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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 19 MARCH 2024
1.30 PM**

Council Chamber - 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: 5 - 12

23 January 2024
20 February 2024

5. Development Control and Enforcement Matters

5.1 **23/00118/OUT - Land to the South of West Street, Helpston 13 - 36**

5.2 **23/01659/FUL - 10 The Crescent, Orton Longueville 37 - 54**

5.3 **24/00114/HHFUL - 33 Chisenhale, Orton Waterville 55 - 62**

5.4 **23/01634/FUL - 68 Canterbury Road, Werrington 63 - 76**



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<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385>

Committee Members:

Councillors: Iqbal (Chairman), M Jamil (Vice Chairman), W Fitzgerald, Hussain, Sharp, Warren, Jones, Hogg, Bond, C Harper and B Rush

Substitutes: Councillors: G Casey, Allen, Mahmood, Bond and J R Fox

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 747474 or by email – democratic.services@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Jim Newton, Sylvia Bland, James Croucher, Matt Thomson, Asif Ali, Molly Hood, Karen Ip, Connor Liken, James Lloyd, James Croucher and James Melville-Claxton

Minerals and Waste: Alan Jones

Compliance: Lee Walsh

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, 23 JANUARY 2024
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

To be read in conjunction with the agenda and supplementary agenda for the meeting.

[\(Public Pack\)Agenda Document for Planning and Environmental Protection Committee, 23/01/2024 13:30 \(peterborough.gov.uk\)](#)

[\(Public Pack\)Supplementary Agenda Supplement for Planning and Environmental Protection Committee, 23/01/2024 13:30 \(peterborough.gov.uk\)](#)

Should you wish to listen to the debate had, please visit Peterborough City Council YouTube Channel at
[Planning and Environmental Protection Committee - Tuesday 23rd January, 2024 1.30 pm \(youtube.com\)](#)

Committee Members Present: Iqbal (Chairman), Jamil (Vice Chairman), A Bond, Fitzgerald, Harper, Hogg, Hussain, Jones, Rush, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Phil Moore, Development Management Team Leader
Asif Ali, Senior Development Management Officer
James Croucher, Principal Planning Officer
Colin Sweeney, Interim Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer
Adesuwa Omoregie, Interim Director of Legal and Governance and Monitoring Officer
Chris Gordon, Planning Solicitor
Sarah Hann, Principal Engineer (Highway Control)

Speakers in Attendance: **22/01510/FUL - TRANCHE TC2 LONDON ROAD PETERBOROUGH**
Ward Councillor Wiggin, Jodie Aston – Clerk to Hampton Parish Council
Objector Tony Edwards
Agent/Supporter Matt Sladen and Sophie Dury

23/00251/FUL - EXHIBITION HALL EAST OF ENGLAND SHOWGROUND OUNDLE ROAD ALWALTON
Agent/Supporters Nick Harding, Ashley Butterfield, Pamela Newbold, Mark Sitch.

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fitzgerald, with Councillor Casey substituting and Councillor Hussain, with Councillor Jackie Allen substituting.

36. DECLARATIONS OF INTEREST

Councillor Sharp declared an interest in respect of Planning Application 22/01510/FUL - Tranche TC2 London Road, Peterborough.

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

Councillor Sharp declared an interest in respect of Planning Application 22/01510/FUL - Tranche TC2 London Road, Peterborough.

38. PLANNING AND ENFORCEMENT MATTERS

38.1 22/01510/FUL - TRANCHE TC2 LONDON ROAD PETERBOROUGH

A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (7 For, 2 Against and 1 Abstention (Councillor Sharp took no part in the voting thereon)) to **GRANT** the planning permission subject to relevant conditions delegated to officers and on the published update sheet.

REASONS FOR DECISION

Subject to the imposition of the attached 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 principle of mixed-use commercial redevelopment on this brownfield site within a defined Urban Extension was acceptable and accordance with Policies LP2 and LP5 of the Adopted Peterborough Local Plan (2019)
- The applicant had satisfactorily demonstrated that the proposed retail foodstore would not cause any material harm to vitality or viability of any defined centre, and that no sequentially-preferable alternative location was available, in accordance with Policy LP12 of the Adopted Peterborough Local Plan (2019)
- The traffic impacts of the development were capable of mitigation. and the development was therefore, considered to comply with policy LP13 of the Adopted Peterborough Local Plan (2019)
- The visual impact of the proposed development is acceptable, in accordance with Policies LP16 and LP18 of the Adopted Peterborough Local Plan (2019)
- The development would not have any unacceptable ecological impacts. Compensatory habitat improvements would be provided offsite. The development therefore accorded with Policies LP28 and LP29 of the Adopted Peterborough Local Plan (2019)
- The site could be adequately drained in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019)
- The applicant had satisfactorily demonstrated that acceptable living conditions could be provided for existing nearby residential occupiers, in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019)

38.2 23/00251/FUL - EXHIBITION HALL EAST OF ENGLAND SHOWGROUND OUNDLE ROAD ALWALTON

RESOLVED:

A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (11 For, 0 Against and 0 Abstention) to **GRANT** the planning permission subject to relevant conditions delegated to officers, together with the updated condition.

REASONS FOR DECISION

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

Officers considered that the neighbour amenity concerns which were raised during the October Committee had been adequately addressed via the omission of the Dunblane Drive access.

Appropriate transport information was provided, which demonstrated that access via Gate 5 off Joseph Odam Way was acceptable subject to conditions controlling the operating hours as well as the number of movements from Articulated HGVs in accordance with Policy LP17 and LP13 of the Peterborough Local Plan (2019).

Finally, the proposal would be in accordance with Policies LP2, LP13, LP16, LP17, LP19, LP28, LP29 and LP32 of the Peterborough Local Plan (2019).

CHAIR

Start: 13.30; End 15:31

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING**

**HELD AT 1.30PM, ON TUESDAY, 20 FEBRUARY 2024
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

To be read in conjunction with the agenda and supplementary agenda for the meeting.

[\(Public Pack\)Agenda Document for Planning and Environmental Protection Committee,
20/02/2024 13:30 \(peterborough.gov.uk\)](#)

[\(Public Pack\)Supplementary Agenda Supplement for Planning and Environmental Protection
Committee, 20/02/2024 13:30 \(peterborough.gov.uk\)](#)

*Should you wish to listen to the debate had, please visit Peterborough City Council YouTube
Channel at*

[Planning and Environmental Protection Committee - Tuesday 20 February, 2024 1.30 pm
\(youtube.com\)](#)

Committee Members Present: Iqbal (Chairman), Jamil (Vice Chairman), A Bond, Fitzgerald, Harper, Hogg, Hussain, Jones, Rush, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Phil Moore, Phil Moore, Development Management Team Leader
Alan Jones, Principal Minerals and Waste Officer
Molly Hood, Senior Development Management Officer
Lee Walsh, Team Leader Planning Compliance
Colin Sweeney, Interim Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer
Chris Gordon, Planning Solicitor
Joanna Turnham, Solicitor
Sarah Hann, Principal Engineer (Highway Control)
Ross Percy-Jones, Principal Transport Planner

Speakers in Attendance: **22/00600/MMFUL - Eye Landfill Site Eyebury Road Eye Peterborough**
Ward Councillor Steve Allen

22/01793/FUL - Land To the North Of Lynch Wood Peterborough
Parish Councillor Steve Swan, Ward Councillors Day and Stevenson
Agent/Applicant/Supporter - Emily Armstrong, Peter Campbell and Paul Smith

24/00025/HHFUL - 140 NORTHFIELD ROAD MILLFIELD PETERBOROUGH PE1 3QE
Ward Councillor Khan
Applicant – Mrs Ali

39. APOLOGIES FOR ABSENCE

There were no apologies for absence.

40. DECLARATIONS OF INTEREST

There were no declarations of interest made.

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

There were no declarations to speak as Ward Councillor.

42. MINUTES OF THE MEETING HELD ON 12 DECEMBER

Committee approved the minutes of the meeting held on 12 December 2024.

43. PLANNING AND ENFORCEMENT MATTERS

43.1 22/00600/MMFUL - EYE LANDFILL SITE EYEBURY ROAD EYE PETERBOROUGH

A motion was proposed and seconded to **REFUSE** the application as per officers' recommendation. The Committee **RESOLVED** (Unanimous) to **REFUSE** the planning permission.

REASONS FOR DECISION

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

- R 1 The submitted transport information does not demonstrate that there will be no significant residual cumulative adverse impact on the adjoining public highway in terms of both highway safety and capacity, contrary to Policy LP13 of the Peterborough Local Plan.
- R 2 Eyebury Road was unsuitable in its present condition to take the type and amount of additional HGV traffic likely to be generated by this proposal, and there was no scope for improvements to be carried out to this road, therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway, contrary to Policy LP13 of the Peterborough Local Plan.
- R 3 The proposal had not demonstrated clear and convincing justification for the harm it would cause to the setting of Bar Pastures Scheduled Monument as required by Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 21.

43.2 22/01793/FUL - LAND TO THE NORTH OF LYNCH WOOD PETERBOROUGH

RESOLVED:

A motion was proposed and seconded to **GRANT** the application as per officer recommendation. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning

permission subject to relevant conditions delegated to officers, together with updated conditions 10,26 and 27 and condition 24 to be included in the section 106 agreement.

Reasons for Decision

Subject to the imposition of the conditions and updated 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 aligned with the allocation of the site under Policy LP4 and LP46.1 of the Peterborough Local Plan 2019.
- The development would not result in unacceptable residential amenity impacts or visual harm to the character and street scene of Lynch Wood – compliant to Policies LP16 & LP17.
- In principle the development was acceptable on highway grounds, with justification and conditions for parking. The development accords with Policy LP13.

2.36pm - At this point the meeting adjourned to take a five minute comfort break.

The Committee agreed for the Ward Councillor and Applicant to speak on the following item 24/00025/HHFUL - 140 Northfield Road Millfield Peterborough PE1 3QE

43.3 24/00025/HHFUL - 140 NORTHFIELD ROAD MILLFIELD PETERBOROUGH PE1 3QE

RESOLVED:

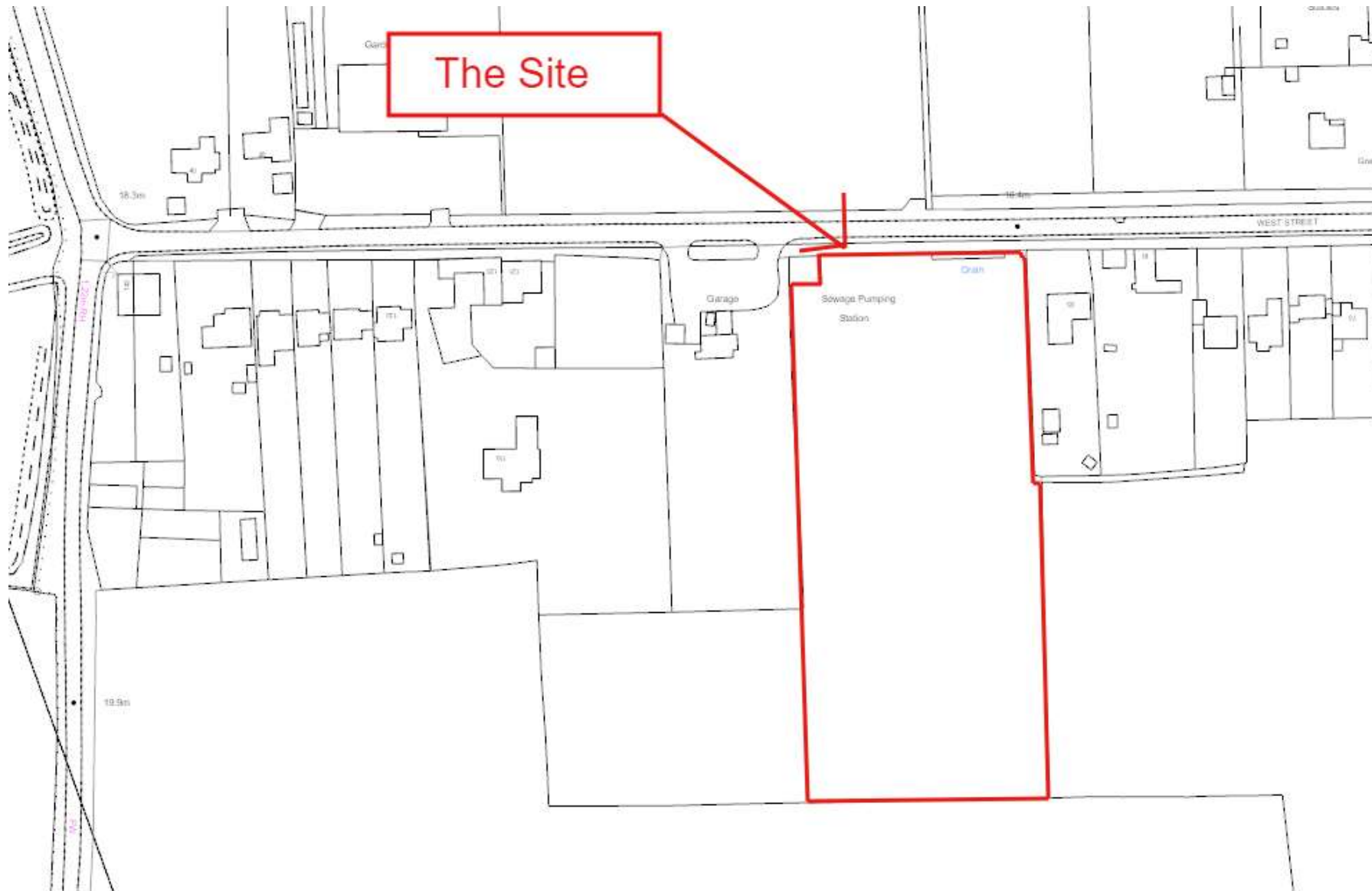
A motion was proposed and seconded to go against officer recommendation **GRANT** the application. The Committee **RESOLVED** (7 For, 3 Against and 1 Abstention) to **GRANT** the planning permission subject to relevant conditions delegated to officers, together with the updated condition.

REASON FOR DECISION

Members felt that whilst there was a conflict with Local Plan policies LP16 and LP17, the child's needs were a material consideration that outweighed the loss of amenity and design for current and future residents of the property.

CHAIRMAN
Start: 1.30pm - End 4:17pm

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Reference: 23/00118/OUT
Site address: Land to the South of West Street, Helpston

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Application Ref: 23/00118/OUT

Proposal: Erection of up to 20 no. dwellinghouses with access secured and all other matters reserved

Site: Land to the South of West Street, Helpston, Peterborough

Applicant: Mr Brough – C.J. Pettitt Transport Limited

Agent: Jacqueline Jackson – Marrons Planning

Site visit: 02.03.2023

Referred By: Helpston Parish Council

Reason for Referral: The PC consider the proposal to be contrary to numerous Local and Neighbourhood Plan policies

Case officer: Mr James Lloyd

E-Mail: james.lloyd@peterborough.gov.uk

Telephone No. 07920160706

Recommendation: **GRANT** subject to conditions and completion of a Section 106 agreement

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

Site and Surroundings

- 1.1 The application site comprises a rectangular parcel of undeveloped, greenfield land (approx. 1.3 ha of Grade 3 agricultural land) located to the south of West Street in the village of Helpston. The site topography is relatively level, with a gradual slope from the highest point in the southwest corner of the site down toward West Street.
- 1.2 A sewage pumping station is located adjacent to the northwest corner of the application site. Open fields intersected by Broad Wheel Road lie to the south. Residential units are located to the east, with the John Clare Primary School beyond, approx. 260m from the application site. The West Street Garage (understood to be non-operational) site is located adjacent to the application to the west, with residential units beyond.
- 1.3 The application site falls within Floodzone 1 of the Environment Agency flood maps, indicating the site has a low probability of flooding from rivers and the sea. Ullett’s Drain runs along a section of the north and east boundaries of the application site.
- 1.4 The west edge of the Helpston Conservation Area is located approx. 230m from the application site, with the nearest listed building (Forge Cottage – Grade II, List Entry number 1164501) located approx. 243m to the east. A Scheduled Monument (Site of Torpel’s Manor, List Entry number

1006812) lies approx. 234m to the west of the site.

