

# Public Document Pack



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 9 APRIL 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. **Development Control and Enforcement Matters**
  - 4.1 **24/00107/OUT - 25 Nansicles Road, Orton Longueville, Peterborough**
  - 4.2 **23/00852/FUL - Land adjacent to Magnolia House**
  - 4.3 **23/00009/TPO - 7a Maffit Road, Ailsworth, Peterborough**

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**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](mailto: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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**Application Ref:** 24/00107/OUT

**Proposal:** Outline application for a 3no. bedroom Chalet bungalow with separate access driveway with all matters secured except landscaping

**Site:** 25 Nansicles Road, Orton Longueville, Peterborough, PE2 7AS  
**Applicant:** Mrs Judy McLennan

**Agent:** Mr Wayne Farrar  
 A&S Designs

**Referred by:** **Cllr Heather Skibsted**  
**Reason:** The application is not considered contrary to Policy LP16 and LP17 of the Peterborough Local Plan (2019).

**Site visit:** 06.03.2024

**Case officer:** Connor Liken  
**Telephone No.** 07551 060899  
**E-Mail:** connor.likem@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

**Site and Surroundings**

The application site is located within the Orton Longueville area, situated within a residential area bordering the Orton Longueville Industrial and General Employment Area 11 to the immediate south. The site itself is characterised by a moderate sized detached dwelling, constructed in a tan buff brick, brown concrete interlocking roof tiles and white UPVc windows and doors. The front area has been block paved allowing car parking for 2 vehicles and includes a large driveway to the North side of the plot providing access via double gates to the rear garden area. The rear garden is mainly lawn with a large summer house to the South boundary. The Eastern boundary to the rear makes up hard surfaced area featuring sheds & a greenhouse. Beyond the Eastern boundary fence is a woodland garden area in the ownership of 24 Talbot Avenue and beyond the Southern corner are a number of large industrial buildings.

**Proposal**

The application seeks the benefit of outline permission for the erection of an '3no. bedroom Chalet bungalow with separate access driveway with all matters secured except landscaping'.

**2 Planning History**

Reference	Proposal	Decision	Date
23/00316/OUT	Proposed 3-bedroom chalet bungalow with access, appearance, layout and scale secured and landscaping reserved	Refused	24/05/2023
12/00492/HHFUL	Construction of two storey side extension - Revised Application	Permitted	15/06/2012
11/01861/HHFUL	Construction of two storey side extension	Permitted	11/01/2012

### **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)**

**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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **4 Consultations/Representations**

#### **PCC Peterborough Highways Services**

Objection – The proposed development requires further demonstration that acceptable highway access can be achieved.

#### **Tree Officer**

Objection – Arboricultural Impact Assessment required.

#### **Orton Longueville Parish Council**

Recommends approval.

#### **Open Space Officer**

No objection.

#### **Archaeological Officer**

No objection.

#### **PCC Pollution Team**

No objection.

#### **Cambridgeshire Fire & Rescue Service**

No comments received.

#### **Waste Management**

No comments received.

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

Initial consultations: 5  
Total number of responses: 3  
Total number of objections: 1  
Total number in support: 2

During the course of the consultation period, three representations were received. A summary of which can be found below.

- No objection, however it should be noted that the mature trees in the rear garden of No.24 Talbot Avenue are not to be felled.
- Clarification on the new separate entrance and additional parking.

**Councillor Heather Skibsted:** Consider looking at this application from the viewpoint that Nr and Mrs Cooley have fostered children within PCC for decades and wish to continue to provide a stable home for a disabled young person in their care going forwards, and to combine this with their need to downsize. As such they are providing a valuable service for the city and that this should be taken into consideration.

Policy LP16 – The proposal would respect the local pattern of development and has been designed to take into account the requirements of the size and scale relative to adjacent properties. The proposal would be compliant with all criteria.

Policy LP17 – The design and rotation of the property provides clear design consideration for the privacy of nearby neighbours. There would be no loss of amenity space to No.25. It should be noted that there would be no overlooking, overshadowing or overbearing impacts. The proposal would be compliant with all criteria.

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

The application proposes an outline planning application with all matters secured except landscaping.

The main planning considerations are:

- Principle of development.
- Design and impact upon the character and appearance of the surrounding area.
- Neighbour amenity.
- Highway safety.
- 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.

As such, the principle of a single dwelling situated within the City of Peterborough can be considered acceptable in principle, subject to satisfactory assessment against the following



matters.

## **b) Design and impact upon the character and appearance of the surrounding area.**

### Policy Context

The National Design Guide was adopted in 2021, The National Planning Policy Framework (2023) 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 outline planning permission is for a 3-bed chalet bungalow with access, appearance, layout, and scale secured with landscaping reserved. The submitted plans show the proposal is modest in size and scale in relation to No.25 Nansicles Road, with a proposed footprint of 85sqm which is 0.8sqm greater than No.25. Officers' note that the proposed construction materials are unclear, as brickwork and render is proposed with no detailing on the type and colour, however roof tiles and windows are to be of similar construction to the surrounding area. However as appearance, layout and scale are not included for consideration, these are details that can be dealt with at reserved matters stage.

The proposed development by virtue of its siting and design (i.e. a 3 bed chalet bungalow) would fail to respect the established pattern of development and character of the surrounding area, resulting in a form of development which would appear hemmed in and incongruous. The proposal, therefore, would result in overdevelopment of the site and have unacceptable harm to the character, appearance, and visual amenity of the surrounding area. Constructing a new dwelling within the rear garden of No.25 would go against the clear pattern of development and building line of the existing dwellings situated either side of No.25, alongside the resulting plot size would be out of context within the surrounding area.

It should be noted that the Member call-in request outlines that the development would be compliant with Policy LP16, contrary to Officers' view. It is clear that the proposed back land development would go against the clear building frontages along Nansicles Road, due to the back land location. In the Officers' view, landscaping details would not be a reasonable solution to mitigate against this. Whilst Officers understand the roof pitch has been reduced by 0.50m and the pitch from 42 degrees to 35 degrees to reduce overshadowing, this was not a problem identified within the previous application and as stated previously, the exact scale and appearance would be determined at reserved matters stage.

Section 12 of the National Planning Policy Framework (NPPF, 2023) seeks to achieve well-designed places. Specifically, paragraph 134 states that development that is not well designed should be refused, with significant weight applied to local design policies and supplementary planning documents. Footnote 52 makes reference to the National Design Guide, which details those one of the ten characteristics of well-designed places is 'context'. It is not considered that the proposed dwelling would respect the context of the surrounding area given its proposed siting.

As such, the proposed development would be contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraph 139 of the NPPF (2023), and the National Design Guide (2021).

