 and projections for 2023/2024. For 2022/23, the appellant anticipates an income of around £37,450. When questioned at the Hearing, the appellant indicated at the net profit for 2022/23 would be similar to the net profit for 2021/22. This was on the basis of cost of sales of circa £10,000 and expenses of around £7,500.
 49. In terms of 2023/24, the appellant indicated at the Hearing that, at present, there they had one Sealyham Terrier and two Cocker Spaniels currently with puppies in gestation which would be born in the financial year. Once sold, it is said those litters would generate sales income of around £24,000 from around 10 puppies. In addition to that, the appellant has plans to breed nine litters of Mini Schnauzers which will average five puppies per litter. Based on a reasonable estimate of £1,300 sale price per puppy, that would generate additional income in 2023/24 of £58,300.
 50. The appellant accepted that it would be difficult to estimate costs for 2023/24, however, they did indicate that cost per puppy in 2022/23 amount to £97 from birth to sale. That included food, testing, chipping and registration. Assuming the same costs for 2023/24, that would result in cost of sales of around £5,335, leaving an estimated net profit of £76,965. That is a substantial increase above the net profit of £23,938. However, the appellant explained at the Hearing that they had incurred substantial capital costs to construct a new shed, install double glazing and install green mesh fencing in addition to internal fencing which I was able to see on my site visit. The appellant also indicated at the Hearing that they had imported two stud dogs from overseas at a cost of around £4,000, albeit this was incurred in 2021/22. Nevertheless, the appellant indicated that such capital costs would not necessarily need to be incurred in 2023/24, hence the increase in net profit.
 51. Moreover, the three litters currently in pup were anticipated to be delivered in the 2022/23 financial year, which would have increased the net profit of 2022/23 by £24,000, reducing the 2023/24 figure accordingly. However, the Department for Environment, Food and Rural Affairs introduced new guidance which increased the breeding age of dogs for breeders with a five star licence (such as the appellant). As a result, those litters were pushed back into the 2023/24, hence the stark contrast between the £23,938 net profit in 2022/23 and the net profit of £76,965.
 52. The LPA indicated at the Hearing that they had some doubt over the projections given the lack of invoices and receipts provided and that there was lack of firm evidence over the costings. However, the LPA did not provide any specific evidence which cast doubt on the credibility of the appellant's projections. Ultimately, projections will not be accurate but I have no reason to

believe they have not been made on a sound financial basis. As a result, I am satisfied there is clear evidence that the enterprise has been planned on a sound financial basis.

53. I conclude, therefore, that in respect of both Appeal A and Appeal B, there is an essential need for a rural worker to live at or near their place of work in the countryside. On the evidence before me, the developments accord with LP Policy LP11 insofar as it states that planning permission may be granted on a temporary basis for no more than 3 years for a caravan, mobile home or wooden structure to support newly established enterprises in the countryside where there is a functional need.

Character and Appearance

54. The Land lies in an area which is predominately rural in character. The surrounding landscape is characterised by flat, open fields and hedgerows, interspersed with farmsteads and agricultural buildings. In addition, there is a large gasworks compound to the south of the Land.
55. The enforcement notice in respect of Appeal A cites the effect of the caravan, sheds and other business infrastructure on the character and appearance of the area as a reason for issuing the notice. However, at the Hearing the LPA confirmed that its sole concern on character and appearance grounds was the effect of the removal of hedgerow on Waterworks Lane as a result of the proposed access and parking which is solely part of the development in Appeal B.
56. Given that the buildings on the Land are relatively low level, largely screened by fencing and planting and of similar size and design to other such structures in the area, I agree that the development subject of Appeal A will not have a harmful effect on the character and appearance of the area.
57. In terms of Appeal B, the proposed access arrangements would result in the removal of around 5m of established hedgerow. However, I was able to see from my site visit that the hedgerow is sporadic in part and gaps within hedgerows are a common feature in the surrounding landscape, particularly where they serve access points. As a result, I am satisfied that the removal of the hedgerow to facilitate the access would not unduly diminish the rural nature and character of the lane.
58. The LPA also states that the car parking would be an unacceptable encroachment of hard landscaping into the open countryside. I accept that the provision of the access and parking arrangements would result in the loss of part of an open field to hard surfacing. However, it would be a relatively small part of the overall field. Moreover, it will sit adjacent to the existing built form of Woodcroft Grange. Furthermore, areas of hardstanding to facilitate access and parking are not an uncommon feature in the area. This area would be relatively well screened from surrounding views by the existing boundary treatments.
59. I conclude, therefore, that in respect of both Appeal A and Appeal B, the developments will not have a harmful effect on the character and appearance of the area. As a consequence, both developments will accord with Policy LP16 of the LP which states that all development proposals are expected to positively

contribute to the character and local distinctiveness of the area and create a sense of place.

Human Rights – Appeal A

60. The loss of a person's home would be an infringement of their rights under the Human Rights Act 1998 (HRA). I have also had regard to the Public Sector Equality Duty (PSED) enshrined in the Equality Act 2010, insofar as the appellant considers themselves to have a disability which is a protected characteristic. The cessation of the use of the Land for residential purposes would amount to interference and would engage the right for respect for private and family life, home and correspondence set out in Article 8 of the HRA. This is a qualified right, whereby interference may be justified if in the public interest, applying the principle of proportionality.
61. I acknowledge that the consequence of dismissing the appeal would be that the appellant and his wife would lose their home. However, the notice, as varied, provides a 12 month compliance period which would allow them time to find an alternative home. Moreover, there is no indication that those persons would necessarily be made homeless beyond that date. In any event, as a result of my decision to grant planning permission for the residential use of the Land in respect of Appeal B, the requirements insofar as they relate to the requirement to cease the use of the Land for residential purposes would cease to have effect under section 180 of the 1990 Act.
62. As a result, the planning harm I have identified is of such weight that upholding the notice as varied would be a proportionate and necessary response that would not violate those persons rights under Article 8 of the HRA and having regard to the PSED. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Other Matters – Appeal A

63. I note that the appellant has made efforts to improve biodiversity on the Land through a programme of planting. However, such benefits would not outweigh the harm which arises to highway safety.