- 1.5 Rice Wood, an Ancient Woodland and County Wildlife site (CWS) is located approx. 350m to the southeast. The aforementioned Scheduled Monument is also a CWS. Two public right of way routes (a footpath and a permissive footpath) run across the agricultural land to the south, with the route approx. 21m from the application site at the closest point.

Proposal

- 1.6 Outline Planning Permission (OPP) is sought for the “erection of up to 20 dwellinghouses with access secured and all other matters (Appearance, Landscaping, Layout and Scale) reserved”. Access to the site is proposed from West Street.

2 Planning History

- 2.1 17/01448/OUT
Outline planning permission for the erection of up to 45 dwellings, road infrastructure and open space with all matters reserved.
Refused 27.04.2018
- 2.2 19/00746/OUT Erection of 45 residential dwellings together with road infrastructure and open space with all matters reserved.
Refused 14.08.2019

3 Planning Policy

- 3.1 Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.
- 3.2 **Peterborough Local Plan 2016 to 2036 (2019)**
LP1: Sustainable Development and the Creation of the UK's Environment Capital
LP2: The Settlement Hierarchy and the Countryside
LP3: Spatial Strategy for the Location of Residential Development
LP7: Health and Wellbeing
LP8: Meeting Housing Needs
LP9: Custom Build, Self-build and Prestige Homes
LP13: Transport

LP14: Infrastructure to Support Growth
LP16: Design and the Public Realm
LP17: Amenity Provision
LP19: The Historic Environment
LP21: New Open Space, Sport and Recreation Facilities
LP22: Green Infrastructure Network
LP27: Landscape Character
LP28: Biodiversity and Geological Conservation
LP29: Trees and Woodland
LP31: Renewable and Low Carbon Energy
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP41: Medium Village Allocations
LP42: Land Between West Street and Broadwheel Road, Helpston

3.3 **Helpston Neighbourhood Plan 2021 – 2036**

A1: Policy Context
A2: Meeting Housing Needs
A4: External Building Materials
A6: Sustainability and Climate Change
A8: Development affecting Heritage Assets
B1: Local Sites
B2: Adverse Impacts and Mitigation
B3: Net Biodiversity Gain
B4: Landscaping
C6: Educational and Medical Facilities
C7: New Play Facilities
C11: Traffic at Level Crossings
C12: Road Safety
D2: Working from Home Facilities

3.4 **Supplementary Planning Documents**

Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021
Flood and Water Management 2019
Green Infrastructure and Biodiversity 2019
Developer Contributions 2019
Design and Development in Selected Villages 2011

3.5 **National Planning Policy Framework (December 2023)**

4 Consultations/Representations

4.1 **Helpston Parish Council** (22.02.2024): Objection:

“...No response from the Applicant to address the absence of a Transport Assessment or a Masterplan...”, all other objection points remain as per previous submissions.

(12.08.2023): “...objection”. 12 points raised:

1. “Piecemeal proposal for a parcel of land not included as a dedicated area for comprehensive redevelopment as defined in the Local Plan”.
2. “The “comprehensive masterplan for the whole site” condition of Policy LP42 has not been met”.
3. Unacceptable density and volume
4. The revised “highway designs and proposals are unsatisfactory and unworkable”.
5. “The suitable buffer requirement of LP42 has not been met”.
6. No evidence of a solution to the capacity challenges facing John Clare school
7. Query whether the site is required to be allocated
8. Request that LP41.5 is removed “from the designated allocated sites areas within the Local Plan”
9. Noting the dual-use arrangement of the school site, the “possible loss of recreational space to the whole community must be compensated for by more provision of space within LP41.5” and the “condition of providing satisfactory education facilities has, in consequence, not been met”.
10. 82 dwellings (across the entire allocation site) is a definitive limit. Potential for diminishing the credibility of the Local Plan and the process.
11. The “applicants for this site have applied for development of the site before under different application names”.
12. Ullett’s Drain is a) subject to “the byelaws of the Welland and Deepings Internal Drainage Board” and b) “is not currently coping with the extra run-off that it now receives”. Further, “none of the features or utilities of this drain have, so far, been shown on any plans put before us by potential developers”.

Note - Helpston Parish Council also objected to the proposal in March 2023 following the initial consultation.

4.2 **Anglian Water** (03.03.2023) – no objection

4.3 **Bainton and Ashton Parish Council** (06.09.2023): “...in full agreement with the objections raised on this application by Barnack and Helpston Parish Councils...”

Note - Bainton and Ashton Parish Council also objected to the proposal in April 2023.

- 4.4 **Barnack Parish Council** (22.02.2024): "...resolved to re-affirm the objection conveyed to you in a letter dated 23rd August 2023..."
- No masterplan, "...application should be refused on principle in the absence of such..."
- 4.5 **Cambridgeshire Constabulary** (03.03.2023): "...no objections to this proposed application..."
- 4.6 **Cambridgeshire Fire and Rescue** (28.02.2023): "..., should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition".
- 4.7 **East of England Ambulance Service** (08.03.2023): "The proposed development is likely to have an impact on the Peterborough emergency ambulance stations within the vicinity of the application site [...] EEAST would therefore expect these impacts to be fully assessed and mitigated [...] capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £6,800".
- 4.8 **Environment Agency** (02.03.2023): "...does not wish to make any comments on this application..."
- 4.9 **Historic England** (14.03.2023): The proposed development site lies approximately 230m to the east of the 'Site of Torpel's Manor' scheduled monument which is a medieval ring and bailey earthwork (List Entry Number 1006812). We consider that the proposed development would not result in any appreciable level of harm to the significance of this scheduled monument or other designated heritage assets in the vicinity..."
- 4.10 **National Highways** – no comments received
- 4.11 **Natural England** (10.11.2023): "...Please refer to Natural England's letter dated 12 July 2019 (copy at bottom of this letter) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)..."
- 4.12 **PCC Archaeology Services (03.08.2023)**: "...No objection in principle [...] current application is still not supported by sufficient archaeological evidence to manage risk [...] Further work pre-determination is recommended (geophysical survey followed by trial trenching to test the results of the survey
- 4.13 **PCC Conservation (29.08.2023)**: "...No objection..."
- 4.14 **PCC Education (28.02.2023)**: "...general multipliers have been used to provide the forecast number of children: 6 early years aged children, 9 primary aged children and 5 secondary aged children [...] additional capacity will be required to meet the demand from the proposed development [in relation to Early Years and Primary Provision] [...] no further mitigation is required [in relation to Secondary Provision].
- 4.15 **PCC Highways** (05.02.2024): "...no objection, subject to conditions..."
- 4.16 **PCC Housing (10.03.2023)**: "...proposes 6 units for affordable housing. I can confirm this is in

accordance to Policy LP8 of the Peterborough Local Plan which requires 30% affordable housing. I note at this time, the housing types and tenure of the affordable units are unknown. The current tenure split we would expect to see delivered for affordable housing in Peterborough is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 4 affordable rented homes and 2 intermediate tenure in this instance [...] all units will be provided in line with National Space Standards, in accordance with Policy LP8 of the Peterborough Local Plan”

- 4.17 **PCC Open Spaces (28.03.2023):** “...objection...”
- 4.18 **LLFA/PCC Drainage team (10.11.2023):** “...No objection...”
- 4.19 **PCC Pollution Control/Environmental Health (07.03.2023):** “...no objection [subject to conditions]”
- 4.20 **PCC Trees (15.03.2023):** “ No objection, on arboricultural/landscape grounds, subject to conditions...”
- 4.21 **PCC Waste (28.02.2023):** “...have no significant objections to this in terms of waste services and provisions...”
- 4.22 **PCC Wildlife Officer (12.01.2024):** “...The application scheme is acceptable but only if conditions are imposed...”
- 4.23 **Peterborough Cycle Forum (27.02.2023):** “...has no comment to submit...”
- 4.24 **Peterborough Civic Society (23.02.2024):** “...the objection of the Civic Society remains as detailed in our previous submission on 4 April 2023...”
- 4.25 **Welland & Deepings IDB (10.08.2023)** “...pleased to see that any buildings have now been removed from the Board’s 9m byelaw distance and this means [we are] happy to lift [the] previous objection.
- 4.26 **CPRE Cambs (09.02.2024):** “...objection...”
- 4.27 **Local Residents/Interested Parties**
Initial consultations: 73
Total number of responses: 331 across three consultation periods.
Note, some addresses duplicated.
Total number of objections: 331
Total number in support: 0
- Summary of objections, with Officer notes italicised:
- 4.28 Policy conflict
Conflict with LP42 / LP41.5 - No masterplan proposed. This requirement has not been met.

Helpston NP states that any development on these parcels of land must be considered as a whole and should not be disaggregated

Conflict with other Local Plan policies LP14, LP16, LP27

Fails to meet the objectives in Helpston's Neighbourhood Plan, Helpston NP must not be ignored

4.29 Principle

If the City Council does not stand by Policy LP42 and Helpston's Neighbourhood Plan, the credibility of the whole Local Plan will be diminished, bringing the planning system into disrepute

If this application were granted it would make it physically impossible to develop the rest of the LP41.5 land cohesively and in accordance with Policy LP42.

The two plots of land are adjacent to each other so, despite being owned by two separate companies, should be treated as a whole entity. Spatially the application site is not severable from the remainder of Site LP41.5.

Helpston does not need this many houses, the number of houses exceeds the indicative number stated in the Local Plan

Village should not extend to the west, beyond the 'green' entrance

John Clare Country is one of PCCs 'key areas' to protect and nurture, then no housing developments can be allowed here, John Clare Country must be preserved and celebrated, not sacrificed to bulldozers

Conflict with Hillside Parks Ltd v Snowdonia National Park Authority

The proposed development is not considered to represent a 'drop-in' permission.

4.30 Process

No/minimal public consultation

The identity and status of the applicant is unclear and the full information required by the Companies Act has been omitted from the application form. The Applicant is required by statute to properly identify itself and to confirm its status as a legally incorporated entity (as evidenced by its company registration number) and has not done so on the application form.

Information submitted on an Application Form is received and accepted in good faith.

Additional/revised plans submitted after consultation period has closed

The LPA has carried out a standard re-consultation process.

4.31 Highways

Safety:

- Access and egress onto a very busy road with speeding problems and capacity issues
- Tail backs from the railway crossing
- Children using a narrow, inadequate footpath to AMVC
- Level crossing - pedestrians, cyclists and equestrians
- Footpaths and Bridleways negatively impacted

Conflict with the Local plan and emerging Local Transport Connectivity Rural Cycle Plan

Increased numbers of vehicles will lead to increased number of accidents

Connectivity – existing roads, footpaths, cycle routes unsuitable for further development, limited bus service

Congestion, local road network already at capacity, development will exacerbate the current issues, particularly in relation to the ECML crossing and impact on wait times with subsequent negative impact on air quality

Highway safety proposals would adversely impact upon the character and appearance of what is the western entrance to this rural village and the recognised area of best landscape

Issues of traffic management, traffic calming measure already ignored, proposed will be useless

Broadwheel Road not suitable for further traffic or construction traffic

Traffic survey inadequate – compiled on a Sunday afternoon for an hour, inadequate for surveyors to gain a balanced, informed view of situation

Transport Assessment insufficiently detailed/inadequate/incomplete, no direction re how some of the plans of PCC will be achieved e.g., 15% reduction in motor vehicle miles across Peterborough.

New bus stops will cause traffic jams

Increased volume of cars will make it even harder to park outside village shop.

Transport assessment confirms that the cycle route is inadequate to protect the safety of the children and adults who cycle along Glinton Road

Transport assessment does not demonstrate safe and suitable access to West Street

Local roads are poorly maintained

Safe access and parking of site vehicles during construction required, note major disruption during Cuckoo Close construction

Narrowing of West St to 3.7m - how is farming machinery (combines, tractors, trailers etc) going to use the road?

See 'Transport Impacts' section of report

4.32 Flooding

Site lies in a proven flood risk area

Surface run off and flooding in general will increase

Issues with low water pressure worsened

Existing Drainage and Sewerage systems already at capacity – *Anglian Water raised no objection in this regard*

Proposal does not show how water run-off will be managed or address flood risk or drainage improvements

4.33 Environment

Detrimental impact on wildlife/biodiversity - GCNs, red/amber listed birds, badger, water voles, GCN surveys inaccurate

Conflict with PCC Green Infrastructure and Biodiversity SPD

Greenfield site, loss of agricultural land, loss of trees/hedgerows, loss of green space, loss of

habitats

Ash tree removed - *Whilst the loss of any tree is regrettable, the Ash tree was not the subject of any statutory protection*

Areas must be preserved as wildlife areas and corridors on the site

Plans do not show a suitable buffer to countryside

Inappropriate survey timings, a number are old and should be redone

10% net gain for biodiversity not demonstrated

'Balancing Lagoon' will be mainly unusable and a source of mosquitos if it becomes a stagnant pool

Proposal will fundamentally change the open and rural aspect of this end of Helpston and have a considerable effect on the wildlife and ecology of what is now an open green field.

See 'Ecology and Biodiversity' section of report

4.34 Infrastructure

Detrimental impact on existing local infrastructure – school oversubscribed, healthcare provision stretched

Infrastructure upgrades required to facilitate further development, including water, sewerage, phone and broadband

4.35 Education/Impact on John Clare School

Proposal will 'landlock'/prevent further expansion of the school which is heavily subscribed and was recently reported to be the most oversubscribed school in Peterborough

PCC spent £231,893 transporting children to school, despite safeguarding issues re taxiing young children to schools outside of the village

School dual use arrangement for play area – no other provision in Helpston, the only village in Peterborough which does not have designated play space which is accessible to children throughout the day and evening

Development should ensure that adequate provision is made for the education of all of the children who live in the village both now and in the future

See Planning Obligations section of report

4.36 Design

Design/layout = not submitted, no clear indications of the proposed layout and appearance

Insufficient green/open space/play area

No provision within the plan for a future link road to the neighbouring land

Density not in keeping with village, overdevelopment, overbearing and too urbanising in its heritage rural village setting and surroundings

Scale and dominance, not in keeping with rural nature of village – lack of sensitive planning

No details on lighting, materials, design, heating/energy options, type of housing

Ullett's Drain (9m) buffer zone compromised

Poor layout, linear in appearance

Design, access & proposed road structure is inappropriate for a village

Poor quality of houses, new homes should be built sympathetically and in tune with the character of the village

Noise from Pumping Station

Detrimental impact on character of Helpston

Conflict between this proposal and adjacent proposal (now withdrawn), drainage should be amalgamated, developers should be working in tandem

Cuckoo close should not be a precedent

Helpston will suffer from a significant loss of character. Any development in this part of the village will fundamentally alter the appearance of Helpston.

Any new houses between Broadwheel Road and West Street will be visible from different vantage points around the village and need to blend in with the existing housing stock

The proposed development is for OPP, consideration of detailed design matters would take place at REM stage.

4.37 Amenity

Detrimental impact on residential amenity, air quality and overall village life

The proposed development is for OPP, consideration of detailed design matters would take place at REM stage.

4.38 Heritage

Negative impact on heritage assets, note West Street at this point is a good example of an Enclosures Road

Crossberry Way is a heritage asset and should be accompanied by a Heritage Statement

See 'Heritage Impacts' section in of report

4.39 Other

The community need, identified by consultation for the Neighbourhood Plan, is for social housing and accessible 1 & 2 bed homes for young people and older residents.

No archaeology survey

See 'Heritage Impacts' section in of report

Footpaths and bin storage must be considered

Helpston = reliant on oil or LPG deliveries. What is 'green' about this development – ASHP or ground source heat pumps?

No discernible benefits to the residents of Helpston, zero contribution to the wider village infrastructure or community assets

Inaccuracies in submitted documents, note Design and Access Statement - page 5 mentions the Helpston Garden Centre as a local amenity. This closed in October 2019.

Previous applications both on site and within vicinity refused

Do the developers have the right to build bus stops on the garage parcel of land (that is not publicly

owned) and indeed on the grass verge heading West? Does the owner of the garage know that the applicant has used some of their land for a proposed bus stop/shelter?