### **c) Neighbour amenity.**

Based on recent appeal decisions, Officers take the view that the proposed access route to the proposed development would not unacceptably impact upon the amenity of the occupants of No.23 and No.25 Nansicles Road. Under APP/B2002/W/20/3258291, the inspector deemed that whilst there would be increased vehicular movements along the side of the host and neighbouring dwelling, the movements associated for a residential use would not cause harm to the living conditions of the neighbouring dwellings. Additionally, APP/Q0505/W/21/3289046 and APP/N1350/W/21/3288824 make note that movements associated with a back land residential development would be low gear, and the noise from engines, closing door and disturbance from headlights would be deemed normal for site within a residential context.

However, the impact to the future occupiers would still stand. Due to the mature trees along the south-eastern boundaries there would be a severe loss of the availability of natural daylight to the proposed development, resulting in darkening of the application site. The first floor habitable rooms would each be served by a single rooflight, which in itself would be unacceptable. Whilst outlook to the outdoors / sky would be visible from certain angles in the bedrooms, there would be no main outlook and which would create a harmful sense of enclosure. Therefore, habitable rooms on the first floor would be shadowed with poor outlook, creating a poor level of amenity. Additionally, the lawn area to the east would be permanently overshadowed, with likely overshadowing to the other amenity space for large parts of the day.

It is accepted that the design and orientation of the proposal has considered the privacy of nearby properties. It should be noted that there would be a loss of amenity space for the host dwelling however, adequate provision would still be made available. Nonetheless, the principle of back land development would not be supported in the context of the application due to the typical large rear gardens for all properties.

Officers note that bin storage facilities are provided within 30m of the public highway and cycle storage available to the south.

As such, the proposed development would be contrary to Policy LP17(b) of the Peterborough Local Plan (2019).

### **d) Highway safety.**

Access is to be provided by creating a new and separate driveway that would use part of the existing drive for No.25 and extend past the rear elevation.

The Local Highways Authority have objected to the outline planning permission. The new access shown has very little detail therefore the LHA are unable to provide a succinct assessment on the highway matters. A fully dimensioned drawing showing the existing and proposed site access with the associated vehicle to pedestrian visibility splays (1.5m x 1.50m on both sides of the access) is required. In addition, the new access would need to be 3.50m wide to provide both vehicular and pedestrian access to the new dwelling. It is noted that the existing access is 3.40m in width.

In addition, the application must include the proposed parking arrangement for the existing and proposed dwelling and demonstrate vehicular turning. As the existing dropped kerb is located directly to the front of No.25, this existing dropped kerb is to be proposed to be extended from 2.85 to 5.20m however this extension would overlap the dropped kerb for No.23, bringing the total to 11.50m, of which would not be acceptable. A dropped kerb for the full width of the host dwelling would not be supported by the LHA.

As such, the proposal is considered not be in accordance with Policy LP13 of the Peterborough Local Plan (2019) and Chapter 9 of the National Planning Policy Framework (2023).

## e) Trees

Policy LP29 of the Peterborough Local Plan (2019) clearly states that planning permission will only be granted if the proposal provides evidence that it has been subject to adequate consideration of the impact of the development on any existing trees found on-site or off-site. As the south-eastern boundary of the site is dominated by large conifer trees (which are not highlighted on submitted site plan(s)) within felling distance of the proposed site then adequate consideration, in the form of a completed Arboricultural Impact Assessment (BS5837:2012) and British Standard 5837 Tree Survey. With the relevant information not submitted, Officers are not able to assess the impact of the development on the surrounding trees.

As such, the proposed development is considered not to be in accordance with Policy LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2023).

## f) Other

The PCC Pollution Control Team have no objection to the submitted proposal.

The PCC Archaeological officer has stated that the proposed development site and surrounding area contain no known buried remains. Given the small scale of the proposal, the archaeological implications are deemed to be negligible.

The applicant has submitted NHS documentation in respect of the needs of two of the occupiers of the existing dwelling. Having taken this information into account, the harm identified to character and appearance and living conditions, as well as the failure of the applicant to address highways safety and arboricultural concerns, are cumulatively considered to outweigh the medical circumstances cited in support of the proposed development.

## 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 Outline Planning Permission is **REFUSED**

- R 1 The proposed development by virtue of its siting and design would fail to respect the established pattern of development and character of the surrounding area, resulting in a form of development which would appear hemmed in and incongruous. The proposal, therefore, would result in overdevelopment of the site and have unacceptable harm to the character, appearance, and visual amenity of the surrounding area contrary to Policy LP16 of the Peterborough Local Plan (2019), Section 12 of the National Planning Policy Framework (2023) and the National Design Guide (2021).
- R 2 The proposal, by virtue of its siting and design would unacceptably impact upon the future occupier amenity due to the adverse levels of overshadowing to the amenity areas and eastern elevation of the proposed development. Additionally, the first-floor habitable rooms would be subject to darkness and poor levels of outlook. As such, the proposal is unacceptable and contrary to Policy LP17 of the Peterborough Local Plan (2019).
- R 3 The applicant has failed to demonstrate that safe and convenient access can be achieved from the public highway, as the submitted plans do not show a fully dimensioned drawing

showing the existing and proposed site access with the associated vehicle to pedestrian visibility splays (1.5m x 1.50m on both sides of the access), a 3.50m wide access width and a proposed parking arrangement which demonstrates vehicle turning. As such, the application is considered to be contrary to Policy LP13 of the Peterborough Local Plan (2019) and Chapter 9 of the National Planning Policy Framework (2023).

- R 4 The applicant has failed to demonstrate that the proposed development would not cause harm to nearby existing mature trees. Insufficient information has been submitted to assess the impact of the development on the existing mature trees to the southeast of the site, by way of adequate consideration in the form of an Arboricultural Impact Assessment (BS5837:2012) and British Standard 5837 Tree Survey. As a result, the applicant has failed to demonstrate that the proposed development could be undertaken without causing harm to existing trees. As such the proposed development is contrary to Policy LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2023).



Reference: 24/00107/OUT  
Site address: 25 Nansicles Road, Orton Longueville, Peterborough

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<b>Application Ref:</b>	23/00852/FUL
<b>Proposal:</b>	Proposed Cattery, temporary mobile home and small pet crematorium
<b>Site:</b>	Magnolia House, Old Oundle Road, Thornhaugh, Peterborough
<b>Applicant:</b>	L. Clipsham and S. Fox Clipsham and Fox
<b>Agent:</b>	Mr John Dickie, John Dickie Associates
<b>Reason for Call-in:</b>	Departure Development from the Local Plan
<b>Site visit:</b>	01.09.2023
<b>Case officer:</b>	Miss Molly Hood
<b>Telephone No.</b>	07967 318633
<b>E-Mail:</b>	Molly.Hood@peterborough.gov.uk
<b>Recommendation:</b>	<b>GRANT</b> subject to conditions

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

**Site Description**

Located outside a village envelope and within the countryside, the site forms a parcel of land situated to the rear of Magnolia House. Vehicular access is existing off Old Oundle Road and leads into an area previously used for a horticultural nursery and paddocks. The gravel car park remains from the horticultural business, however it is overgrown in places. The southern and western boundaries are defined by mature hedgerows with some sporadic trees. Majority of the site is grassland which is largely maintained, as a result of grazing.