Conditions – Appeal B

64. In light of my findings in respect of the main issue of essential need, it is necessary to impose a condition restricting the period for the permission to 3 years in accordance with LP Policy LP11 and to prevent unjustified residential development in the open countryside. Likewise, for the same reason, it is necessary to impose a condition to restrict the occupation of the dwelling to a person employed in the dog breeding business. In addition, it is necessary to require compliance with the approved plans in respect of the parking and access arrangements to prevent harm to highway safety.
65. A condition requiring compliance with the approved plans is not necessary as the development has already been carried out, apart from the access and car parking provision. A condition has nevertheless been imposed requiring the access and car parking to be carried out in accordance with the submitted details within 6 months to prevent harm to highway safety.
66. The LPA suggests a condition requiring the Land to be restored within 3 months if the uses were to cease is necessary. However, I consider such a condition

would not be necessary, given the potential for a person other than the appellant to carry out the uses within the scope of the permission to be granted.

Conclusions – Appeal A

67. Whilst I have found that there is an essential need for a rural worker to live at or near their place of work in the countryside and that the development subject of the notice will not have a harmful effect on the character and appearance of the area, I have found there will be harm to highway safety. That is the prevailing consideration.
68. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Conclusions – Appeal B

69. For the reasons given above I conclude that the appeal should be allowed.

Overall Conclusions

70. In light of my decision to refuse planning permission on the deemed application and dismiss the appeal on ground (a), the enforcement notice will be upheld and, subject to the outcome of the appeal on ground (f), the requirements of the notice will remain. Nevertheless, planning permission will be granted as a result of my decision to allow Appeal B.
71. Thus, the appellant can rely on section 180 of the 1990 Act which states that, where after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that planning permission, the enforcement notice shall cease to have effect so far as inconsistent with that permission.

Appeal A on ground (f)

72. An appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary. Section 173(4) of the 1990 Act sets out that the purpose of an enforcement notice can be: (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach.
73. Both parties stated at the Hearing that they consider the purpose of the notice is to remedy the breach. Given the notice requires the use to cease and the removal of the caravans, fencing, timber buildings and hardstanding areas, I am satisfied the purpose of the notice is to remedy the breach of planning control in accordance with section 173(4)(a) of the 1990 Act.
74. As such the requirements to cease the use, remove all caravans, fencing, buildings and hardstanding areas which have facilitated the mixed use do not go beyond what is necessary to remedy the breach. It seems to me that the siting of the caravans, the buildings and hardstanding have all been done to facilitate either the residential or dog breeding elements of the mixed use. On that basis it is not excessive to require their removal in order to remedy the breach.

75. However, the LPA indicated at the Hearing that the requirement to remove fencing from the Land related only to the internal fencing which has been erected within the site, and not the fencing which has been erected around the boundary. Whilst that is clear from requirement 3 of the notice, requirement 2 of the notice refers to fencing. I will therefore vary the notice to delete the word fencing from requirement 2, since requirement 3 will suitably deal with the internal fencing.

76. Otherwise, the appeal on ground (f) fails.

FORMAL DECISIONS

Appeal A

77. It is directed that the enforcement notice is corrected by the deletion of the word "permanently" from section 5(2) and 5(3) of the notice and varied by the deletion of the word "fencing" from section 5(2) of the notice.

78. Subject to the corrections and variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

79. The appeal is allowed and planning permission is granted for the proposed material change of use of the land to a licenced establishment for breeding dogs and siting of a residential mobile home including kennels, associated fencing, additional timber kennel, formation of vehicle access and associated car parking at Buffingham Kennels, Waterworks Lane, Glinton, Peterborough PE6 7LP in accordance with the terms of the application, Ref 20/01275/FUL, dated 28 September 2020, and the plans submitted with it, subject to the following conditions:

- 1) The residential use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The residential use hereby permitted shall be discontinued and the land restored to its former condition on or before 3 years from the date of this decision.
- 2) The occupation of the residential mobile home, as illustrated on the drawing 'Site Location Block Plan General Arrangement', shall be limited to a person solely or mainly employed, or last employed, in the dog breeding business hereby permitted, or a widow, widower or surviving civil partner of such a person, and to any resident dependents.
- 3) The uses hereby permitted shall cease and the building operations hereby permitted shall be demolished to ground level and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed within 28 days of the date of failure to meet the requirements set out below:
 - i) Within 6 months of the date of this decision, the vehicle access and parking provision as shown on the approved plan "Proposed Site Layout Plan V2a Revised Parking" shall be implemented in full and the parking spaces laid out for vehicles to park and turn clear of the public highway at all times.

Upon implementation of the approved access and parking scheme specified in this condition, the scheme shall thereafter be maintained and retained as such.

In the event of a legal challenge to this decision the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

J Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Dadge – Agent
Ludovic Greenhow – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Matt Thomson – Senior Planner, Peterborough City Council
Lee Walsh – Planning Enforcement Officer, Peterborough City Council

DOCUMENTS

- 1 Updated Financial Information

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