The grass verges are understood to be land controlled by PCC Highways

Site has a well trodden footpath around it from daily use by local residents. This loss of recreational space will have a detrimental impact on the health and well-being of the community and the environment

Informal access/use of the application site upon non-formalised routes would likely be a civil matter

5 Assessment of the planning issues

5.1 The main issues to consider in the determination of this application are:

- Principle of Development
- Flood Risk and Drainage
- Ecology and Biodiversity
- Transport Impacts
- Heritage Impacts
- Housing Mix
- Design and Character
- Contamination and Air Quality
- Amenity – neighbours and future occupants
- Planning Obligations

a) Principle of Development

5.2 The application site comprises a parcel of land (c. 1.3ha) which forms part of a wider c. 4.4ha site allocated for residential development in the adopted Peterborough Local Plan to 2036 – see LP41.5. Outline Planning Permission (OPP) is sought for ‘the erection of up to 20 no. dwellinghouses with access secured and all other matters reserved’.

5.3 The matters reserved from this OPP proposal (Appearance, Scale, Layout, Landscaping) would be for consideration at Reserved Matters (REM) stage. The illustrative Sketch Layout (ref A-P10-001) may be used as a visual aid to establish whether the proposed quantum of development can be accommodated on the application site and that the location of the proposed access points are appropriate, but would not be included on the list of approved plans.

5.4 Policy L42 of the Local Plan (LP) states “Any application for the site at Broad Wheel Road, Helpston (Site LP41.5) shall comprise amongst other matters, a comprehensive masterplan for the whole site. In developing the masterplan there should be a high level of engagement with appropriate stakeholders including the local community”.

- 5.5 The documents submitted in support of the proposed development do not include a masterplan for the wider 4.4ha site. Further, it is understood that no engagement with the local community has taken place.
- 5.6 However, the parcel of land to which this application relates represents approx. 29% of the wider land parcel which forms LP41.5 and the two land parcels comprising LP41.5 are held under separate ownership. As such, any masterplan covering the 4.4ha site submitted in support of this OPP would be indicative and could not be secured under this OPP, as the plan would seek to control development on land outside of the Applicant's ownership.
- 5.7 Whilst the omission of a masterplan technically conflicts with the requirements of LP42 and Policy A2(d) of the HNP, these policies relate to the wider 4.4ha site and are intended to ensure that the component parts of the allocation are developed in a cohesive manner with a workable interface and do not prevent connectivity. The proposed development must be considered against the Development Plan as a whole and assessed on its individual merits.
- 5.8 The application site falls within the boundaries of the 'Village Envelope' as set out on the Peterborough Policies Map (which supports the LP) and referred to in Policy A2(a) of the HNP. Policy LP2 states that "Proposals within the village envelope will be supported in principle, in line with policy LP1, subject to it being of an appropriate scale for the settlement". A2(a) of the HNP identifies the same 'in principle' support, subject to 'other relevant policies of [the HNP] being satisfied'.
- 5.9 The proposed quantum of development (20 dwellings) equates to approx. 15 dwellings per hectare (dph) across the entire 1.3ha site. Noting the restrictions in relation to development within the confines of Ulletts Drain, the proposal equates to approx. 16 dph across the developable area.
- 5.10 The table below identifies approx. dph figures for development parcels which represent comparable developments within the vicinity of the application site:

Name	No. of dwellings	Approx. site area (ha)	Approx. dph	Approval reference
Cuckoo Close	34	1.8	18	15/00336/REM
Woodland Lea	30	1.6	18	<i>No digital record</i>
Temple Close	46	2.4	19	99/00175/REM

- 5.11 Noting that LP41.5 identifies an indicative number of dwellings for the 4.4ha site as 82 (approx. 18 dph), the proposed development is considered to be an "appropriate scale for the settlement" as per the direction of LP2.

5.12 The accesses shown on the submitted plans as well as an indication of how open space/landscaping could flow through the site, are considered sufficient to ensure that the proposal would not prevent cohesive development of the overall allocation. Furthermore, the Agent has confirmed that the Applicant would agree to the imposition of a condition which ensures that a detailed cohesive arrangement with a residential development on the adjacent parcel of the 4.4ha site could be achieved, through a layout (secured at Reserved Matters stage) which is well-connected and provides an interface which is sympathetic to the overall character of the village of Helpston.

5.13 As the application site is not considered to comprise "...the site at Broad Wheel Road, Helpston", but a parcel of the wider LP41.5 site, the principle of the proposed development is, on balance, considered to be acceptable and in accordance with the Local and Neighbourhood Plans read as a whole, despite the absence at this stage of both an overarching masterplan document and a community engagement process, subject to the imposition of the aforementioned condition and all other material considerations being addressed.

b) Flood Risk and Drainage

5.14 The application site lies within Flood zone 1 of the Environment Agency mapping. As the area of the application site exceeds 1ha in size, a Flood Risk Assessment/Drainage Strategy (ref. 3027 - DS – Jan 2023) was submitted in support of the application.

5.15 The LLFA/PCC Drainage Team offered no objection to the findings of the aforementioned FRA/DS which is considered to adequately demonstrate that the proposed development would not have an adverse impact upon flood risk to surrounding land or increase the risk of flooding on the application site.

5.16 A condition will be imposed to ensure that the principles of the FRA/DS are adhered to during the development of a detailed drainage design at REM stage. Similarly, a condition requiring details of the management/maintenance of the proposed Sustainable Drainage (SuDS) features (including permeable paving and an infiltration basin) will also be required.

5.17 Subject to the imposition of a condition, the proposed development is considered to accord with Policy LP32, the Flood and Water Management SPD, paragraph 173 of the NPPF and the direction of paragraph 3.48 of the Helpston NP.

c) Ecology and Biodiversity

5.18 The application site is not covered by nor lies adjacent to any statutory or non-statutory designated sites of nature conservation.

- 5.19 Barnack Hills & Holes Special Area of Conservation (SAC) is located approx. .3.6km west of the site and Castor Hanglands SSSI approx. 2.9km to the south. Seven non-statutory designated sites for nature conservation (County Wildlife Sites) are located within 1km of the site.
- 5.20 The application is supported by an Ecological Appraisal (FPCR – Rev E) which incorporates a Biodiversity Net Gain Assessment. PCC's Wildlife Officer raised no objection to the findings of the Ecological Appraisal, or the proposed development, subject to the imposition of conditions. No objection was received from Natural England.
- 5.21 Given the separation distance and intervening land uses between the application site and the SAC/SSSI, the proposed development is not considered to give rise to an unacceptable impact upon either the SAC or SSSI. Despite the relative proximity of the Torpel Manor Field CWS (approx. 230m to the west), the proposed development is not considered to give rise to an unacceptable impact upon the CWS due to the nature and scale of the proposal.
- 5.22 The revised Ecological Appraisal identifies that the hedgerows within the application site are classified as Habitats of Principal Importance as they comprise over 80% native woody species. Consideration of layout and landscaping at REM stage will ensure that any hedgerow removal is limited. Additional planting, in the form of suitable hedgerows, trees and species-rich grass and shrubs may also be secured at REM stage.
- 5.23 The SuDS elements in the aforementioned FRA/DS will, as part of a wider surface water control scheme, assist with minimising any negative impacts upon ecological assets.
- 5.24 A number of representations identified the presence of Great Crested Newts (GCN) within waterbodies in the vicinity of the application site. The revised Ecological Appraisal recognises the contribution made by these representations and confirms that an entry into the Cambridgeshire District Level Licence (DLL) scheme will be made. The DLL operates at a local/county-wide level to facilitate gains in the status of target GCN metapopulations and the colonisation of new habitats to expand the distribution of GCN within the county. This approach is considered to provide an acceptable form of mitigation. A condition will be imposed to ensure that the appropriate confirmation of the suitability of the DLL is received prior to any development commencing on site.
- 5.25 On the advice of PCC's Wildlife Officer, further conditions will be imposed to ensure a Landscape Environment Management Plan is submitted for approval. This document will detail appropriate precautionary working methods to minimise the risk of harm to GCN, and any timing constraints to such works. Full details of an Ecological Design Strategy and a compliance condition to ensure the recommendations for mitigation and compensation set out in the Ecological Appraisal are followed, including suitable protection for hedgerows during construction will also be imposed.

5.26 Subject to the imposition of the conditions outlined above, the proposed development is considered to accord with LP28, the Green Infrastructure and Biodiversity SPD, B1, B2 and B3 of the HNP and paragraph 180 of the NPPF.

d)Transport Impacts

- 5.27 A single vehicular access point upon the south of West Street is proposed to serve the development. A bus stop, hourly served on the 201/202 route is located approx. 690m east of the site.
- 5.28 The application is supported by a Transport Statement (ref. 23/121/20A Rev D) and a Road Safety Audit (22/121/DR/19A Rev A). The Transport Statement (TS) is informed by data collected by Automatic Traffic Counters (ATC) which were installed on West Street adjacent to the site for one week from 10.12.2022. The ATC data suggests that an average weekday sees 2508 two-way vehicle flows with peak hours of 0800-0900 and 1600-1700. The TS data supports the representations received which express concern in relation to vehicles travelling above the 30mph limit on West Street. Using the vehicle speed data collected by the ATC, visibility splay requirements of 2.4m x 69m (to the left) and 2.4m x 75m (to the right) were identified and are shown to be achievable (Access Arrangement and Visibility Splays ref. 22-121-SK05 Rev C).
- 5.29 A key theme running through a substantial proportion of the representations received expresses concern with regard to the safety of the existing highway and the potential impact arising from the proposed development. The proximity of the level crossing of the ECML route and its impact on the highway network in Helpston, along with the condition of the route to Arthur Mellows Village College are particular concerns. Policy LP42 states “The Transport Assessment should demonstrate that the quantity of homes proposed is deliverable taking account of; safe and suitable access to the site; and any necessary improvements to the transport network”. Although the proposed development is supported by a TS, rather than a Transport Assessment, the submitted documents are considered to provide an adequate assessment of the potential impacts arising from the proposed development upon the highway. PCC Highways offered no objection to the approach taken by the Applicant in this regard and noted that the quantum of development proposed falls below the threshold where a TS would usually be required – see 6.8.9 of the LP.
- 5.30 The TS identifies that the proposal would lead to an increase in vehicle movements. It is highly likely that these movements would occur during peak times, but the anticipated increase would not give rise to an unacceptable adverse impact upon the local road network. Similarly, the anticipated increase in pedestrian and cycle movements is such that the existing infrastructure is considered to be adequate to accommodate the additional demand.
- 5.31 PCC Highways advised of no objections to the methodology, findings or conclusions of the TS.

- 5.32 Vehicle Parking is to be considered at REM stage. For the purposes of assessing this OPP, the relevant test is whether it can be reasonably concluded that a satisfactory provision of parking can be achieved within the application site in an arrangement which is both safe and acceptable in amenity terms (for future occupants and existing neighbours of the site). Given the quantum of development proposed, a vehicle parking provision which accords with the requirements of PCC's Parking Standards is considered feasible within a 1.3ha site.
- 5.33 The proposed development incorporates a traffic calming feature (narrowing the road to 4m in width) and the provision of two additional bus stops (Proposed Bus Stop Locations ref. 22-121-SK04), one eastbound and one westbound. Both features have been assessed via a Road Safety Audit (RSA). During discussions with PCC Highways, no objections to the methodology, findings or conclusions of the RSA have been raised.
- 5.34 The plan submitted for approval under this OPP (ref. 22-121-SK04 Rev D; 22-121-SK05 Rev C; 22-121-TR01 Rev E; 22-121-TR02 Rev F; 22-121-TR03 Rev E; 22-121-TR04 Rev E; 22-121-TR06 Rev B) are considered to identify a safe, convenient and sustainable access to and from the application site. The proposed development is not considered to impart a severe residual cumulative impact on any element of the transportation network, subject to the implementation of the identified mitigation measures.
- 5.35 As such, subject to the imposition of conditions, the proposed development is considered to accord with LP13, C11 and C12 of the HNP, the direction of the Cambridgeshire and Peterborough Combined Authority Local Transport and Connectivity Plan and paragraph 115 of the NPPF,

e) Heritage Impacts

- 5.36 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard is had to the desirability of preserving particular features of Listed Buildings and Conservation Areas and great weight should be afforded to the conservation of those assets. The Ancient Monuments and Archaeological Areas Act 1979 seeks to protect archaeological heritage by making provision for the investigation, preservation and recording of matters of archaeological or historical interest.
- 5.37 The west edge of the Helpston Conservation Area is located approx. 230m from the application site, with the nearest listed building (Forge Cottage – Grade II, List Entry number 1164501) located approx. 243m to the east. A Scheduled Monument (Site of Torpel's Manor, List Entry number 1006812) lies approx. 234m to the west of the site.
- 5.38 No objections from PCC Conservation or Historic England have been raised. The separation

distance and intervening land uses between the application site and the nearest heritage assets are noted. There are no designated heritage assets in the immediate vicinity of the site and the site is not considered to fall within the setting of a heritage asset. Accordingly, noting that matters relating to scale, design and appearance are to be considered at REM stage, the proposed development is not considered to impart an unacceptable detrimental impact on any heritage asset.

- 5.39 The application is supported by an Archaeological Desk Based Assessment (ref. 2502258.3), however PCC's Archaeology team advised that the conclusions of that document are "unsubstantiated and [are] not confirmed by the results of the geophysical survey [...] which are inconclusive".
- 5.40 As such, a pre-commencement condition to ensure that a programme of trial trenching is agreed with PCC Archaeology, carried out in accordance with their recommendations and recorded appropriately is necessary in order to understand potential archaeological finds within the site and what, if any, mitigation or protection is needed for their preservation.
- 5.41 Subject to the imposition of the aforementioned condition, the proposed development would satisfy the requirements of LP19, A8 of the HNP and paragraph 200 of the NPPF.

f) Housing Mix

- 5.42 Policy LP8 requires "Development proposals of 15 or more dwellings [to] provide 30% affordable housing". The submitted Design and Access Statement (DAS) identifies "30% (6 dwellings) will be affordable homes" and the comments from PCC Housing are noted.
- 5.43 The submitted Planning Statement states that the affordable homes "...are indicatively designed as 3-4 bed units, to the same design standard as the open market homes, but the applicant is happy to discuss the needs with the Councils Housing team". No factors have been identified (such as market viability), that would demonstrate anything less than the full requirement of affordable housing can be provided.
- 5.44 Whilst matters relating to design, layout and mix are to be considered at REM stage, the proposed development is considered to be capable of successfully delivering the variety required by LP8. As such, subject to a planning obligation (via a S106) to secure the provision of affordable homes, which incorporates the requirements of Policy A2(c) of the HNP, along with a condition to ensure that all dwellings meet Building Regulations Part M4(2), the proposed development is considered to accord with Policy LP8.

g) Design and Character

- 5.45 As the proposed development is for OPP, considerations of detailed design would be made at REM stage. For the purposes of assessing this OPP, the relevant test is whether it can be reasonably concluded that an acceptable scheme could come forward on the application site, having regard to the submitted supporting information.
- 5.46 The submitted DAS includes an assessment of the local context and concludes that the overall design of the scheme "...is to be informed by the character assessment carried out for the surrounding context" and that a "...a simple palette of high-quality materials to be in keeping with the local context, utilising clean details and well-proportioned elevations..." would represent an appropriate design response. The 'Materiality' section of the DAS is considered to be appropriate with respect to the local vernacular. Design parameters are set out in the 'Introduction' section of the DAS.
- 5.47 Based on the DAS, it is considered that there is a reasonable prospect that the development could deliver a design of suitable quality (including an appropriate landscape buffer upon the west boundary) that would respond appropriately to the character of the area and its individual sensitivities.
- 5.48 Subject to the imposition of a condition to ensure a statement which identifies how the concepts of the DAS have been carried through in the detailed design at REM stage is submitted for approval, along with full details of the design response in relation to the required landscaping buffer, the proposed development is considered to accord with LP16, A1, A2, A4, A6, B4 and D2 of the HNP, the Development in Selected Villages SPD and paragraph 135 of the NPPF.

h) Contamination and Air Quality

- 5.49 Although the application site comprises a parcel of greenfield, agricultural land, PCC's Environmental Health team advised of the possibility of land contamination given the nature of some of the historic land uses in the vicinity, including a Petrol Filling Station and a lime kiln. The application site is not understood to have been home to any historic uses that are particularly at risk of causing contamination. Accordingly, it is considered highly likely that even in the event of contaminants being identified, the land could be brought to an acceptable condition (through appropriate remediation) with regard to health risks from contaminants.
- 5.50 The imposition of a condition to ensure that an appropriately detailed assessment of the nature and extent of any contamination would be sufficient in this instance to protect both the health of future and surrounding occupiers and the environment and satisfy the requirements of LP33 and paragraph 189 of the NPPF.