One neighbouring property is located to the north, Magnolia House. Whilst this once was connected to the site, this has since been separated and the certificate 10/01112/CLE confirmed the dwelling has been occupied as a standalone residential property. To the east and south are paddocks, to support a new equestrian facility. To the west is Old Oundle Road.

**The Proposal**

Permission is sought for the construction of a permanent building to form a cattery and small pet crematorium. The proposal forms one building which is internally divided to form 28 cattery units and crematorium with supporting preparation and cleaning rooms. At its greatest length the building measures 39.5m and with a maximum ridge height of 5.7m, with the building entirely single storey.

Temporary permission is sought for a three bedroom mobile home to house the applicant and their family. The mobile home would be situated to the south of the new building.

Additional information was received during the course of the application to outline the sequential assessment the business. In addition, revised details have been supplied for the drainage strategy, ecology and trees.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
91/P0703	Erection of dwelling and storage/sales building (outline) (as amended by agent's letter dated 9th December 1992 - with drawing illustrative sketch scheme)	Permitted	12/01/1993
93/P0078	Erection of dwelling and sales/storage building (approval of reserved matters relating to 91/P0703)	Permitted	15/04/1993
93/P0875	Erection of a dwelling (approval of reserved matters relating to 91/P0703) (retrospective)	Permitted	19/01/1994
93/P0702	Renewal of planning permission 92/P0332 for siting of 2 mobile units for security on site	Permitted	15/02/1994
10/01112/CLE	Use of dwelling house without complying and removal of agricultural tie condition C3 of planning permission 91/P0703	Permitted	08/10/2010
22/00424/CLE	Completion of development of sales and storage building, polytunnels and car parking as consented on 91/P0703 (outline) and 93/P0078 (reserved matters)	Lawful Use Certificate Issued	28/04/2023

## **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)**

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 9 Promoting sustainable transport
- 12 Achieving well designed and beautiful places
- 15 Conserving and enhancing the natural environment

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

- LP02 - The Settle Hierarchy and the Countryside
- LP11 - Development in the Countryside
- LP13 - Transport
- LP16 - Urban Design and the Public Realm
- LP17 - Amenity Provision
- LP19 - The Historic Environment
- LP28 - Biodiversity and Geological Conservation
- LP29 - Trees and Woodland
- LP33 - Development on Land Affected by Contamination

## **4 Consultations/Representations**

### **The Wildlife Trusts (Cambridgeshire)**

No comments received

### **Peterborough Cycling Forum**



No comments received

**Thornhaugh Parish Council**

No comments received

**Wittering Parish Council (15.09.23)**

Concerns were raised as to the environmental impact of air pollution and increased traffic on Old Oundle Road.

**Environment Agency (10.11.23)**

No objections

**PCC Peterborough Highways Services (17.10.23)**

No objection, the proposals are considered unlikely to have a material impact upon the public highway. The site has an outstanding planning permission for a Plant Nursery which has been partially implemented.

**Archaeological Officer (07.08.23)**

No objection, subject to a condition for a programme of archaeology work.

**Lead Local Drainage Authority (25.07.23, 17.10.24)**

Additional information sought on calculations, soakaways, water treatment, exceedance flows, engineering drawings and maintenance plans.

**Natural England – (11.08.24)**

This application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. The designates sites which could be impacted by this proposal are:

- Bedford Purlieus Site of Specialist Scientific Interest (SSSI)
- West Abbot's & Lound Woods Site of Specialist Scientific Interest (SSSI)

**PCC Wildlife Officer (17.08.23 & 09.01.24)**

The application is acceptable on arboricultural grounds, in strict accordance with the submitted arboricultural report - 'BS5837:2012 Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at Magnolia House, Old Oundle Road, Thornhaugh' from East Midlands Tree Surveys Ltd dated 7<sup>th</sup> September 2023 and the recommended conditions below, for the reasons stated.

**PCC Pollution Team (16.08.23 & 14.09.23)**

The separation distance to sensitive residential use and the noise emission data provided is sufficient to demonstrate that noise will be mitigated to a minimum in accordance with the NPPF.

The specification states that the cremation machine has been chosen to ensure that it meets the emission limits contained in Process Guidance Note PG 5/03 - Statutory guidance for animal carcase incineration. Compliance with the stated emission limits should ensure that air quality and odour from the process do not cause any detriment beyond the site boundary.

Following the submission of emissions data, the Officer was satisfied and no objection to the proposal.

**Cambridgeshire Fire & Rescue Service (31.08.23)**

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.

**Designing Out Crime Officer (09.01.24)**

No comments to make.

**PCC Tree Officer** (28.07.23, 01.11.23 & 05.12.24)

Initial request for an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan.

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The application is acceptable on arboricultural grounds, in strict accordance with the submitted arboricultural report - 'BS5837:2012 Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to the trees. Conditions for compliance to these documents as well as a condition securing a replacement planting scheme to accommodate the loss of trees on the site.

**Cadent Gas** (25.07.23 & 07.08.23)

Regarding planning application 23/00852/FUL, there are National Gas Transmission assets in this area. Please proceed with caution.

**Health & Safety Executive** (25.07.23)

Whilst the proposed development is within the consultation distance of a major hazard pipeline, HSE do not advise against the development on safety grounds.

**Local Residents/Interested Parties**

Initial consultations: 3

Total number of responses: 1

Total number of objections: 0

Total number in support: 0

Support

- The pet crematorium would provide a service which is not available locally; both for pet owners and local veterinary practices. People currently need to travel a significant distance to find this service, with the nearest service for Veterinary practices being in Northampton or Cambridge.
- The crematorium will further support local businesses in its supply chain, being of considerable economic benefit to the surrounding area.
- The proposed design is sympathetic to the surrounding environment and will cause little or no disruption to surrounding sites.
- A local cattery is extremely positive for the local and something which is lacking in the surrounding area.
- Create local job opportunities.

Object

- Obnoxious fumes and smells from the crematorium, and proximity to Home Farm hamlet.
- The proposed development will increase traffic on the A47, at what is already a busy and dangerous intersection and consideration should be given to this.
- No consultation with the residents of Home Farm.

**5 Assessment of the planning issues**

The main considerations are:

- a) Principle of Development
- b) Residential Amenity
- c) Design and Appearance
- d) Highway Safety
- e) Ecology and Trees

**a) Principle of Development**

The application site is situated outside the village envelope for Thornhaugh and within the countryside. Previously the site formed a horticultural nursery, with paddocks for the owners horses. The land has since been separated from Magnolia House and now forms a stand alone site for the proposed development of a crematorium and cattery. For clarity the assessment of principle will be split into the following two areas:

- i. Cattery and Crematorium
- ii. Temporary Mobile Home

#### i) Cattery and Crematorium

The application has been supported by a sequential assessment to outline how the location of the site has been reached, market research of the surrounding facilities and business plan. All information has been reviewed by the Local Planning Authority and an independent Agricultural Consultant. The findings of the independent consultant are expected to support officers' assessment and will be supplied with the updated report.

The proposal is for the creation of a new commercial premises in the countryside, the cattery and crematorium falls under a Sui Generis uses class. The site itself was not previously part of an agricultural holding and was formerly an independent horticultural business. As such the proposal doesn't neatly fit under any of the parts of exception Policy LP11 and as such forms a departure development from the 2019 Local Plan. However, this doesn't automatically mean the scheme is not acceptable and as such an evidence basis for the proposed development has been supplied by the applicant.

The proposed uses (cattery and crematorium) are not those which would be expected within a defined village envelope or Peterborough Urban Area and are those which would be expected in a rural setting. The application has outlined the essential criteria for a development site in order to support the business proposed, this including:

- A site of 0.3-1ha.
- Location – based on the local need and gap in the market.
- Not within Flood Zone 2 or 3 (this is to ensure compliance to NPPF).
- Vehicular Parking.
- Cost of the site and the limitations this poses on the start up of the business.

The essential criteria outlined above, is considered reasonable and all applicable to deliver the essential needs of the businesses proposed. The sequential test outlines 150 sites across the Peterborough District which were reviewed as potential locations for the business. A total of 36 sites had passed the essential criteria and as such required further assessment, looking at further potential constraints to the development proposed, this included matters such as residential amenity, heritage or viability for sale. As such the remaining sites were ruled out and therefore the development site proposed under this application was the only suitable location remaining.

The applicant has illustrated the proximity of existing businesses for both catteries and crematoriums, all are assessed on the distance from the development site proposed. There are number of catteries listed, however it is noted majority are 14 miles or in excess from the application site. With only one in reasonable proximity being at 8.2 miles from the application site. Therefore, it could be deemed to be reasonable demand for this facility in the area proposed. As for the crematorium there are seven animal crematoriums listed, however these are all a considerable distance from the application site, with only one in reasonable proximity in Market Deeping. The public representations of support for the introduction of these facilities in the local area are noted.

## ii) Temporary Mobile Home

Permission is sought for a three bedroom mobile home to support the new cattery and crematorium. The mobile home will provide accommodate for the applicant, who will work full time in the business and their family.

Within paragraph 80(a) the National Planning Policy Framework provision is made for dwellings in the countryside, if there is an essential need for a rural worker to live permanently at or near their place of work. Within the Local Plan, exception Policy LP11 provides the mechanism for new workers dwellings in the countryside. It is acknowledged the Policy is centred on the provision of residential accommodation for existing business, however there is the provision for temporary accommodation albeit that a sound financial basis has been presented.

Residential accommodation cannot be fulfilled by an existing dwelling, as Magnolia House is not to be associated with the development and is only a neighbouring property. There are no existing buildings on the site, as such not providing the opportunity for conversion and both uses have legislative requirements for on site provision which rules out living within a close by settlement, such as Thornhaugh. Furthermore, the applicant will be a full time worker for crematorium and also be responsible for the cattery business, but will have supporting staff for this side of the commercial use.

Supplementary evidence has outlined a clear functional need (i.e. it is essential for the proper functioning of the enterprise for one worker to be on the site for all of the time; in order to support the cattery and the crematorium. For instance, there are legislative requirements for one full time members of staff to be on site for welfare monitoring of the animals being cared for, medication needs for animals boarding and extraction of animals in the event of an emergency. Officers have considered the operational and welfare requirements of the business and are satisfied for one worker to be present on site at all times.

As for the crematorium, the operations require supervision given the temperature and safety procedures that have to be carried out in between processing, as well as setting up and closing down the machines. The operations of the crematorium are dependant on the animal and fluctuation of the need of the service. Therefore, exact timeframes will not be stipulated for the crematorium operations and the LPA understand the need for the flexibility for 24 operation.

The applicant has provided a sequential test, evidenced the operations and demand of the businesses proposed and justified the new permanent building in the countryside. The Council have noted the legislative needs for the cattery business and safety need for the crematorium, to have one full time worker present on site at all time. Whilst the proposal would contravene the locational strategy of Policy LP2, the Council considers an on balance decision should be made given the unique situation presented by the businesses proposed.

It is considered the circumstances and material considerations outlined above, outweigh the identified conflict with the development plan. Therefore the proposal is in principal acceptable. The consultant's findings (to be reported in the update report) are expected to support this conclusion.

## **b) Residential Amenity**

The nearest residential dwelling to the site is Magnolia House to the north. The cattery and crematorium are at the furthest locations possible from Magnolia House and the new built form raises no significant concerns of overbearing, overshadowing or overlooking to the adjacent property or its amenity space.

It's acknowledged the proposal will alter the residential amenity levels for the neighbouring property, particularly given the access point is close proximity to the rear curtilage of Magnolia

House. However, the proposal is not considered to result in unacceptable amenity impacts given the number of trips anticipated by the use. Expected visitor trips to the cattery is 6 vehicles and with the potential for up to 3 staff members. It is anticipated that during peak season (summer) this could be higher, however cattery collections/drop offs will only be within the limited public opening hours and therefore minimises the impact further. The crematorium will generate less trips and is largely on an ad-hoc basis given the use and the vets. The volume of vehicular movements are not considered to raise significant concern for noise or disturbance to the neighbour's amenity space or dwelling. A condition will be applied ensuring hard surfacing details are incorporated to prevent a surfacing that could create excessive noise, such as loose gravel.

Pollution Control did note the provision of a pet cremation machine and cattery both have the potential to generate noise. However, the separation distance to the nearest sensitive residential use and the noise emission data provided is sufficient to demonstrate that noise will be mitigated to a minimum in accordance with the NPPF. A condition will be applied ensuring compliance to the plant details supplied and a maintenance schedule to be followed, with details supplied and agreed with the LPA.

Additional information outlined the anticipated emissions from the combustion process, with the levels within an acceptable range and raising no amenity concerns. The specification states the cremation machine has been chosen to ensure that it meets the emission limits contained in Process Guidance Note PG 5/03 - Statutory guidance for animal carcase incineration. Compliance with the stated emission limits should ensure that air quality and odour from the process do not cause any detriment beyond the site boundary.

The premises will have different operational hours or its public hours for both the cattery and the crematorium. Given the nature of the use the crematorium will have the ability to be operational hours 24 hours a day, this is subject to the work on the day and legislative requirements. It doesn't mean the crematorium will be operating for the full 24 hours, however it provides the flexibility for the unique use. There are no unacceptable amenity concerns from allowing the crematorium to have the flexibility to operate for 24 hours a day, as trips are limited and the applicant being the operator. Furthermore, noise and emissions have been demonstrated to be low and at acceptable levels.

The following operational and public hours will be secured via condition:

- Cattery Public Access: 10:00-12:00 16:00-17:30
- Cattery Staff Operational Hours: 07:30 – 17:00
- Crematorium Public Access: 08:00-18:00
- Crematorium Staff Operational Hours: 24 hours per day

In light of the above, the proposed crematorium and cattery are considered acceptable uses adjacent to the single residential property to the north. There are no concerns of unacceptable noise, pollution or harm from the proposed built form to either immediate or wider residential properties in the surrounding area from the uses. As such the proposal complies with Policy LP17 of the Peterborough Local Plan 2019.