- 5.51 The NPPG (Paragraph:005 Reference ID:32- 005-20191101) advises that, where it is not anticipated that a proposed development would give rise to concerns in respect of air quality, it is acceptable to proceed to the decision, notwithstanding other matters.
- 5.52 Given the separation distance between the application site and the nearest designated biodiversity site an Air Quality Assessment is not required (as per the direction of LP13) and the proposed development is considered to be acceptable in this regard.

i) Amenity – neighbours and future occupants

- 5.53 The proposed development falls below the threshold where a Health Impact Assessment would be required (see LP7) and the nature of the proposal does not give rise to concerns in relation to noise generation. However, PCC's Environmental Health team advised that the sewage pumping station is a potential noise source which must be considered at REM stage. As such, a condition to ensure that an assessment of the noise from the sewage pumping station and, if necessary, a scheme to protect the noise-sensitive elements of the proposed development from that noise is required to satisfy the provisions of LP17.
- 5.54 As the application is for OPP, at this stage it is not possible to determine whether the proposal would give rise to overlooking or overshadowing/overbearing impacts from the proposed built form. However, given the scale of the application site and the quantum of dwellings proposed, it is considered likely that a development which would not result in a material harmful impact on residential amenity could come forward. Matters in relation to layout and scale will require careful consideration at REM stage.
- 5.55 There is no reason to suggest that the proposed development would give rise to noise levels that would depart from that of a typical residential development, such that the proposal would adversely impact the amenity of occupants of neighbouring property.
- 5.56 A Construction Environmental Management Plan (CEMP) is considered to be an adequate measure to ensure that noise/disturbance arising from a construction period could be appropriately managed and mitigated where required. A CEMP can be secured by condition.

k) Planning obligations

- 5.57 The development will be CIL liable in accordance with the Regulations (and exemptions) within PCC's adopted charging schedule. As this OPP application does not confirm a Gross Internal Area for the proposed dwellings, it is not possible, at this stage, to confirm the CIL liability which the proposed development will incur.

- 5.58 The comments from PCC Education refer to forecast requirements from the proposed development and those arising from an application on the adjacent parcel of land which was subsequently withdrawn. In relation to Primary Provision, the proposed development is anticipated to generate an additional nine children. When assessed against the 2022 catchment forecast for John Clare Primary School (JCPS), at the time of writing, the additional nine children can be accommodated within the existing 'Places Remaining' total. Given the time which has elapsed since the PCC Education comments were received, confirmation in relation to a more recent catchment forecast has been sought. An update will be provided in the Update Report.
- 5.59 With regard to Early Years provision, it is anticipated that the CIL payment will contribute toward the funding of the additional places required by the proposed development. PCC's CIL Officer advised that the current Strategic CIL Education balance totals over £800k and that it "would be difficult for [the LPA] to state that the CIL funding we hold is insufficient" to cover the anticipated costs arising from the proposed development such that additional funding is necessary to be sought by a S106 agreement.
- 5.60 A number of representations identified that the proposed development would prevent further expansion of JCPS. It must be noted however that the application site does not border the JCPS site. Further, PCC Education confirmed that across Cambridgeshire there are numerous other school sites which have a smaller site area than JCPS but accommodate larger pupil/staff numbers and that the existing JCPS site has sufficient capacity (in spatial terms) to accommodate either of the 'potential projects to mitigate demand'. As such, in this instance the direction of paragraphs 3.2.2 and 3.2.3 of the Developer Contributions SPD are not considered applicable.
- 5.61 Section 106 Obligations may be sought where they meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Such obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 5.62 In order to calculate the required obligations, the Developer Contributions SPD requires that dwelling numbers are translated into population. At the time of writing, the average household numbers are calculated at 3.2 persons per household. The proposed development of 20 dwellings, would therefore equate to an anticipated population of 64 people.
- 5.63 The following contributions have been identified as being required by the adopted Developer Contributions SPD, or requested by consultees:
- That 30% (six units) will be affordable dwellings, with an expected provision of 70% affordable rented tenure and 30% intermediate tenure
 - A total of 0.12 ha (1200 sqm) of on-site public open space and natural green space, off-site contributions totalling £5,836.16 and associated maintenance contributions

- £6800 to mitigate the impact on existing Healthcare and Ambulance Service Provision
- £7500 contribution toward design and implementation of sustainable travel access improvements between Helpston and Glinton

- 5.64 At the time of writing confirmation from PCC Active Lifestyles team with regard to the financial contribution required from the proposed development in relation to playing pitches has not been received. Confirmation will be provided in the Update Report.
- 5.65 The above are considered to meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and would accord with policy LP14, the direction of C6 and C7 of the HNP and the Developer Contributions SPD. The above are recommended to be sought through a S106 legal agreement in the event of a resolution to approve.

6 Conclusions

- 6.1 The application must be considered with reference to s.38 (6) of the Planning and Compulsory Purchase Act 2004 and determined in accordance with the Development Plan unless material considerations indicate otherwise. PCC's Local Plan was adopted in July 2019 and with reference to paragraph 76 of the NPPF is less than five years old.
- 6.2 PCC's most recent Annual Monitoring Report (2022) demonstrated a five-year supply of housing land, and a healthy Housing Delivery Test result. The policies which are the most important for determining the application are considered to be up-to-date and are afforded full weight.
- 6.3 Whilst the omission of a masterplan which covers the entirety of the site allocated under LP41.5 conflicts with a requirement of LP42 and Policy A2(d) of the HNP, those policy requirements relate to development proposals covering the wider 4.4ha site. When considered against the Development Plan as a whole, the proposed development is considered to be acceptable, subject to the imposition of conditions and Planning Obligations.

7 Recommendation

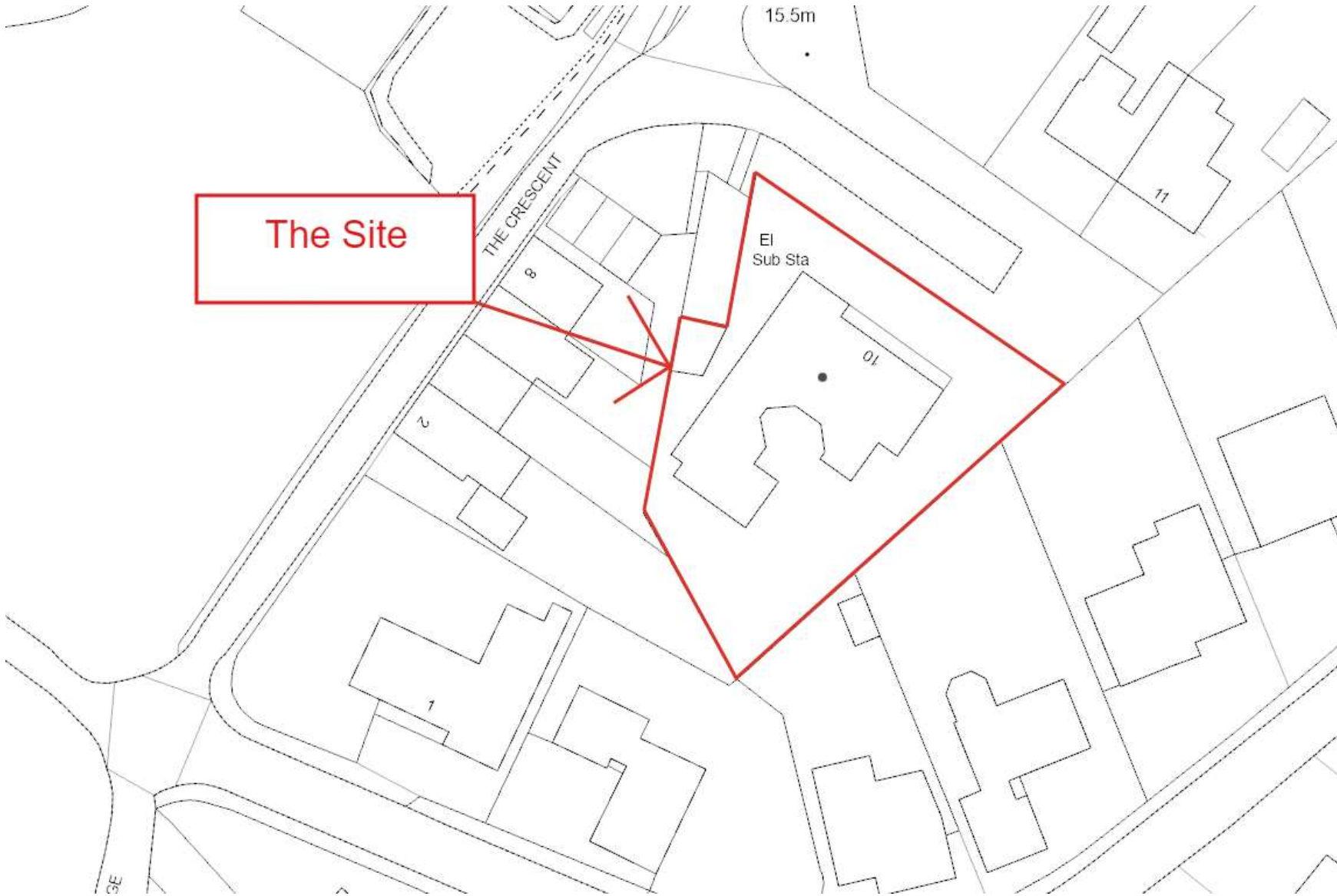
The Executive Director of Place and Economy recommends that Outline Planning Permission is **GRANTED** subject to the completion of a S106 agreement and the following conditions:

- Outline Time limit

- Reserved Matters to be submitted
- Reserved Matters Time Limits
- Accordance with submitted Access Plans
- Limit dwelling numbers
- Submission of DAS compliance statement
- Submission of Landscape buffer details
- Reserved Matters applications to be accompanied by planting specifications
- Further archaeological investigation completed prior to commencement
- Access laid out as per plan prior to first occupation and retained
- Full details of off-site highways works prior to commencement
- Visibility splays to be provided as per plans and kept free from obstruction
- Bus stops implementation
- Traffic calming feature implemented
- Fire hydrants scheme
- Submission of appropriate Construction Environment Management Plan
- Submission of appropriate Landscape and Ecological Management Plan
- Adherence to recommendations/mitigation of Ecological Appraisal
- Submission of an Ecological Design Strategy
- Suitable protection for hedgerows during construction
- REM applications as a whole to deliver biodiversity net gain in accordance with submitted details
- Details of Surface Water Drainage Scheme to be submitted
- Details of Foul Water Drainage Scheme to be submitted
- Vehicle tracking details to be submitted as part of reserved matters for Layout
- Waste Management and Minimisation Plan to be submitted
- Noise mitigation measures
- Construction Environmental Management Plan to be submitted
- Land Contamination Assessment to be carried out
- Housing mix
- Submission of plan identifying appropriate connectivity and interface with adjacent site
- REM applications to be supported by a statement outlining how the scheme has incorporated sustainable materials, the use of renewable or low carbon energy and reused existing resources
- Submission of a counter signed impact assessment and conservation payment certificate relating to the District Level Licensing scheme
- All dwellings to be compliant with Building Regulations Part M4(2),

All conditions will be reported in full in the update paper

Copies to Councillors - Councillor David Over



Reference: 23/01659/FUL
Site address: 10 The Crescent, Orton Longueville, Peterborough

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Application Ref: 23/01659/FUL

Proposal: Demolition of existing buildings, construction of 4 affordable dwellings including car parking, infrastructure and landscaping

Site: 10 The Crescent, Orton Longueville, Peterborough, PE2 7DT

Applicant: Cross Keys Homes Ltd

Agent: Ms Camilla Burgess
Carter Jonas LLP

Site visit: 18.01.2024

Referred by: **Councillor Graham Casey, Councillor Heather Skibsted and Councillor Michael Perkins**

Reason: Overdevelopment of the plot with a lack of parking resulting in increased traffic and amenity issues. Construction stage disruption.

Case officer: Connor Liken

Telephone No. 07551 060899

E-Mail: connor.liken@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

The application site is located within Orton Longueville, a primarily residential area south of Peterborough City Centre, situated at the end of 'The Crescent' a small cul-de-sac, falling within the Orton Longueville Conservation Area. The surrounding area is characterised by two-storey terraced, semi-detached and detached properties, constructed in a mix of red / cream brick, brown concrete roof tiles and white UPVc windows and doors.

The application site itself comprises of two storey, part single storey to rear apartment building, constructed in red brick with a front gable and pitched roof that is currently vacant, covering an area of 0.09ha with existing trees along the south-eastern boundary.

Proposal

Planning permission is sought for the 'demolition of existing buildings, construction of 4 affordable dwellings including car parking, infrastructure and landscaping'.

The proposal would consist of two semi-detached pairs, offering two car parking spaces per dwelling with rear gardens. Two being offered for shared ownership and the other as affordable rent.

2 Planning History

Reference	Proposal	Decision	Date
93/P0021/C	Change of use to hostel for the homeless	Permitted	11/03/1993
92/P0678/C	Change of use of former childrens home to private residence	Permitted	28/09/1992
P1049/81/C	Alterations and additions to a Children's Home/Hostel for Adolescents	Permitted	11/03/1982

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2023)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed beautiful places

Section 15 – Conserving and enhancing the natural environment

Peterborough Local Plan 2016 to 2036 (2019)

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

LP02 - The Settle Hierarchy and the Countryside

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

LP03 - Spatial Strategy for the Location of Residential Development

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

LP08 - Meeting Housing Needs

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

LP13 - Transport

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

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

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

LP16 - Urban Design and the Public Realm

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

LP17 - Amenity Provision

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

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

LP19 - The Historic Environment

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

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

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

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

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

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

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

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

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

Part 3: Mitigation of Potential Adverse Impacts of Development

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

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where

a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

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

LP33 - Development on Land Affected by Contamination

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

4 Consultations/Representations

Orton Longueville Parish Council

Objection -The surface water risk and surface water drainage strategy have not been addressed.

Lead Local Drainage Authority

Following the receipt of additional information submitted during the course of the application, no objection subject to a single condition.

PCC Wildlife Officer

No objection, subject to conditions- Further details required in regard to landscaping, bat and bird box provision and submission of a CEMP.

PCC Peterborough Highways Services

No objection, subject to conditions.

PCC Pollution Team

No objection subject to the attachment of an unsuspected contamination condition.

PCC Conservation Officer

No objection - The site is of low architectural merit and is not a heritage asset. The proposal would not cause harm to the character of the area.

PCC Strategic Housing

No objection - Compliance with Policy LP08 of the Peterborough Local Plan (2019).

Archaeological Officer

No objection.

Open Space Officer

No objection - The application falls below the threshold for the requirement of off-site public open space (non-strategic).

Cambridgeshire Fire & Rescue Service

No comments received.

Waste Management

No comments received.

PCC Property Services

No comments received.

Local Residents/Interested Parties

Initial consultations: 14

Total number of responses: 6

Total number of objections: 6

Total number in support: 0

During the public consultation period six representations were received. A summary of the main material planning considerations can be found below.

- There is a lack of provision for pedestrian and vehicular access and parking. Access into the site along The Crescent is a narrow strip which cannot support two vehicles at once and with increased traffic, this could pose a danger to pedestrians.
- There is no proposed visitor parking.
- The proposal for x4 dwellings is too dense.
- Risk of anti-social behaviour.
- The developer should consider creating a hard surfaced parking area for extra parking.
- The existing hammerhead within The Crescent is always parked with vehicles making it difficult for residents to manoeuvre.

- There is not enough parking provided, cars are always parking on the grass verges.

Councillor Graham Casey =

- 4 houses could be seen as an over development for a small plot of land.
- Increased traffic will have a detrimental impact on the amenity of neighbours.
- Whilst the proposal contains sufficient parking provision for residents of the properties themselves, there seems to be no plan for their visitors.
- Access to the site is via a single track. It is inevitable that neighbours will be impacted during construction phase; regard needs to be had with access for Aragon waste collection vehicles. Thought should be given to where contractors are able to park their vehicles during construction.
- Potential for S106 contributions to provide a solution to the parking / traffic concerns raised.

Councillor Heather Skibsted = Several issues for local residents with regard to the proposal.