### **c) Design and Appearance**

Although the proposal is large in footprint and forms one continuous building, the L-shape design and distinction in roof forms minimises the massing of the structure. The orientation of the building relates well to the access, allowing for the best vantage point of the design when entering. It's acknowledged the proposal will add a large permanent structure into this countryside location. However, the principle of the new business has been well evidenced and justified by the applicants, with confidence in the ability of this to remain a permanent commercial use.

The floor area and volume of ancillary rooms were queried; however, the applicant adequately

justified the ancillary need or legislative requirements for the rooms indicated. For instance, the cattery requires isolation facilities in case of illness, with separate cleaning and food preparation areas. As for the crematorium, this includes processing rooms and welfare spaces for visitors or staff. It is considered the building is not excessively designed in the floor area and appropriately meets the needs of the business.

The commercial building is centrally located within the site, with a good balance between the volume of built form and the surrounding land for parking, amenity landscaping and the residential area. To the south of the business premises is the intended location of the applicant's mobile home, which closely relates to the business building - approximately 12.6m from the rear elevation. The mobile home would be well screened by the building itself but also the existing boundary hedging. The area indicated for curtilage is appropriate for not only the mobile home, but also future permanent provision for a residence should this be applied for and therefore not requiring further extension of the site boundaries. The curtilage is immediately adjacent to the business and does not excessively extend in the countryside, as well as allowing for parking provision.

It is considered there is further scope to enhance the soft landscaping around the site, in particular to the east. The eastern boundary is the most open of the site, as this borders onto paddocks for a neighbouring equestrian use. The central location of the building is a positive of the design, as it steps the built form in from the open countryside, allowing for greater opportunities for soft landscaping either along the building line or eastern boundary.

The building proposed is considered proportionate to the needs of the two commercial uses and raises no significant concerns in terms of scale or prominence in the countryside location. Materials for the building, hard landscaping and soft landscaping can all be secured via condition. In light of the above, the proposal complies with Policy LP16 of the Peterborough Local Plan 2019.

#### **d) Highway Safety**

Access is existing off Old Oundle Road, which is a 40mph highway. The proposal demonstrates a 5m wide access point, tarmacked for the first 13m straight and the curve of the internal access road, before leading into a stabilised gravel driveway – details of this are to be secured via condition. Where the surfacing materials interchange, is a vehicular gate which feeds into a boundary treatment. Exact details of this gate and boundary treatment is unknown, but in principle there are no concerns with the location or principle of securing the site. The gate location still allows for vehicles to pull into the site and therefore will not be waiting on the highway. Full details of the gate and boundary treatment will be secured via condition.

The Local Highway Authority raise no objection to the development, noting the previous permission for a plant nursery which utilised this access point. The LHA are satisfied that the new proposals shall not significantly increase the volume of traffic visiting the site to that which was previously approved. The number of trips to the site is anticipated at approximately 6 public trips per day, it is appreciated this could increase during summer periods, however the level of vehicular movements raises no significant concerns. In addition, there will also be staff movements, but staffing levels are low with up to three additional staff members (not all full time) and therefore raises no impacts for vehicular movements.

A total of 14no. parking spaces are provided forward of the building. The proposal is classified as a Sui Generis use, therefore parking is on a case by case basis. The crematorium is unlikely to require a large proportion of car parking. The cattery has limited public opening hours, meaning the customers will likely be visiting the site at similar times. However, the nature of the use means time spent at the cattery by customers will be limited, as this is only for collection or drop off. Therefore, the parking provision is considered appropriate for the cattery and crematorium.

Waste storage and day collection remains out of the access road and will not obstruct vehicles. Customer cycle parking provision is unlikely given the proposed uses and location. Provision of one stand (2 spaces) should be provided for staff to give the option, this can be secured via

condition.

In light of the above, the proposal raises no significant highway safety concerns and delivers an acceptable level of parking provision in accordance with Policy LP13 and Appendix C.

#### **f) Trees**

Spanning the length of the western and southern boundaries are mature trees and hedgerows. The eastern boundary is more open but still contains a moderate hedgerow and within the site there are sporadic trees present. It is recognised majority of the boundary vegetation will remain undisturbed, with only protection and management required.

The Arboricultural Impact Assessment (AIA), illustrates a total of three trees and one central grouping will be removed to accommodate the development. NT6 and NT3 are removed either due to the poor condition of the tree or it was a self-set in a poor location. The removal of these two ash trees is not considered to compromise the canopy along the western boundary, as there are still a number of ash trees remaining.

The Norway Maple (T589) is being removed to facilitate the internal driveway, however there is no adverse effect on the greater landscape from the loss of the tree. Finally, the removal of G1 is considered acceptable, in order to facilitate the building. The Trees Officer raises no objection to the tree removal proposed and seeks the development to be carried out in accordance with the Arboricultural reports submitted. Conditions will be applied to ensure compliance with the method statement and tree protection plan. Furthermore, a condition will be applied to secure replacement planting for NT3, G1 and T589 only.

Although the new access routes sit in close proximity to the western boundary, the GeoPave system filled with crushed stone, provides a positive surfacing for vehicular access in such close proximity to the existing tree belts.

The development has adequately considered the impact on the existing trees, with minimal disturbance and tree loss, therefore complying with Policy LP29 of the Peterborough Local Plan 2019.

#### **g) Ecology**

Whilst the Wildlife Officer initially raised concerns, this was on the basis of insufficient information and since then a Preliminary Ecology Appraisal (PEA), Roost Assessment and Biodiversity Net Gain assessment have been supplied. The Wildlife Officer also highlighted the site falls within a red Great Crested Newt Risk Zone, however the PEA has addressed the likelihood for GCN on the site and considers this to be low risks. The Wildlife Officer was satisfied the documents provided cover the concerns initially raised and no further risks were identified for protected species on the site.

In terms of Biodiversity Net Gain, the scheme presented will result in a net gain of both habitat (14.2%) and hedgerow (11%) and exceeds the national 10% uplift. This application is received prior to the mandatory requirements for biodiversity net gain, however it is a positive of the development to deliver this gain on the site. The only outstanding information is how the habitats will be managed in order to maintain the uplift, however a condition can be applied for a BNG management plan.

In light of the above, the proposal complies with Policy LP28 as the development has been considered for potential impacts for protected species and delivering an enhancement in habits.

#### **g) Other Matters**

## Gas

National Gas advises there are transmission assets in the area and seeks the applicant to proceed with caution. An informative will be applied to any grant of permission and it will be the applicants responsibility to ensure necessary procedures are followed by National Gas.

## Drainage

Initially the Drainage Officer sought additional information on the surface water drainage strategy for the site, in particular calculations for the infiltration systems, a site layout demonstrating all location features, outfall location and conveyance flows. Engineering drawings detailing the SUD's components and a maintenance plan were also sought. Following the submission of additional information to illustrate the surface and foul water drainage scheme for the site, the LLFA were satisfied and raised no objection.