5 **Assessment of the planning issues**

The main planning considerations are:

- Principle of development.
- Design and impact to the character and appearance of the site and impact to the setting of designated heritage assets.
- Neighbour amenity.
- Occupier amenity.
- Highway safety and parking provision.
- Ecology.
- Drainage and flood risk.
- Housing needs.
- Trees.
- Other.

a) Principle of development.

The application site falls within the settlement boundary of the City of Peterborough. Together with Policy LP03 (Spatial Strategy for the Location of Residential Development), development is steered towards areas with existing and best access to services and facilities, helping reduce the need to travel.

It was raised by local Councillors that the proposal is considered to be overdevelopment with concerns over density. Officers note that:

The existing building has 144.44 dwellings per hectare whilst the proposed development would offer 44.44 dwellings per hectare.

The existing building has a footprint of 288sqm whilst the proposed development would offer 222sqm.

The existing buildings floorspace is 406sqm whilst the proposed development would offer 659sqm.

Therefore, in terms of density the proposed development would offer less than the existing, whilst providing a greater floor area across two stories.

Additionally, Policy LP08 of the Peterborough Local Plan (2019) states that all new rented tenure affordable housing will be required to be built to meet minimum national space standards (as defined by the Building Regulations). From the submitted documentation, Officers agree that the proposed units and tenure mix would meet this requirement. It should be noted that Plots 1 and 2 are to be shared ownership therefore have no requirements to meet the minimum national space standards.

As such, the principle of residential development situated within the City of Peterborough can be considered in principle with policies LP01, LP02, LP03, LP08 and LP16 of the Peterborough Local Plan (2019) subject to satisfactory assessment against the following matters.

b) Design and impact to the character and appearance of the site and impact to the setting of designated heritage assets.

Policy Context

The National Design Guide was adopted in 2021, The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide illustrate how well-designed places can be achieved in practice.

Matters of context are discussed within Paragraphs 38-49 of the National Design Guide (2021), however, Paragraph 43 is most pertinent, which states, 'well-designed new development is integrated into its wider surroundings ... it is carefully sited and designed and is demonstrably based on an understanding of the existing situation. Patterns of built form ... inform the layout, grain, form and scale [and] the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

Discussion

The proposed development has been designed to be in keeping with the surrounding area which hosts a range of dwelling types and sizes, including semi-detached housing along The Crescent. Many of the dwellings within the immediate area have a similar material palette to that is proposed.

The proposal would comprise of 2 x semi-detached pairs, constructed in red brick, with rustic brown /red concrete interlocking roof tiles with UPVc windows. Officers note the brick detailing to

the principal elevation, enhancing the character of the application site within its setting. The proposed eave and ridge height would be marginally taller than the existing building, however, would be in character with the surrounding dwellings.

With allocated parking to the front of the dwelling and proposed landscaping, the dwellings would be set back from the public highway, like that seen within the wider street scene with rear gardens. From a design perspective, Officers greatly consider that the proposed development would enhance the character and appearance of the site and surrounding area, providing a good quality designed residential development on an existing brownfield site.

The City Council's Conservation Officer has stated no objection to the proposed development. The application site is located within the Orton Longueville Conservation Area and is characterised as a 20th century building that is of low architectural merit, not considered as a heritage asset and does not positively contribute to character and appearance of the Conservation Area.

Whilst the proposal would be visible from The Green, through an existing townscape gap, owing to the proposed scale and located, the proposal would not impact upon the character and appearance of the conservation area.

It is accepted that the proposed material palette consists of materials found in the locality and of an appropriate scale and form. Additionally, parking is street facing, which reflects the existing arrangement within the street scape, therefore creating a positive contribution and enhancing the character and appearance of the Orton Longueville Conservation Area.

On the basis of the above, the proposal is considered to be in accordance with Policy LP16 and LP19 of the Peterborough Local Plan (2019) and Section 72 of the Planning Listed Buildings and Conservation Areas Act 1990.

b) Neighbour amenity

Given the position of the proposed development, there are several dwellings that surround the boundaries of the application site which are potentially impacted. These include No's 1, 2, 4, 6 and 8 The Crescent (to the southwest), No's 9 and 11 (to the north) and No's 3,5,7 and 9 Royle Close (to the southeast).

Plot One would be situated 13.50m from the rear elevation of No 8 The Crescent, increasing in separation distance moving south towards No.2 The Crescent. It should be noted that the existing separation distance is 13.15m.

At the closest point, there would be a separation distance of at least 25.00m between the rear elevations of the proposed development and the rear of No.2 The Crescent. Officers consider this to be an adequate back-to-back separation distance to avoid overlooking. This is increased by 11.50m from the existing separation distances.

To the east, Plot 4 would be situated 15.00m from the closest point of No 3 Royle Close, increasing to 19.00m for the remainder of the dwellings situated along Royle Clos. Again, Officers consider this to be an adequate separation distance between the existing and proposed dwellings. It should be noted that the existing separation distance is 21.00m, however reduction in side to rear separation would not be significant enough to cause concern.

No's 9 and 11 to the north would sit on the other side of the public highway and are set back with spacious front drives as such, there would be no impact to their amenity.

It is noted that all side facing windows would be obscure glazed, serving either a W/C or bathroom, therefore concerns over loss of privacy to the neighbours along the eastern and western boundaries would be mitigated.

The proposed development is considered to be of a scale similar to the existing building on site,

and with the adequate separation distances on all sides, Officers do not consider that there would be an impact from overshadowing.

Additionally, with the development limited to two-storeys, split into two-semi-detached pairs the built form is broken up ensuring that the proposal would not appear unduly dominant in the setting.

As such, the proposal is considered to be in accordance with Policy LP17(a) of the Peterborough Local Plan (2019).

c) Occupier amenity.

Officers consider that the amenity of future occupiers would be adequate given that the dwellings would be subject to sufficient levels of natural light, privacy within the cul-de-sac location and suitable noise attenuation. However, Officers note that rear garden of Plot 4 would be somewhat narrower than the other plots, yet given the number of benefits delivered with the proposal, this would not lower the future occupier amenity to a less than satisfactory level.

It is noted that all proposed private garden space is to be secured by a 1.80m high close boarded fence, with an additional 0.30m trellis adjacent to the boundaries adjoining neighbouring properties and the public play areas. This is to reduce the any external amenity concerns for the occupier whilst providing additional security.

Additionally, all proposed dwellings would have individual bins that could be stored in the rear gardens, all with access to the public highway at the front of the property for collection.

As such, the proposal is considered to be in accordance with Policy LP17(b) of the Peterborough Local Plan (2019).

d) Highway safety and parking provision.

The Local Highway Authority have stated no objection, subject to conditions. It is noted that the construction would involve a number of vehicles crossing the existing vehicle crossing between the public highway, across the footway into the site. This would not have been constructed to cater for large construction vehicles and could be damaged as a result. Therefore, Officers recommend a suitably worded condition seeking a temporary solution to the construction access followed by a replacement permanent access to ensure that the highway is not damaged. Additionally, a pre-commencement condition would be appended requesting a construction management plan, including details of wheel wash to be submitted to and agreed in writing with the LPA in light of concerns raised during the consultation period in regard to knock on impacts from the construction phase.

In order to avoid the vehicular access and parking area being enclosed, a condition is recommended to ensure that 1) No gates or other means of enclosure can be erected across the vehicular access and 2) No means of enclosure over 1 metre in height can be erected forward of the front elevation of the dwellings.

It was noted in the representations received from councillors, the suggestion that the applicant could consider a S106 to deal with increasing parking provision within the wider cul-de-sac. Officers consider this would not meet the statutory tests of S106 agreements as it would be unnecessary and unreasonable as the existing parking arrangement for other dwellings is not a matter that the current proposal is required to resolve, particularly given that the current proposal would meet the Local Plan parking standards. As such, this would be an unreasonable request in planning terms.

On the basis of the above, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019) and the Adopted Peterborough Parking Standards (2019).

e) Ecology.

The City Council's Wildlife Officer has stated no objection subject to conditions.

It was noted in the Ecological Impact Assessment (EIA) and Biodiversity Impact Assessment (BIA) that there would be a loss of flora on site which could have been used as habitat to a variety of species. As such, the submission of a Construction Environmental Management Plan: Biodiversity (CEMP) is to be submitted to the LPA in order to sufficiently mitigate any threat to ecology on site.

It was identified within the EIA and BIA that due to the suitability of the site for bat foraging, there could be a potential impact to the protected species from external lighting. As such, a planning condition would be appended detailing that lux levels should be <3 Kelvin levels and should be no more than 2700 and warm white LED's. In addition, baffles should be incorporated to direct lighting downwards and motion activated in order to reduce the risk to wildlife on bats during nighttime.

Additionally, a condition would be appended requiring details of bird and bat boxes for the biodiversity enhancement.

As the application is classed as a minor proposal it is not mandatory for small sites to purchase off-site biodiversity units, however details of landscaping should be submitted to the LPA to ensure that planting of native species is used to bring the proposal in line with Peterborough City Councils Interim Biodiversity Net Gain Policy.

On the basis of the above, the proposal is considered to be in accordance with Policy LP28 of the Peterborough Local Plan (2019).

f) Drainage and flood risk.

The City Council's Sustainable Drainage Officer initially raised an objection to the proposed development based on a lack of information regarding surface water flood risk. It is evidenced in the Design and Access Statement that the application site is at a low risk of flooding from rivers or sea, however as part of the Environmental Agency Standing Advice, proposals must include the risk from both surface water and groundwater flooding. As such, these details were requested by Officers and were forthcoming.

The Sustainable Drainage Officer accepts that the risk from flooding over the site is low and that the principle of development is accepted. Therefore, Officers deem it reasonable to append a planning condition requesting further details for a surface water drainage details to be submitted to the LPA to assess whether a betterment in terms of surface water drainage could occur within the brownfield site.

The Orton Longueville Parish Council have objected to the proposed development based on a lack of information demonstrating surface water risk and a surface water drainage strategy. As noted above, details of this have been provided with the latter to be conditioned.

g) Housing needs.

The City Council's Strategic Housing Team have stated no objection to the proposed development.

Policy LP08 of the Peterborough Local Plan (2019) states that all new rented tenure affordable housing will be required to be built to meet minimum national space standards (as defined by the Building Regulations). From the submitted documentation, Officers agree that the proposed units and tenure mix would meet this requirement. It should be noted that Plots 1 and 2 are to be shared ownership therefore have no requirements to meet the minimum national space standards.

- Plot 1 - 2b4p house for shared ownership (73.5m² - 93% NDSS).
- Plot 2 - 3b5p house for shared ownership (86.5m² - 93% NDSS).
- Plot 3 - 3b4p house for affordable rent (93m² - NDSS).
- Plot 4 - 2b4p house for affordable rent (79m² - NDSS).

Additionally, the proposal would be in accordance with Policy LP8 of the Peterborough Local Plan,

as all dwellings meet Building Regulations Part M4(2)

On the basis of the above, the proposal is considered to be in accordance with Policy LP08 of the Peterborough Local Plan (2019).

h) Trees

Careful consideration has been given to the existing trees on site. Where possible, most of the trees on site are retained apart from two category B trees along the eastern boundary. In line with the councils five tree planting principles, there would be eight replacement trees planted on site to mitigate the impact. Officers consider this to be adequate and understand whilst the loss of two category B trees within the Conservation Area is regrettable, there would be no adverse harm to the visual amenity of the area considering the replacement tree planting and landscaping. As such, a planning condition would be appended to secure compliance with the works carried out to the trees within the submitted Arboricultural Impact Assessment to avoid unnecessary damage to the remaining trees on site through the development process.

As part of the planning assessment, and the balances of merits and harms, whilst Officers recognise the loss of existing tree cover, the proposed development would aid in the supply of four affordable housing units meeting an identified need within the Local Plan, alongside would enhance the character and appearance of the site and surrounding Conservation Area by redeveloping an existing vacant site.

As such, the proposed development is considered to be in accordance with Policy LP29 of the Peterborough Local Plan (2019).

j) Other

The City Council's Pollution Control Officer has stated no objection to the proposed development subject to a planning condition detailing the response to unsuspected contamination being found on site.

The City Council's Open Space Officer has stated no objection to the proposed development as the application falls below the threshold for the requirement of off-site public open space (non-strategic).

The City Council's Archaeology Officer has stated no objection due to no widespread disturbance.

It is noted that the proposed development would take a fabric first approach, using high levels of thermal insulation along with solar panels to the roofs of each property to reduce carbon emission in line with Policy LP30 of the Peterborough Local Plan (2019).

6 Conclusions

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

- The principle of development is in accordance with Policies LP01, LP02, LP03, and LP08 of the Peterborough Local Plan (2019).
- The character and appearance of the site and the surrounding area would not be unacceptably impacted upon by the proposed development, in accordance with Policy LP16 and Policy LP19 of the Peterborough Local Plan (2019).
- The amenity of surrounding neighbours would not be adversely impacted upon by the proposed development, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- The proposal would comply with the Adopted Parking Standards, in accordance with Policy LP13

of the Peterborough Local Plan (2019).

- The proposal would not result in a negative impact to ecology on site, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- The proposed development would not be constructed on land that is of high flood risk, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

- The proposal meets the policy requirements of affordable housing, in accordance with Policy LP08 of the Peterborough Local Plan (2019).

- The proposal would comply with the five principles of tree planting and protection measures, in accordance with Policy LP29 of the Peterborough Local Plan (2019).

- The site is not subject to any known contamination, with methods secured to deal with any unknown contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019).

7 Recommendation

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following plans:

- Site Location Plan (Drawing Number: 23023su1.01).
- Existing Site Plan (Drawing Number: 23023su1.02).
- Proposed Site Plan (Drawing Number: 23023wd1.01 Rev A).
- Proposed Site Plan (Drawing Number: 23023wd1.02 Rev B).
- Proposed Street Elevation (Drawing Number: 23023wd1.03).
- Proposed Elevations House Type A (Drawing Number: 23023wd2.11 Rev B).
- Proposed Elevations House Type B (Drawing Number: 23023wd2.13 Rev B).
- Proposed Plan House Type A (Drawing Number: 23023wd2.10 Rev B).
- Proposed Plan House Type B (Drawing Number: 23023wd2.12 Rev B).

Reason: For the avoidance of doubt and interest of proper planning.

C 3 The materials to be used in the construction of the external surfaces of the proposed development; hereby permitted shall be those stated in drawing number(s): 23023wd2.10 Rev B, 23023wd2.11 Rev B, 23023wd2.12 Rev B and 23023wd2.13 Rev B.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019) and Chapter 12 of the National Planning Policy Framework (2023).

C 4 Prior to the commencement of development, a surface water drainage scheme shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include but not be limited to:

- o Demonstration of the discharge surface run off being as high up the hierarchy of drainage options as reasonably practicable.
- o Minimise the areas of hardstanding and if hard surfaces are necessary, incorporate permeable paving.
- o Information regarding existing surface water risk of the site.
- o Discharge rates should be limited to the greenfield 1 in 1 year rate or 1l/s, whichever is greater. Where it is not possible to meet the greenfield 1 in 1 rate, demonstration of its unfeasibility shall be provided, and rainwater re-use should be used to reduce the runoff rate from the site.
- o Sufficient water treatment for all the site.
- o Sufficient storage should be provided to ensure no internal flooding as a result of the development during all storm events up to and including the 1 in 30 year storm event and no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- o Infiltration testing/ground investigation to assess the viability of using infiltration on site- there should be some ground testing for geology and then the worst case rates for that soil type should be used.
- o If the site is directing water to a single point of infiltration, then we would need to see infiltration testing for that location. However, if the water is being distributed evenly across the site as the rain lands on the ground then we do not require infiltration testing as it is mimicking natural processes.
- o A site layout, location of features, outfall location and conveyance.
- o Exceedance flows should be considered to ensure potential off-site flooding is managed
- o A 10% allowance for urban creep should be included within the storage calculations.
- o Engineering drawings should be provided detailing the SuDS components used within the drainage system.

Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policy LP32 of the Peterborough Local Plan 2019 and Chapter 14 of the National Planning Policy Framework 2023. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

C 5 Notwithstanding the submitted details, prior to the occupation of the development a scheme for soft landscaping of the site shall been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments only)
- Proposed planting plans including trees, species, numbers, size and density
- Position, type and recommended number of any biodiversity enhancements
- Boundary treatments

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

Development shall be carried out in accordance with the submitted details. Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity of the area and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2023).

C 6 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 (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: To ensure that the recommended mitigation and compensation suggested in para 5.4.3 and 5.4.4 of the Ecological Impact Assessment are followed correctly. The removal of Cotoneaster as a schedule 9 species should also be considered within the CEMP.

C 7 The development hereby permitted shall not be occupied unless and until details of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the bat and bird boxes shall be implemented prior to first occupation of the building block to which they relate, in accordance with the approved details, and thereafter retained and maintained as such in perpetuity.

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

- C 8 Prior to the first occupation, an enclosed and secure cycle shelter to accommodate cycles shall be constructed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. This area shall thereafter be retained for the purposes of cycle parking in connection with the development in perpetuity.

Reason: In the interests of highway safety and to encourage travel by sustainable modes, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 9 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include but not be limited to the following:-

- a) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification 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 debris 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.
- c) Hours of delivery.
- d) Banksman to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- e) Details of site compounds, storage area and contractor and visitor parking.
- f) Details of any temporary lighting which must not directly light the public highway.
- g) Details of a scheme of a crossover from the public highway over the footpath to the application site

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 Policy LP13 and LP17 of the Peterborough Local Plan (2019). This is a pre-commencement condition as the CMP needs to be in place before works start on site.

- C 10 Prior to occupation, the parking shall be available for use and clear of the public highway. The area shall be delivered in accordance with drawing 23023wd1.01 and thereafter retained for that specific use in perpetuity.

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

- C 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order superseding this, Schedule 2 Part 2 Class A;

- No gates or other means of enclosure shall be erected across the vehicular access hereby approved.

- No means of enclosure over 1 metre in height shall be erected forward of the front elevation of the dwelling/building.

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

C12 The development hereby permitted shall be carried out in strict accordance with the submitted arboricultural details from Hayden's Arboricultural Consultants dated 10.11.23 (Drawing Number: 10321-D-AIA Rev B), to avoid any tree damage during the development period on site. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 - Design and the Public Realm and LP29 - Trees and Woodland of the Peterborough Local Plan (2019).

C13 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with, in accordance with Policy LP33 of the Peterborough Local Plan (2019) and paragraph 189 of the National Planning Policy Framework (2023).

C14 The level of luminance of any external lighting hereby granted consent should be <3 Kelvin levels and should be no more than 2700lux and warm white LEDs. All external lighting (baffles) should be downward facing and motion activated security lighting limited to 1 minute max.

Reason: In the interests of ecology, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C15 The dwellings hereby permitted shall each achieve the Optional Technical Housing Standard of 110 litres of water usage per person per day.

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

Copies to Councillors – Councillor Graham Casey
Councillor Michael Perkins
Councillor Heather Skibsted

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Reference: 24/00114/HHFUL
Site address: 33 Chisendale, Orton Waterville, Peterborough

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Application Ref: 24/00114/HHFUL

Proposal: Proposed front staircase extension and rear first floor bedroom extension.

Site: 33 Chisenhale, Orton Waterville, Peterborough, PE2 5FP

Applicant: Mr R Baldacci

Agent: Mr Mark Bennis
Paul Bancroft Architects

Referred By: Cllr Asim Mahmood

Reason for Referral: Cllr Mahmood believes the proposal accords with policies LP16 and LP17

Case officer: Rio Howlett

Telephone No. 07551042164

E-Mail: Rio.Howlett@Peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and surroundings

The site is located within a residential area in southwestern Peterborough (Orton). There are areas of woodland and amenity land surrounding the residential properties. Dwellings are predominantly large detached with large driveways. The properties are of similar architectural style with catslide roofs. The application site itself consists of a large, detached dwelling with parking to the front of the property. It is constructed using buff brick, wooden cladding, brown interlocking roof tiles and brown UPVC windows and doors. Additionally, the application site has solar panels on the southern roof elevation and external beams supporting the roof which are clearly visible from the street scene adding interest. The site abuts a buffer of trees where Oundle road sits just beyond.

Note

An application was submitted in November 2023 for a proposed front extension and a rear first floor extension of a similar size and scale under reference 23/01573/HHFUL

Proposal

Proposed front extension and rear first floor extension. The proposal would be of the same design and appearance as a previous application - 23/01573/HHFUL which was refused in November 2023 due to its adverse impact to the character of the dwelling and its surroundings, contrary to Policy LP16 of the Peterborough Local Plan (2019). The only difference with the current proposal is that it reduces the height of the front extension by 0.3m.

2 Planning History

Reference	Proposal	Decision	Date
23/01573/HHFUL	Proposed front extension and rear first floor extension	Refused	16/01/2024
19/00047/HHFUL	Single storey first floor front extensions and two storey rear extension	Permitted	04/03/2019

3 Planning Policy

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

National Planning Policy Framework (2023)

Peterborough Local Plan 2016 to 2036 (2019)

LP16 - Urban Design and the Public Realm

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

LP17 - Amenity Provision

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

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

LP13 - Transport

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.

4 Consultations/Representations

Orton Waterville Parish Council

The Parish Council consider the scalability, appearance and design/architecture of this proposed development not to be in keeping with that of the existing buildings. Chisenhale has its own unique style which should be maintained. In particular timber external cladding finish and render to walls was not used for the original development.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No comments were received for this application.

5 Assessment of the planning issues

The main planning considerations are:

- Design and impact to local character
- Neighbour amenity
- Parking standards

A) Design and Visual Impact

It is noted that under 19/00047/HHFUL, permission has been previously granted for an extension on the principal elevation. This development is partially implemented and is due for completion in 2024. The first floor and rear first floor extension would be constructed using materials matching those use in the existing dwelling. The proposed extensions are to be completed using cedar cladding matching the 19/00047/HHFUL permission (Partially implemented). This cladding creates a sense of cohesion as it incorporates the design aspect seen on the principal elevation.

The proposed extension to the principal elevation will be visible from the public realm resulting in an additional front facing gable which would sit adjacent to the previous extension approved under 19/00047/HHFUL. When assessing the cumulative impact of the proposal and the extant permission (1900047/HHFUL), the extensions would no longer be subordinate to the host dwelling, the two projecting extensions to the principal elevation will add substantial massing, and it is noted that this design feature is not seen elsewhere within the distinctive architecture of Chisenhale. The proposal would not be read as sympathetic or ancillary to the host dwelling due to its size and scale, contrary to LP16 of the Peterborough Local plan as LP16 (a) of the Peterborough Local Plan which states that the design of applications must be respectful of its context including massing and scale of the proposal.

The proposal is not sympathetic to the design of the existing dwelling and would result in an awkward appearance within its surroundings. The surrounding area is characterised by a distinct architectural design, all two-storey dwellings feature a catslide roof, making it a prominent and unique characteristic of the area. The extant permission facilitated a partial loss of this feature, leaving a catslide roof with wooden beam features, completely removing this feature would not be respectful to the existing built form as it would detract from the local character and distinctiveness

of the area. Whilst the principal proposal has a 0.3m reduction in height from the 23/01573/HHFUL it would still see the loss of the catslide roof.

The Parish Council raised concerns about the proposed development stating that the proposal would not be respectful of the local patterns of development and the application site, and that the proposal would adversely affect the character of the site. Officers agree with the Parish Council and consider the proposal would result in an adverse level of impact on the site and surrounding area.

On Balance the proposal is contrary to Policy LP16 Of the Peterborough Local Plan (2019).

B) Neighbour Amenity

The application site is set 1.2M from the shared boundary on the Western side of the property, the rear extension is proposed over the existing footprint of the property and therefore will not encroach closer to this shared boundary. Whilst the rear extension does feature a first-floor window within bedroom 4 that sits 3.3M away from the western boundary, it is considered that No. 32a's rear extension serves as sufficient mitigation for the issues of overlooking, overbearing, or overshadowing upon their outdoor rear amenity space.

Although there is an increase of glazed area on the proposed principal elevation it is not considered to have adverse effects on neighbour amenity by means of overlooking as the property is set back from the road as is the adjacent dwelling. Due to the siting of the application site, it is not considered that the proposal on the principal elevation would adversely impact by way of overshadowing or overbearing.

In light of the above the proposal is in accordance with Policy LP17 of the Peterborough Local plan (2019).

C) Parking Standards

The proposal would not alter the current parking arrangements. There is sufficient parking on the driveway of the site in line with the parking standards set out in Appendix C of the Peterborough Local Plan.

As such, the proposal is considered to accord with Policy LP13 of the Peterborough Local Plan (2019).

6 Conclusions

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

7 Recommendation

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

- R 1 The proposed extensions by virtue of its design, size, scale, and positioning would not be respectful to the local building forms and would not result in a subservient extension to the original dwellinghouse. The proposal would negatively impact upon the character of the site and surrounding area, detracting from the character of the original dwellinghouse and the wider street scene by virtue of the massing and scale of development. The development therefore causes unacceptable harm to the character, appearance and visual amenity of the site and surrounding area contrary to Policy LP16 of the Peterborough Local Plan (2019).

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

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The Site



Reference: 23/01634/FUL
Site address: 68 Canterbury Road, Werrington, Peterborough

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Application Ref:	23/01634/FUL
Proposal:	Change of use from an existing shop (A1) into a micro pub (Sui Generis)
Site:	68 Canterbury Road, Werrington, Peterborough, PE4 6PA
Applicant:	Miss Holli Posnett
Agent:	None
Referred by:	Cllr Sandra Bond
Reason:	Concerns of noise, crime, delivery access, parking and smoking area
Site visit:	11.01.2024
Case officer:	Karen Ip
Telephone No.	01733 4507976 904142
E-Mail:	karen.ip@peterborough.gov.uk
Recommendation:	GRANT subject to relevant conditions

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

Site and Surroundings

The application site is located within the Werrington Local Centre in an area with mixed commercial and residential uses. The commercial uses include a public house, petrol station, restaurant, hot food takeaways, hairdressers, barbers and some retail shops.

The site is an existing commercial unit within a purpose built row of the local centre, with retail, takeaway and office uses at ground floor level and residential flats at first floor level. There is a dedicated access and service yard to the rear of the units accessed via Ripon Close. It is understood that although the unit is now empty, previously, it was used as a butcher shop, a florist, and most recently, the base for an independent Security and Crowd Management company. The lawful use of the site is Use Class E, but historically fell within A1 use class, the Town and Country Planning (Use Classes) Order was amended in 2020 with the A1 use class now falling within Use Class E.

There are 16 unrestricted parking spaces to the front of the site which serves the row of purpose built shops and flats including the Application site. Although Canterbury Road is not on a bus route, there are several bus stops close by within walking distance to this local centre.

Proposal

The applicant is seeking planning permission for the change of use from an existing shop (formally use class A1, now use class E) into a micro pub (Sui Generis).

The proposal is exclusively for the change of use of the unit, which includes the reconfiguration of the unit internally, the reinstallation of an external condenser unit to re-use the purpose built chiller room which already exists. The proposed plans show the existing office space to be changed to a bar with fridges along the back, with the remaining floor space to the front to be used as the seating area.

The supplementary information also includes an area to the south of the service yard to the rear which would be used as a smoking area.

2 Planning History

T6473 Erection of shops garages and bungalows
(1-8 inc. Rippon Close, 52-54 Canterbury Road, 58-72 Canterbury Road (shops) c 12.4.61

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)

LP12 - Retail and Other Town Centre Uses

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

LP13 - Transport

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

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

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

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

LP16 - Urban Design and the Public Realm

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

LP17 - Amenity Provision

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

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

4 Consultations/Representations

PCC Conservation Officer (13.02.24)

No objections - This property lies outside of the conservation area and does not affect any heritage assets.

In terms of good design, it would be pertinent to understand what external plant and equipment (if any) may be required to facilitate the new use as a micro-pub and to ensure that any such plant will not spoil the external appearance of the building.

PCC Peterborough Highways Services (25.01.24)

The LHA objects to proposal because of lack information. The applicant needs to demonstrate they have rights to use the delivery yard at the back of the premises, which is currently outside the red line.

Deliveries from the front directly off Canterbury Road would not be acceptable as it would be contrary to policy LP13 of the Adopted Peterborough Local Plan.

Ideally cycle provision for employees should be provided to the rear of the premises if scope for this can be achieved.

PCC Peterborough Highways Services (05.03.24)

The LHA objects to the proposal because of lack of information. The applicant is required to:

- Show the cycle rack, timber "lean-to", cellar cooling plant, and smoking shelter fully dimension in the relation to the external door, garages, delivery area.
- Demonstrate the parking spaces being provided on a plan.
- Demonstrate bin storage location on a plan.
- Show a plan with dimensions of the yard.

PCC Conservation Officer (22.02.24)

No objections - This property lies outside of the conservation area and does not affect any heritage assets.

In terms of good design, it is understood that new chiller unit is to be positioned to the rear of the building in a location of a similar unit (since removed).

Police Architectural Liaison Officer (PALO) (15.01.24)

The ward is in an area of medium risk, however, the street appears to be of low vulnerability to crime based on the figures. If proposal is to be approved, points to consider are CCTV, CCTV signage, external lighting, and alarm system.

Police Architectural Liaison Officer (PALO) (19.02.24)

Cycle Racks – visitors and staff

Sheffield stands should be root fixed 300mm into the concrete flooring and facilitate the locking of both wheels and the frame. Positioned in view of active windows for good surveillance, covered by CCTV and are well lit for the safety of the user and reduce the risks of theft.

Werrington Neighbourhood Council (12.01.24)

Werrington Neighbourhood Council is supportive of this application being an excellent addition to the facilities and services of the area as well to the wider Werrington Community. We are pleased to see renewed life in one of the three empty shops in Canterbury Road. We also regret very much the closure of the important community asset which was the Ploughman, and welcome a new if smaller initiative.

There are three issues we would like to see considered in detail in the interests of local residents:

- The car parking spaces mentioned are used by the eight tenants of the block and by other adjacent residents. There is no alternative parking other than outside local houses. It must be assumed that some visitors to the micro pub will arrive by car.

There is mention of visitors arriving by cycle and census figures show that high numbers of Werrington residents do cycle locally but there is no provision for cycle parking outside the premises.

There are flats above the premises and houses opposite so nuisance from noise must be manageable with any seating and smoking locations reflect this, late opening hours considered and are there plans for amplified music?

PCC Pollution Team (22.01.24)

Character noise is unlikely to be able to be contained from this type of use. If minded to approve, recommendations for conditions:

- Before the development commences a scheme should be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. These provisions could include physical and/or administrative measures.

- The LPA should also place a suitable restriction upon opening hours; and also a restriction on amplified music and music performances.

- Where non-residential development is to be undertaken juxtaposed with residential, the transmission of noise through walls/floors/ceilings to adjacent neighbouring premises will also require consideration. Adjoining floors/walls/ceilings should be required to meet a minimum sound insulation specification of 53dB Dnt,w+Ctr (This is a level 10 dB greater than that specified in Building Regulations Approved Document E). Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w and Ctr dB of at least 10dB above the Building Regulations value, for the structures separating the development from the existing residential premises. A post completion noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

- The premises requires chiller plant associated with the cellar operations. Should the Local Planning Authority be minded to approve this application, further details of the nature, location and noise level associated with the plant should be required for consideration.

PCC Licencing Team

No comments received.

Local Residents/Interested Parties

Initial consultations: 25

Total number of responses: 91

Total number of objections: 47

Total number in support: 44

91 letters of representation and 1 Councillor comment was received, through 2 consultations. There were 44 letters of support and 47 letters of objections, raising the following planning concerns summarised below:

- The garages to the rear are used and should not be blocked
- Parking is limited in the area, concerns of additional vehicles blocking Ripon Close
- Inconsiderate parking is a nightmare as existing - this will make it worse

- Suggestion that customers would walk or use public transport is unrealistic
- There is a covenant on the delivery yard to allow access to rear of shops and garages at all times
- There is a covenant restricting the sale of alcohol on this row of shops
- There is already issue with delivery vehicles struggling with access
- The applicant is incorrect to state the garages are not in use - They are in fact in use and access is required
- Works have already started in the unit prior to permission being granted
- There is no need for another pub in Werrington - There are already enough pubs and restaurants that serve alcohol
- There is already a drinking establishment in the area - another is likely to cause noise and nuisance
- Opening hours 7 days a week to midnight would bring more disruption to residents
- Smoking area will bring noise and light pollution to the area
- Customers would gather and smoke at the front of the premises
- It would lead to people drinking outside, obstruct the footway and increase ASB, especially in the summer
- Concerns regarding noise from loud music and drunks leaving the establishment

Cllr Sandra Bond comment (in addition to call in to committee):

The applicant keeps on referring to the Frothblowers Storrington Way Werrington. There are differences between the proposed micro-pub and the Frothblowers.