## Archaeology

Due to lack of available evidence, there is insufficient information to enable the characterization of the site with a satisfactory degree of confidence and the potential of the site is unknown. As such the Archaeological Officer has recommended an evaluation by trial trenching which can be secured by condition.

## **6 Conclusions**

Whilst the development is located within the open countryside and contravenes the merits of Policy LP2, the proposal is considered to be a rural use and appropriate for its proposed location. The applicant has supplied sufficient evidence to justify this particular development site, with detail on the businesses proposed and the local need. Furthermore, there are no identified residential amenity impacts, highway safety risks or visual impacts from the development. On balance, these material considerations outweigh the conflict with the development plan and the development is considered acceptable.

## **7 Recommendation**

The case officer recommends that Planning Permission is GRANTED subject to the following conditions:

- 1 – Time Limit
- 2 – Approved Plans
- 3 – Hard Landscaping
- 4 – Compliance to the datasheets for the Cremator
- 5 – Hours of Operation
- 6 – Materials of the Building
- 7 – Soft Landscaping
- 8 – Vehicular Gate
- 9 – Parking Area Compliance to approved plan
- 10 – Compliance to the AIA, AMS and TPP
- 11 - Compensatory tree planting scheme
- 12 – Biodiversity Net Gain Management Plan



- 13 – Archaeological Investigation
- 14 – Surface and Foul Water Drainage Strategy Compliance
- 15 – Unexpected Contamination
- 16 – Compliance to the Construction & Environmental Management Plan
- 17 – External Lighting details to be submitted
- 18 – Boundary Treatments
- 19 – Use restriction to a cattery and crematorium only.
- 20 – Mobile home occupancy restriction to the business only.

The full wording of the conditions will be set out in the Update Report

Copies to Councillors- Councillor Gavin Elsey

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**Reference: 23/00852/FUL**  
**Site address: Land Adjacent to Magnolia House, Old Oundle Road, Thornhaugh**

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**P & EP Committee:** 9th April 2024

**PROPOSAL:** Confirmation of Tree Preservation Order 23/00009/TPO

**SITE:** 7a Maffit Road, Ailsworth, Peterborough, PE5 7AG

**REFERRED BY:** Head of Planning

**CASE OFFICER:** Stephen Chesney-Beales - Tree Officer

**TELEPHONE:** 01733 453465

**E-MAIL:** [stephen.chesney-beales@peterborough.gov.uk](mailto:stephen.chesney-beales@peterborough.gov.uk)

**RECOMMENDATION:** Confirmation of Tree Preservation Order 23/00009/TPO without modifications.

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

### **Purpose of Report**

The Tree Preservation Order (TPO) - 23/00009/TPO 7a Maffit Road, Ailsworth, Peterborough was made and served on 22<sup>nd</sup> November 2024 to protect one individual tree - T.1 Box Elder, because the tree was considered to be under threat by way of a Section 211 Notice to fell the tree.

The TPO has been the subject of consultation and because objections have been received, the Committee are required to consider the objections, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations are:

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

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

### **Site and Surroundings**

The tree is located within the front garden of No.7a Maffit Road, Ailsworth, immediately adjacent to the front boundary of the property with Maffit Road.

Please see the TPO plan within **Appendix 1**, for reference.

## **Brief description of the tree**

The Box Elder T.1 is considered to be an early mature specimen, typical of the species and appears to be in a good physiological and structural condition with no apparent health problems or structural defects.

Please see the photographs in **Appendix 2**, for reference.

## **2. PLANNING HISTORY**

### **Current Relevant Planning History**

A Section 211 Notice reference 23/01416/CTR was received by the Council on 16<sup>th</sup> October 2023, giving the Council six weeks notice of the felling of the Box Elder, growing within the Ailsworth Conservation Area.

Please see a copy of the S.211 application in **Appendix 3**, for reference.

### **Consultation response - Ailsworth Parish Council (APC)**

*Please can the Tree Officer provide some advice or information to the Parish Council about the felling of the Box Elder tree 23/01416/CTR as to the reasons why this could not just be trimmed, as previously mentioned? Also, what is the expected life span of these normally to see what is being taken away from felling rather than trimming/reducing? The Parish Council would like to think this has been considered in making the decision.*

**The Council's Tree Officer considered the above response and made the following comments to the Parish Council.**

**I am not happy to see the tree removed and if a compromise cannot be reached on retaining the tree and pruning it to resolve the light issue in part, I will make a recommendation to protect the tree with a tree preservation order (TPO). If the Parish Council are in support of putting a TPO on the tree, given the circumstances, please let me know.**

### **Ailsworth Parish Council - response**

The Parish Council agreed at their meeting last night that they support your view as Tree Officer that as a principle they would prefer not to see the tree removed as it seems unnecessary - they support appropriate pruning and maintenance instead and if this cannot be agreed, would support tree protection.

Please see copies of APC's responses in **Appendix 4**, for reference.

## **3. PLANNING POLICY**

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

Town and Country Planning Act 1990, Section 198 states:

## **S.198. - Power to make tree preservation orders**

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

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

## **4. CONSULTATIONS/REPRESENTATIONS**

### **Objections - 1**

A letter raising a number of objections with regard to the making of the TPO was received dated 19<sup>th</sup> December 2023, within the objection period, from Mr Bailey the notifier and joint owner of the property. The letter was responded to via e-mail by the Tree Officer on 21<sup>st</sup> December 2023.

Please see **Appendix 5**, for reference.

**The Council's Tree Officer considered the objections in the above letter, which are set out below in italics.**

**The Tree Officer's response to each point is in bold below.**

a) *The tree is a box elder and is not native to the UK*

**Any tree species can be protected by a tree preservation order (TPO), being a native species has no major significance, as the trees amenity value is the major consideration.**

b) *Historically someone has poorly pruned the tree which has made it a bit of an eyesore.*

**The tree does not appear to be an 'eyesore' but is considered to offer public visual amenity value to the immediate and wider area and contributes to the character and appearance of the Ailsworth Conservation Area.**

c) *The tree is poorly positioned. It is too close to my house and the road meaning debris is constantly being dropped in my guttering and on the road.*

**The tree appears to be positioned much the same as one of the adjacent Silver Birch, and in a suitable position in the front garden adjacent to the Maffit Road.**

d) *The tree is interfering with the telephone lines.*

**The branches of the tree interfering with the telephone lines can be pruned, sympathetically to reduce the contact with the lines in question, by way of a TPO Tree Work Notice/Application.**

e) *The tree is interfering with the lamppost.*

**The branches of the tree interfering with the lamppost or blocking the lamppost can be pruned, sympathetically to reduce the contact with lamppost, by way of a TPO Tree Work Notice/Application.**

f) *The tree is blocking light to my neighbours houses one of whom has raised the issue.*