Frothblowers - the homes above the Frothblowers are maisonettes.
The proposed Micro-pub - the homes above are flats.

Frothblowers - there is a floor between the sleeping area of the maisonettes and the Frothblower.
The proposed Micro-pub - the sleeping area of the flats are directly above the proposed Micro-pub.

The Frothblowers - the entrances to the maisonettes are at the back access is up a flight of stairs.
The proposed Micro-pub - the entrances to the flats are at the front, in close proximity to the proposed Micro-pub.

The Frothblowers - there is a large car park behind the Frothblowers offering twice as many car park spaces than the Frothblowers.
The proposed Micro-pub will share 16 car park spaces situated at the front of the premises (two spaces being disabled bays).

The Frothblowers - the service yard has two entrances/exits and no garages.
The proposed Micro-pub - the service yard has one entrance/exit with garages in use.

5 Assessment of the planning issues

The main considerations are:

- a) The principle of development**
- b) Design and impact to the character and appearance of the site and the surrounding area**
- c) Neighbour Amenity**
- d) Parking and Highway Safety**
- e) Other Matters**

a) The Principle of Development

Policy LP12 states, the overall strategy is to direct retail development and uses to the City centre, district and local centres. In turn, this will protect, support, and where necessary regenerate, existing District Centres and Local Centres to ensure they continue to cater for the needs of the communities they serve.

The current lawful use for the unit is A1 use, as per ref T6473, permitted in 1961.

The use class order was updated 1st Sept 2020, whereby Use Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e). As such, the existing use class for the application site now allows for a wide range of commercial activities within permitted development including gyms, restaurants, and medical/health services. The application recognises the historic A1 use of the building, which would convert to Class E(a) and as such the development has the ability to change use across the full spectrum of Class E uses, this is a material consideration in the assessment of this application.

LP12 recognises that there should be a reasonable proportion of Class A1 retail (now Class E) units to maintain the viability of the centre. The policy also says 'Within the PSF of the District Centres or within Local Centres, planning permission for any non-A1 use at ground floor level will only be granted if the development would maintain or enhance the vitality and viability of the centre and appearance of the frontage.'

The proposal is sited within one of Peterborough's local centres. The unit is sited within the Werrington Local Centre and the proposal seeks the change of use from an existing vacant unit which was last used as Class E to a micro pub (sui generis) use. The proposed use would put an existing unit back into use, and although it would not be retail use, the proposed Micro Pub would diversify the offering within the local centre, and would attract footfall to the area, cater for the community and in turn, enhance the vitality and viability of the centre.

In terms of appearance, the proposed change would not appear out of place within a Local Centre. There have already been similar businesses set up in similar mixed use areas, such as The Frothblower in Storrington Way ref 16/01209/FUL and The Wonky Donkey in Fletton ref 18/01405/FUL.

In principle, the proposed uses are considered appropriate within the identified Local Centre and therefore adheres to LP12 of the Peterborough Local Plan.

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

The external appearance of the site would remain largely unchanged. There would be a slight change to the rear of the site, in which an external condenser unit would be re-installed in order to re-use the purpose built chiller room and an area to the rear would be used as an outdoor smoking area. In terms of visual appearance, neither of the changes would impact the public realm as it would be screened by existing buildings and boundaries.

The character of the area would remain the same as the proposed change of use would still fit within the mixed commercial and residential usage already established. With regards to the use being a drinking establishment it is noted that there is already a large public house (The Cock Inn), a restaurant (Banyan Tree) and a takeaway (New World) within the local centre, which already has a degree of night time economy.

The Council's Conservation officer has advised no objections to the proposal as the design will not affect any heritage assets.

Cambridgeshire Constabulary has been consulted and has raised no objections to this proposal. They have advised that the ward is in an area of medium risk, however, the street itself appears to be of low vulnerability to crime based on the figures. They have also advised that if proposal is to be approved, points to consider are CCTV, CCTV signage, external lighting, and alarm system, which the applicant has confirmed would be installed.

Officers note that by increasing night time economy, there is opportunity for rise in crime, despite the current vulnerability classified as low. It is also accepted that no amount of measures would

stop crime in the general sense, however, the crime deterrent measures proposed would be in place to deter the increase of crime, and the installation of these crime deterrent methods shall be secured by conditions.

As such, the proposed change of use would not appear visually prominent or unacceptably detract from the character or appearance of the area due to the existing varied uses within the local centre, and consideration for designing out crime has been included.

On this basis, the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy LP16 of the Peterborough Local Plan(2019) and Para 96 of NPPF (2023).

c) Neighbour Amenity

As the proposed site is within a mixed use, commercial and residential area, the consideration of residential amenity is required. It is noted that the residential flats above is accessed from the street front, and there would be no change in this as a result of the proposed use.

Due to the nature and character of micro pubs, these are considered to be different from larger public houses in that they are tailored towards a smaller crowd (around 30-40 customers in this case), with a more specific range of drinks, usually real ales. It is acknowledged that micro pubs are somewhat different from the conventional larger pubs and in general they tend to be quieter drinking establishments. These tend to be smaller, one room pubs which do not serve food, promote real ales and conversations. In addition to this, through conversations with Pollution Control Officers, it is understood that the other existing micro pubs, namely The Frothblowers and The Wonky Donkey, which are both located in similar mixed-use areas, and are close to residential dwellings, have not resulted in any noise complaints to date.

As mentioned above, the lawful use class as existing is Class E, so therefore the fallback position is that there could be a number of uses that the unit could be used for without involvement with the LPA. This application allows intervention from the LPA and the ability to assert controls on the use.

Considerations have to been given to the impact on residential amenity in line with Pollution Control concerns and advice. In order to reduce harm to residential amenity, consideration must be given to the impact on the noise character through control of opening hours, sound proofing and the condenser unit.

Opening Hours

The applicant has proposed opening hours of Monday to Friday 12pm - 10.30pm, Saturday 10am - 10.30pm and Sunday 10am - 8pm. They have advised that no alcohol would be served before 12pm and that they will be applying for licence to allow for the sale of alcohol up to 11pm.

It is noted that the takeaway at no.56, which operates 6 days a week, closes at 10.30pm. The public house within the same local centre is open 7 days a week, Monday to Sat 12pm - 11pm and Sunday 12pm to 10.30pm.

Officers consider the proposed hours to be reasonable and would not extend overly late into the night. Given that there is already a public house in the same local centre, the proposed hours would largely match existing night time economy within this row of units, and would be open no later than the existing takeaway, which closes at 10.30pm. As such, Officers are minded to support these proposed opening hours. The licencing scheme is a separate legislation process outside of the planning process.

In terms of the concerns from neighbours regarding noise which could result from customers leaving the premises, it is considered that level of noise would be no different from customers leaving from a restaurant, which is one of the uses under class E that the unit could be used at without intervention from the LPA.

Sound proofing

Due to the site being located below a residential flat, adequate sound proofing must be installed to mitigate noise transfer from the ground floor unit to the first floor residential flat. Specific details shall be required to be submitted and agreed with prior to installation by condition.

Music

Due to the proximity to residential flats and dwellings, restrictions shall be conditioned for no amplified or live music to be allowed in association with this change of use. This is to protect residential amenity.

Condenser unit

The applicant has advised that they do not have information on the proposed condenser unit to be installed yet, so the details shall be required by condition prior to installation.

Smoking area

The proposed smoking area would be to the furthest south of the service yard to the rear of the site, located in the corner between the cold store and the end garages. The area is accessed through the premise. With regards to the residential flat above the premise, there is a window above the proposed area, however the window is understood to serve the landing area of the flat, and not a primary habitable room so the potential impact of harm is less.

The closest residential dwelling is no.1 Ripon Close. The proposed smoking area would be 10.5m away from the rear shared boundary and 21.9m away from the rear elevation of this dwelling. The closest distance would be with the hairdressers named Six which is directly opposite the proposed smoking area, 6m away, separated by a 1.8m fence.

As highlighted earlier in the report, the site could already be used by a number of permitted uses under Class E, including the use as a restaurant. Any use type could include an area for smoking, as a smoking area does not strictly require permission from local authority. Planning Permission is only required if a smoking shelter was being proposed. As no drawings or plans have been submitted with this application, therefore the shelter is not being considered.

It is understood that due to the type of proposed use, it is likely that the smoking area would be most used in the evenings. To mitigate the inevitable noise and disturbance from people smoking and conversing, for the protection of residential amenity, a condition shall be imposed that this area must not be used for outdoor drinking.

With regards to Pollution Control's request to specify provisions to be made for the control of noise emanating from the site, it is understood that this would be to control the behaviour of the users, which would be deemed beyond planning controls as planning matters can only control the land use.

In light of the above, the proposed development would not result in an adverse amenity impact when assessed against the existing lawful use and as such, would not be contrary to Policy LP17.

d) Parking and Highway Safety

Policy LP13 point 6.8.4 says "The policy for transport aims to reduce the need to travel by private car and helps to deliver a sustainable transport package capable of supporting growth and the council's Environment Capital aspirations." The site is located within a local centre, it is also accessible on foot or by public transport with a bus stops nearby.

Appendix C provides a maximum parking standard of one space per 15sqm, equating up to 8 vehicular parking spaces. It is stressed this is a maximum standard and the premises has been in operation for a number of years as a commercial premises. Furthermore, the existing lawful use of the building is for a Class E (A1) premises, which has the ability to lawfully change use any of the other Class E uses, such as restaurant, gyms, GP/medical facilities and indoor leisure facilities.

Therefore, the focus of the assessment is based upon any intensification of the proposal compared to the existing lawful uses.

It is understood to the east of the building are 16 vehicle parking spaces, which serve not only this unit but also the other commercial premises and the first floor residential flats. It is recognised these are historic parking spaces for the commercial units and flats, however these have not been included in the red line boundary given these cannot be allocated/secured by way of condition.

The LHA have made a number of requests for further information, resulting in an objection. However, each one of these requests will be addressed below:

As an existing commercial premise, the unit has an existing waste storage area to the rear within the service yard. Details can submitted and agreed in order to ensure that the proposed siting would not obstruct the garages or access to them.

In response to Local Highways Authority concerns, the applicant have confirmed that deliveries would be via the service yard and they have access and use of the service yard.

The request for cycle storage is noted, however there is no reasonable means to incorporate internal cycle storage within the building and it would be unreasonable to provide public cycle parking within a service yard, which can have deliveries and vehicle movements. Furthermore, it is acknowledged there is limited area in the service yard to establish staff parking (1 full time equivalent employee) without restricting turning area, garages or rear entrances to the adjacent units. These only leaves the public highway, however this land to the east of the building, which is outside the applicants ownership and could extend into the pedestrian footpath.

In light of the above, the proposed development would not result in an adverse highway safety impact and would not result in an intensification on the highway network when assessed against the existing lawful use and as such would not be contrary to Policy LP13.

e) Other matters

Public representations have expressed concern with creating competition with local businesses. Whilst competition isn't a material consideration, the vitality, viability and regeneration of the area has been assessed in part (a) and the proposal is considered to positively establish a new community facility.

One representation presented a copy of land registry regarding the covenant on the land and access to be kept free. However, a covenant is a civil matter and not a material planning consideration.

With regards to works and internal fit outs having started prior to the granting of permission - this is at the applicant's own risk. The LPA has not predetermined this application and the assessments are made based on information provided.

Saturation of drinking establishments - Letters of representation has been received questioning the need for the proposal, given that there are a number of other public houses and restaurants that serve alcohol. Officers are aware of this, however there is no policy which considers saturation. This application has been considered on its individual merit.

Concerns regarding existing inconsiderate parking - Officers note these concerns, however, it is understood that inconsiderate drivers and cyclists can be found in any location and this issue is not limited to this site nor the proposed change of use of this business unit. The abuse of these spaces is an existing issue and not an issue that could be fixed or enforced by planning conditions.

Whilst its mentioned in the support document regarding a smoking shelter, the application includes no elevational details or location of the shelter and the application is purely for the change of use of

the premises.

6 Conclusions

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

7 Recommendation

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

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

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

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

- Location plan
- Block plan
- Proposed floor plan

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

- C 3 The micropub hereby approved shall only operate between the hours listed below and at no other time.

- Monday to Friday 12pm - 10.30pm
- Saturday 10am - 10.30pm
- Sunday 10am - 8pm.

Reason: In the interest of retaining the opening hours of the Local Centre and protecting the amenity of neighbouring occupiers in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C 4 Prior to installation and operation, the full details of the make, model, location, sound power level and frequency spectrum data of any mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The information shall demonstrate that the mechanical plant is in compliance with the noise levels specified in condition 5 below. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 191 (a) of the National Planning Policy Framework (2023).

- C 5 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w and Ctr dB of at least 10dB above the Building Regulations value, for the structures separating the development from the existing residential premises. A post completion noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: Protecting the amenity of neighbouring occupiers in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C 6 No amplified or live music shall be played at the development hereby permitted at any time.

Reason: Protecting the amenity of neighbouring occupiers in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C 7 Prior to commencement of the use, details of the location of storage of waste shall be submitted to and agreed in writing by the local planning authority in order to ensure that the proposed siting would not obstruct the garages to the rear or access to them.

Reason: In order to ensure the waste storage siting would not restrict access to the existing garages, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 8 Prior to the commencement of the use, details of the external lighting, CCTV, CCTV signage and alarm system shall be submitted to and agreed in writing with the Local Planning Authority. These measures shall be implemented prior to the commencement of use and maintained in perpetuity.

Reason: In the interest of crime prevention and anti-social behaviour, in accordance with LP16 and protecting the amenity of neighbouring occupiers in accordance with Policies LP16 & LP17 of the Peterborough Local Plan (2019).

- C 9 The activity as a micro-pub shall only operate from within the building and no external tables and/or seating shall be provided to the front or rear of the building at any time.

Reason: In order to ensure that no undue noise and disturbance is created for the nearby residents in accordance with Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors – Councillor Judy Fox
Councillor John Fox
Councillor Stephen Lane

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 6
19 March 2024	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Housing, Growth, Regeneration	
Contact Officer:	Lee Walsh (Development Management Team Lead)	Tel: 07825867209

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE October - December 2023

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: march 2024
It is recommended that the Committee:	
1. Notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Government monitors the performance of local planning authorities in deciding applications for planning permission. This is based on their performance in respect of the speed and quality of their decisions on applications for major and non-major development.
- 1.2 Where an authority is designated as underperforming, the Town and Country Planning Act 1990 (as amended) affords applicants the option of submitting their planning applications (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 1.3 This report focuses on just the performance of Peterborough City Council in regards to the quality of its decisions on planning applications. It is useful for Committee to look at the Planning Service's appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs.
- 1.4 This report is presented under the terms of the Council's constitution Part 3 Section 2 – Regulatory Committee Functions, paragraph 2.6.2.6.
- 1.5 This report covers the period from 1 October 2023 to 31 December 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 October 2023 to 31 December 2023, a total of 8 appeal decisions were issued. This number is similar to the corresponding periods in 2021 and 2022.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission, all 6 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 8 appeal decisions issued, 7 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government and 1 case was a split decision (partially allowed). Therefore, the percentage of appeal dismissals stood at (87.5%). 1 appeal was allowed (12.5%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a better, level of performance when compared to previous quarters during the preceding 2 year period (with the exception of Oct - Dec 2022), as shown in the following table. It is also well below the overall average during that period, and the trend has been a consistent improvement since Oct – Dec 2022 thereby identifying an improvement in the quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
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%
July – Sept 2023	6	1	16%
Oct – Dec 2023	8	1	12.5%
Total	60	17	8%

- 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 Jan 2023 and December 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 principle of development, parking, character and appearance and residential amenity. The Council's spatial strategy as set out in the Local Plan was firmly upheld.
- 3.8 However in 1 case (Appendix 3), the inspector issued a split decision, agreeing with the Council's reason for refusal relating to the gazebo being out of keeping, but allowing another element of the proposal – rendering of wall. However it should be noted that whilst inspectors

have the power to issue split decisions, local planning authorities do not, so this should not be seen as an overturn of the Council's decision.