**The tree can be sympathetically pruned, subject to good arboricultural practices, to address in part the issue of light to the neighbouring property, by way of a TPO Tree Work Application.**

g) *Due to its positioning the tree is constantly being hit by delivery vans / trucks.*

**The branches of the tree being hit by delivery vans/trucks can be pruned, subject to good arboricultural practices, by way of a TPO Tree Work Notice/Application. It should also be noted that tree works to provide a 5.5m clearance, of the adjacent highway, is exempt from the need to seek approval via a tree works application.**

h) *The tree is depositing debris in my neighbour's garden and guttering.*

**It is unfortunate that debris is falling into your neighbour's garden and gutters, however, this happens with all trees close to property boundaries and is a normal situation with regard to most trees in such circumstances. With regards to gutters being affected, gutter guards are widely available to reduce debris getting into gutters.**

i) *I have spoken to my immediate neighbours who are all in support of felling the tree.*

**Your comment is noted. Peterborough City Council and Ailsworth Parish Council (APC) support the retention of the Box Elder.**

j) *If the tree were to fall it would damage either my house or my neighbour's house. It overhangs an original roman wall owned by my neighbour.*

**As the owner of trees you have a 'Duty of Care' under the Occupiers Liability Act to ensure your trees are in a safe condition. There did not appear to be any evidence to suggest the tree was in an unsafe or dangerous condition, when assessed, giving rise to any concerns that the tree or significant branches may fail or fall. The council would reassess this situation if evidence was presented in the future which demonstrated a proven risk.**

k) *Felling the tree will enable the two silver birch trees to flourish as the box elder is blocking light getting to them.*

**The Silver Birch in question are not considered to offer the same public visual amenity value, as stated above, and are of a poor quality.**

l) *We have previously been given permission to fell the tree. Nothing has changed between today and when the permission was previously granted apart from the Tree Protection Officer.*

**A Notice/Application was made in 2013 to fell both the Silver Birch and two Box Elder.**

**In the last ten years the situation has changed significantly, in as far as, one of the Box Elders has been removed, freeing up space around the remaining Box Elder and the two Silver Birch. It would appear the Birch have declined whereas, the Box Elder has become a prominent feature on this section of Maffit Road, contributing to the public visual amenity value of the immediate and wider area and contributes to the**



**character and appearance of the Ailsworth Conservation Area. For this reason the Parish Council did not wish to see the Box Elder removed and supported its further protection with a TPO.**

## **Objections - 2**

A letter raising a number of objections from 1 to 6 with regard to the making of the TPO was received dated 19<sup>th</sup> December 2023, within the objection period, from Dr Baugh from 5 Maffit Road a neighbouring property. The letter was responded to via e-mail by the Tree Officer on 21<sup>st</sup> December 2023.

Please see **Appendix 6**, for reference.

**The Council's Tree Officer considered the objections in the above letter, which are set out below in italics.**

**The Tree Officer's response to each point is in bold below.**

*1. The Box Elder is a very large, overgrown tree and leaning badly towards the road and appears to be a dangerous risk in terms the potential to fall onto the road and significantly damage the opposite property.*

**The Box Elder is not considered to be 'very large, overgrown and leaning badly'. When assessed the tree was not considered to be in an unsafe or dangerous condition. There was no evidence, giving rise to any concerns that the tree or significant branches may fail or fall onto the road or adjacent properties. The owner of the tree has a 'Duty of Care' under the Occupiers Liability Act to ensure the tree is in a safe condition.**

*2. The tree is impinging on various telephone wires that cross the road and is in danger of bringing these down.*

**The branches of the tree interfering with the telephone wires can be pruned, sympathetically to reduce the contact with the wires in question, by way of making a TPO Tree Work Notice/Application accordingly.**

*3. The tree in question is non-native and therefore not a priority for preservation.*

**Any tree species can be protected by a Tree Preservation Order (TPO), being a native species has no major significance, as the tree's amenity value is the major consideration.**

*4. In a conservation area the owner of such trees would in any case need formal permission to fell or prune such a tree and hence we see no need for a formal TPO to be made in this case.*

**A tree owner in a conservation area does not 'need formal permission to fell or prune such a tree' but is obligated by the Town & Country Planning Act to give Peterborough City Council (PCC) six weeks notice in writing before carrying out such works. This was done in respect of the Box Elder and because the felling was objected to by PCC and supported by Ailsworth Parish Council the TPO was made.**

*5. We fully support the conservation area and would wish to preserve as many native deciduous trees as possible in both the village as a whole and Maffit Road, which has a lovely rural appearance, which is due to the presence of trees.*

**PCC would agree with your sentiment, subject to all trees that offer public visual amenity value to the immediate and wider area; and contribute to the character and appearance of the Ailsworth Conservation Area, being preserved.**

*6. However, this tree has become so large and leaning that it appears to be a potential danger to residents and users of Maffit Road and we are concerned about this danger. Hence we feel it would benefit from tree management/pruning which would not require a formal TPO being imposed.*

**Your comment above is noted, however, the tree in question is considered to be safe and in a healthy condition, as stated above. The tree can be sympathetically pruned, subject to good arboricultural practices, by way of a TPO Tree Work Application, to address in part the issue of its future 'management/pruning'.**

### **Objections - 3**

A letter raising a number of objections with regard to the making of the TPO was received dated 30<sup>th</sup> November 2023 from Kim Murphy and Gerald Scherrer of 1 The Bungalow, Maffit Road the neighbouring property directly opposite 7a Maffit Road and the Box Elder subject of the TPO. The letter was responded to by the Tree Officer on 13th December 2023.

Please see **Appendix 7 & 8**, for reference.

**The Council's Tree Officer considered the objections in the above letter and responded to the relevant points as stated below.**

The above Box Elder was protected by the above Tree Preservation Order (TPO) because a S.211 Notice (23/01416/CTR), giving Peterborough City Council (PCC) six weeks Notice that the tree was to be felled, which at the time was protected by growing with the Ailsworth Conservation Area (ACA)

The Box Elder is considered to be in good health & condition, it contributes to the character & appearance of the Ailsworth Conservation Area and offers public visual amenity value to the immediate and wider area/environment. The making of the TPO was supported by Ailsworth Parish Council.

I note your concerns with regards to the safety of the tree, however, there is no evidence to suggest the tree is in an unsafe or dangerous condition that may cause the tree or significant branches to fail causing any damage to the highway or adjacent property.

Unfortunately, the issue of leaves, is not of a serious concern when considering tree retention and protection within the district.

A tree work application can be made to address the issue with regards to the street light/lamp post and any low branches over the highway - Maffit Road.

I'm sorry to hear that the tree is having an effect on the enjoyment of your property due to its height, width and lean. Again, it may be possible to address some of these issues, to a degree, by making a tree work application to undertake sympathetic pruning conducive to good arboricultural practices in the future.