- 3.9 In respect of the appeal that was allowed (Appendix 4), the key lesson here is that highway safety implications of a telecoms mast were given far less weight by the inspector and it was not deemed to block visibility.

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 Oct - Dec 2023 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued Oct - Dec 2023 (inclusive)
3. Appeal Decision 23/01145/HHFUL
4. Appeal Decision 23/01114/PRIOR

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Appendix 1 – Appeals Performance from 01.10.23 – 31.12.23

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
22/01074/CLE	14 Rectory Lane Ginton Peterborough PE6 7LR	Use of dwelling by no more than six residents living together as a single household where care is provided (Class C3(b))	Refusal	no	The LPA considered the development was not fall within C3(b) dwellinghouse where care is provided.	Written Representations	Dismissed	no	The Inspector agreed that due to the nature of the occupation of the former dwellinghouse that is did not fall within Use class 3C(B) of the Use classes order.
21/01695/FUL	Cedar House Sommer Close Thorney	Proposed building contractors yard and building	Refusal	no	Intrusion of a non-agricultural use into the open countryside contrary to policy Loss of Grade 2 agricultural land Impact of sensitive area of land in terms of character and setting. Land with flood zone 3 and no justification provided.	Written Reps	Dismissed	no	development would conflict with PLP policies LP2, LP4 and LP11 which, amongst other things, seek to direct employment development to existing settlements, business parks or allocations In terms of flood risk, the fallback does not mean the sequential approach does not need to be adopted in this case. the fallback does not mean the sequential approach does not need to be adopted in this case. weight I have given to conflict with BMVAL policy is tempered to an extent by the scale and nature of the site and the potential fallback
23/00145/HHFUL	10 Allotment Lane Castor Peterborough PE5 7AS	Replacement of original gazebo including render finish to side elevation of mono pitch building - retrospective	Refusal	No	The proposal would be out of character and detract from the Castor Conservation Area and listed buildings in close proximity to the site	Fast Track Appeal	Split Decision	no	The rendering and colouring of the north-west facing elevation to the existing side extension. This development is severable from the remainder of the scheme as it is physically and functionally independent. It is acceptable as it complies with planning policies. The gazebo would not preserve or enhance the character or appearance of the CA.

22/01287/FUL	264 And 266 Oundle Road Woodston Peterborough PE2 9QA	Demolition of two existing garages and construction of two new detached two storey dwellings on land to the rear of 264 and 266 Oundle Road			<p>The proposal would unacceptably and harmfully detract from the character and appearance of the area.</p> <p>The proposal would constitute an adverse highway safety hazard.</p> <p>Have an unacceptably adverse impact on the amenity of the occupiers</p> <p>would not provide satisfactory living conditions for future occupiers</p>	Written Representations	Dismissed	no	The proposal would result in significant harm and development plan conflict with respect to the effect on the character and appearance of the area, the living conditions of the occupiers of neighbouring properties and highway and pedestrian safety
22/00813/FUL	39 Crowland Road Eye Peterborough PE6 7TP	Erection of a single storey dwelling	Refused	no	<p>not been demonstrated as being essential to warrant such an intrusion and as such is considered to be wholly contrary to the vision, objectives, development strategy</p> <p>would be unacceptable due to its backland location and proposed siting to the rear of 39 Crowland Road</p> <p>in light of their absence it is considered that it has not been demonstrated that there will be no adverse noise impact on future occupiers of the proposed development</p> <p>Insufficient information has been provided regarding the parking arrangements</p> <p>The proposal would be unacceptable due to the lack of a PEA and insufficient information being provided regarding potential protected species and their habitats on site</p>	Written Representations	Dismissed	no	The proposal would conflict with the Council's spatial strategy and would result in significant harm and development plan conflict with respect to the effect on protected species and the living conditions of future occupiers. I am satisfied the proposal would provide adequate car parking arrangements and would not have an unduly harmful effect on highway safety, the living conditions of existing occupiers of 39 Crowland Road, or the character and appearance of the area. However, this does not outweigh the identified harm and development plan conflict. I therefore find that the proposal would be contrary to the development plan, taken as a whole.
22/01114/PRIOR	Communication Station Site 042771 Bretton Way Bretton Peterborough	Proposed 5G telecoms installation: H3G 20m street pole with additional equipment cabinets	Refused	no	The proposal, by virtue of its siting, height and appearance would unacceptably impact upon highway safety on Bretton Way	Written Representations	Allowed	no	<p>the siting and appearance of the proposal would not have an unacceptably harmful effect on highway safety.</p> <p>Allowed subject to conditions</p>

22/01450/PRIOR	Verge At Burghley Road Peterborough	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.	refused	no	the proposal due to its siting and appearance would result in unacceptable harm to the visual character, appearance and amenity of the surrounding area	Written Representations	Dismissed	no	the siting and appearance of the proposed development would cause harm to the character and appearance of the surrounding area, and would not preserve or enhance the character or appearance of the Park CA. Given suitable alternatives have not been properly explored, this harm is not
23/00633/HHFUL	Cherry Tree House 13 Castle End Road Maxey Peterborough PE6 9EP	Demolish and replace an Annex and garage to be used in conjunction with the existing domestic dwelling, with the addition of the link extension.	refused	no	It is ultimately self-contained and entirely capable of meeting all the day to day needs of occupants, without having a have a direct physical or functional relationship with the existing dwelling itself	Fast Track Appeal	Allowed	no	the proposal would provide an acceptable form of ancillary accommodation with respect to the provisions of the development plan that apply to residential annexes

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Appendix 2 – Appeals Quarterly Monitoring from 01 July 2023 to 30 September 2023 (inclusive)

		Oct - Dec 2021	Jan – Mar 2022	Apr – Jun 2022	Jul - Sep 2022	Oct- Dec 2022	Jan-Mar 2023	Apr- Jun 2023	Jul-Sept 2023	Period TOTAL
M A J O R	Total decisions	15	17	5	13	12	15	4	7	88
	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	256	215	208	246	223	176	161	257	1,742
	Allowed appeals	3	2	1	3	5	4	2	1	21
	Percentage	1.17 %	0.93 %	0.48 %	1.22 %	2.69 %	2.27%	1.24 %	0.4%	1.3 %

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Appeal Decision

Site visit made on 29 September 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/J0540/D/23/3324431

10 Allotment Lane, Castor, Peterborough PE5 7AS

- 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 K. White against the decision of Peterborough City Council.
 - The application Ref: 23/00145/HHFUL, dated 10 February 2023, was refused by notice dated 4 April 2023.
 - The development proposed is the replacement of the original Gazebo including the rendered finish to the side elevation of the monopitch building.
-

Decision

1. The appeal is dismissed in so far as it relates to the Gazebo. The appeal is allowed in so far as it relates to the existing extension and for the rendering of its external wall and its painting in an off-white colour at 10, Allotment Lane, Castor, Peterborough PE5 7AS in accordance with the terms of the application ref 23/00145/HHFUL, dated 10 February 2023 and the following conditions: -

- i. The development hereby permitted shall begin no later than three years from the date of this decision.
- ii. The development hereby permitted shall be carried out in accordance with the following approved plans:

04-KW-23(block plan);
03-KW-23(location plan) and
02-KW-23 (proposed plans and elevations),

so far as they are relevant to that part of the development hereby permitted.

Procedural Matter

2. The appeal is made partly retrospectively for development which has mainly been constructed.

Main Issues

3. The main issues are i) whether the proposal would preserve or enhance the character or appearance of the Castor Conservation Area (1969) (CA) and ii) whether the proposal would preserve the setting of the listed buildings in the vicinity, particularly No.12 Allotment Lane, the Cabin and Manor House Farm.

Reasons

Effect upon the CA

4. The CA is mainly a residential area and is characterised by a mix of dwelling ages and styles with some dating from the early nineteenth century while others are of a more modern age. However, there are some common features, including the use of brick or render and the predominance of double pitched roofs.
5. The appeal property is an end of terrace dwelling and has a brick façade and a double pitched roof. It has a single storey side extension with a monopitch roof. There is a high hedge on its front boundary with Allotment Lane and which encloses its front garden. Its brick appearance and simple façade add positively and distinctively to the character and appearance of the CA, though the northwest facing elevation, with a mixture of different colours of brick, does not.
6. The proposed development includes the rendering of this northwest facing, single storey elevation, plus a replacement Gazebo which abuts it and projects in front of the main elevation of the host property. I have no details of the design or extent of the original Gazebo and I have determined the appeal on the basis of its current appearance and the submitted plans.
7. The Gazebo has an asymmetrical, pitched roof which differs from that of the existing side extension roof as well as that of the main dwelling. The result is a jumble of different roof lines with different angles, and its design and form adversely affect the visual appearance of the dwelling and the CA.
8. On my site visit, I was able to see that the existing high hedge to the front of the dwelling mitigates to some extent the mismatching of the roof lines, but the adverse visual effect is still visible from the public domain over the top of the hedge in places.
9. Moreover, I cannot be certain that the high hedge would always remain. I have considered whether it would be reasonable to impose a condition requiring the retention of the hedge, but it might perish through old age or disease, in which case it would take some time for a replacement hedge to have the same effect. In any case, the discordant effect of the different roof lines is apparent with the hedging as it is and represents poor design. Therefore, I do not consider that it would be prudent to try to mitigate the effect of poor design upon the CA in this way.
10. I have taken into account the appellant's assertion that the rear amenity space of the dwelling is limited and which, therefore, has led to the Gazebo being constructed to the side and front of the dwelling. However, I do not consider that any such limitation outweighs the harm which I have identified.
11. The appellant has also included an old photograph from a different age showing a former stone built, single storey, double pitched building on the side of the dwelling and which extended in front of the main elevation. However, its design and appearance differ significantly to what now exists or is proposed, and, for these reasons, I afford it only limited weight in the determination of the appeal.

12. One part of the appeal proposal is for the rendering and colouring in off-white of the north-west facing elevation to the existing single storey side extension. On my site visit, I was able to see that the elevation includes a mixture of brickwork which does not assimilate well. I was also able to observe that white rendering is a fairly common form of construction in the immediate area. The local planning authority (LPA) raises no objection to this part of the appeal proposal, and I have no reason to disagree.
13. However, while this element of the appeal proposal would enhance the CA and would align with the following policies, the appeal proposal, when taken as a whole, in the context of paragraph 196 of the National Planning Policy Framework 2023 (the Framework), would cause less than substantial harm to the CA. While the rendering of the wall of the existing extension can be said to lead to a public gain, given its visual appearance when seen from the public domain, I find that this would not outweigh the less than substantial harm to the appearance of the CA.
14. For the above reasons, I conclude that the proposed development would not accord with policies LP16 and LP19 of the Peterborough Local Plan 2019, policy CLU4 of the Castor Neighbourhood Plan 2017-2036 (NP) or with chapter 16 of the Framework, all of which aim to protect or enhance heritage assets.

Settings of listed buildings

15. There are several listed buildings (LB) within the vicinity of the appeal proposal. No 12, Allotment Lane is Grade II listed and is next to the appeal property but is separated by a side lane. It is a thatched cottage, sited within its amenity area and surrounded by stone walling and hedging which gives it a self-contained setting, unaffected by the appeal proposal.
16. The Cabin is a Grade II LB and is located next to No 12 Allotment Lane and therefore next but one to the appeal building. It is a two storey, white rendered property set abutting Allotment Lane. It is located sufficiently far removed from the appeal building such that the appeal proposal would not adversely affect its setting.
17. Manor House Farm is a Grade II building set within substantial, landscaped grounds and is directly opposite the appeal property. Its surrounding grounds afford it a self-contained setting which would not be adversely affected by the appeal proposal.
18. Therefore, I conclude that the appeal proposal would preserve the settings of LB's and as such would accord with the above policies.

Conclusion

19. The appeal proposal includes two main elements. One is for the rendering and colouring of the north-west facing elevation to the existing side extension. This development is severable from the remainder of the scheme as it is physically and functionally independent. It is acceptable as it complies with planning policies. Therefore, I shall issue a split decision in this case and allow the rendering of the wall.
20. In respect of the Gazebo, I have concluded that while it would not adversely affect the settings of the LBs in the immediate vicinity, it would not preserve or

enhance the character or appearance of the CA. Therefore, I dismiss the appeal in respect of the Gazebo.

S. Hartley

INSPECTOR



Appeal Decision

Site visit made on 7 November 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 DECEMBER 2023

Appeal Ref: APP/J0540/W/23/3322895

Bretton Way Street Works, Peterborough PE3 8LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Peterborough City Council.
- The application Ref 22/01114/PRIOR, dated 3 August 2022, was refused by notice dated 21 December 2022.
- The development proposed is described as proposed 5G telecoms installation: H3G 0m street pole with additional equipment cabinets.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed 5G telecoms installation: H3G 20m street pole with additional equipment cabinets at Bretton Way Street Works, Peterborough PE3 8LD, in accordance with the terms of the application Ref 22/01114/PRIOR, dated 3 August 2022, and the plans submitted with it.

Preliminary Matters

2. There is no dispute between the parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.
3. As the appeal relates to a prior approval for a telecommunications development, there is no requirement to have regard to the development plan as there would be for any development requiring an application for planning permission. Nevertheless, Policy LP13 and LP16 of the Peterborough Local Plan 2019 (LP) are a material consideration as they relate to issues of siting and appearance. In particular, they seek, among other things, to ensure development responds to the local area context and is sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding area and highway safety. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.
4. At the time of my visit, I observed a mast and associated cabinets within close proximity to the appeal site. Both parties have had the opportunity to comment. The appellants have advised that the mast has been installed by

another operator. The Council has made no comment. As a result, I have determined the appeal on the basis of the plans submitted and reasons for refusal cited on the Decision Notice.

5. Since the determination of this application, the Government published a revised the Framework in September 2023, replacing the version published 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

6. The main issue is the effect of the siting and appearance of the proposed development on highway safety.

Reasons

Highway safety

7. The appeal site is a section of grass verge on the western side of Bretton Way, north of the roundabout junction with Hyholmes and Essendyke. Lampposts and telegraph poles are located at regular intervals within the grass verges at the side of the carriageway. Mature and semi-mature trees lie to the west of the appeal site, beyond which there are residential properties. Bretton Way is a main highway running through Bretton. There is no footway on the western side of the carriageway. The dense tree cover on both sides of the road, gives the area a pleasant, verdant character.
8. I have not been provided with substantive evidence regarding a history of accidents in the vicinity of the site. I have no good reason to believe there are any existing significant highway safety issues in the vicinity of the site.
9. In the vicinity of the appeal site, I observed a 40mph sign. I also noted the road has a relatively straight alignment such that users of the highway would be likely to have good visibility. The proposed development would be positioned towards the front edge of the grass verge, on a similar alignment to existing street furniture. Given the limited footprint and height of the proposed cabinets and the diameter of the proposed mast, any obstruction of views of signage would be extremely limited. As such, all highway users would be able to see the signage if the proposed apparatus were in place, and highway safety would be maintained. Furthermore, taking into consideration the absence of a public footpath on the western side of the carriageway, the appeal site's distance from the junctions of nearby roads, and its position within the grass verge, the proposed development would not impede driver visibility to the extent that harm to highway safety would result.
10. Whilst I am unsure of the status of the mast I observed near to the appeal site, having regard to the above, I do not consider that that there would be any cumulative impact on highway safety.
11. For these reasons, the siting and appearance of the proposal would not have an unacceptably harmful effect on highway safety. Insofar as they are a material consideration, the proposal would accord with the aims of policies LP13 and LP16 of the LP and Paragraph 111 of the Framework.

Other Matters

12. As I have found that the siting and appearance of the proposal to be acceptable, it is not necessary for me to consider the alternative sites that have been suggested.

Conditions

13. Development permitted under Class A, Part 16 is subject to standard conditions, including a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and that it is removed when it is no longer required for electronic communications purposes. The Council suggests additional conditions. However, the GPDO does not provide for the imposition of additional conditions beyond the deemed conditions for development by electronic communications code operators, including in relation to the colour of the monopole and equipment. I have therefore not imposed any additional conditions.

Conclusion

14. For these reasons, I conclude that the appeal should be allowed and prior approval be granted.

R. Gee

INSPECTOR

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