## **5. ASSESSMENT OF THE PLANNING ISSUES**

Local Authorities are guided by Government guidance at: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-tree-preservation-orders>

At PCC an assessment criteria has been developed and covers the considerations detailed below:

### **Visual Amenity and Visual Impact as a Group**

Government advice states - The extent to which a tree can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The tree, or at least part of it, should normally be visible from a public place, such as a road or footpath, or accessible by the public. It also, states that it may be expedient to make an Order if the authority believes there is a risk of a tree being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

**The Tree Officer considers the Box Elder subject of the Order to offer public visual amenity value to the immediate and wider area and contribute to the character and appearance of the Ailsworth Conservation Area.**

### **Tree Health Considerations**

Tree health considerations include visual health, structure, growth, foliage condition, size, past management, future maintenance, future visual impact, maturity, life expectancy and presence of fungi.

**The Tree Officer considers the Box Elder subject of the Order to be of a good physiological and structural condition with no apparent health problems or structural defects with greater than 40 years life expectancy and no obvious signs of fungi present, at the time of the assessment.**

### **Impact Considerations**

Tree impact considerations on the public highway, services, on walls or buildings.

**The Tree Officer considered the impact of the Box Elder on the above features to be high, only because the above features are within 5/6m (a set criteria to be assessed in each case) of the Box Elder. However, as stated above, there is no current concern or evidence of any significant impact with regards to the above features.**

### **TPO Serving Procedure**

The Tree Preservation Order (TPO) - 23/00009/TPO 7a Maffit Road, Ailsworth, Peterborough was made and served on 22<sup>nd</sup> November 2024 to protect one individual tree - T.1 Box Elder because the tree was considered to be under threat by way of a Section 211 Notice to fell the tree.

A TPO Assessment was carried using the PCC criteria on the trees the subject of the TPO and the TPO made accordingly.

Mr Bailey and Dr Baugh's objections have been considered and responded to above.

## **6. CONCLUSIONS**

The Box Elder T.1 subject of the TPO, shown in **Appendix 1**, is considered to contribute to the public visual amenity value of the immediate and wider area and to the character and appearance of the Ailsworth Conservation Area. The tree has been assessed and is considered to be worthy of a TPO, therefore, it is recommended that the TPO is confirmed.

## **7. Recommendations**

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

**TOWN AND COUNTRY PLANNING ACT 1990**

7a Maffit Road, Ailsworth, Peterborough

Peterborough City Council Tree Preservation Order 23/00009/TPO

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

**1. Citation**

- (1) This Order may be cited as 7a Maffit Road, Ailsworth, Peterborough - Peterborough City Council Tree Preservation Order 23/00009/TPO Tree Preservation Order.

**2. Interpretation**

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

**3. Effect**

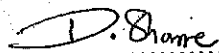
- (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made 22nd November 2023.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

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

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

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

**Dated this 22nd day of November 2023**



Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Box elder	E511695 N298978

#### Trees specified by reference to an area

(within a dotted black line on the map)

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

#### Groups of trees

(within a broken black line on the map)

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

#### Woodlands

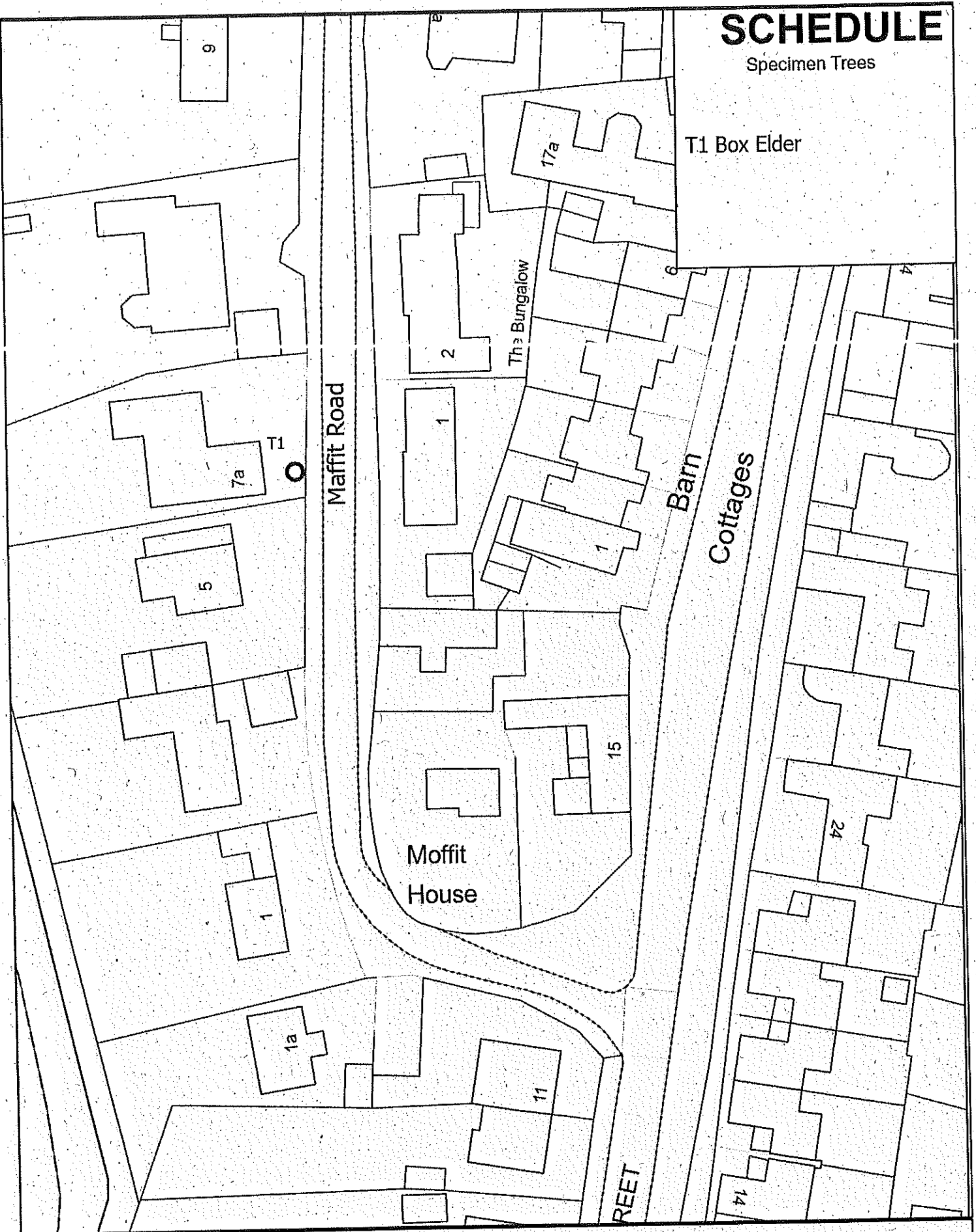
(within a continuous black line on the map)

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

# SCHEDULE

Specimen Trees

T1 Box Elder



TREE PRESERVATION ORDER 23/00009/TPO

PCCGIS

7a Maffit Road, Ailsworth, Peterborough

Scale: 1:600

Date: 22nd Nov 2023

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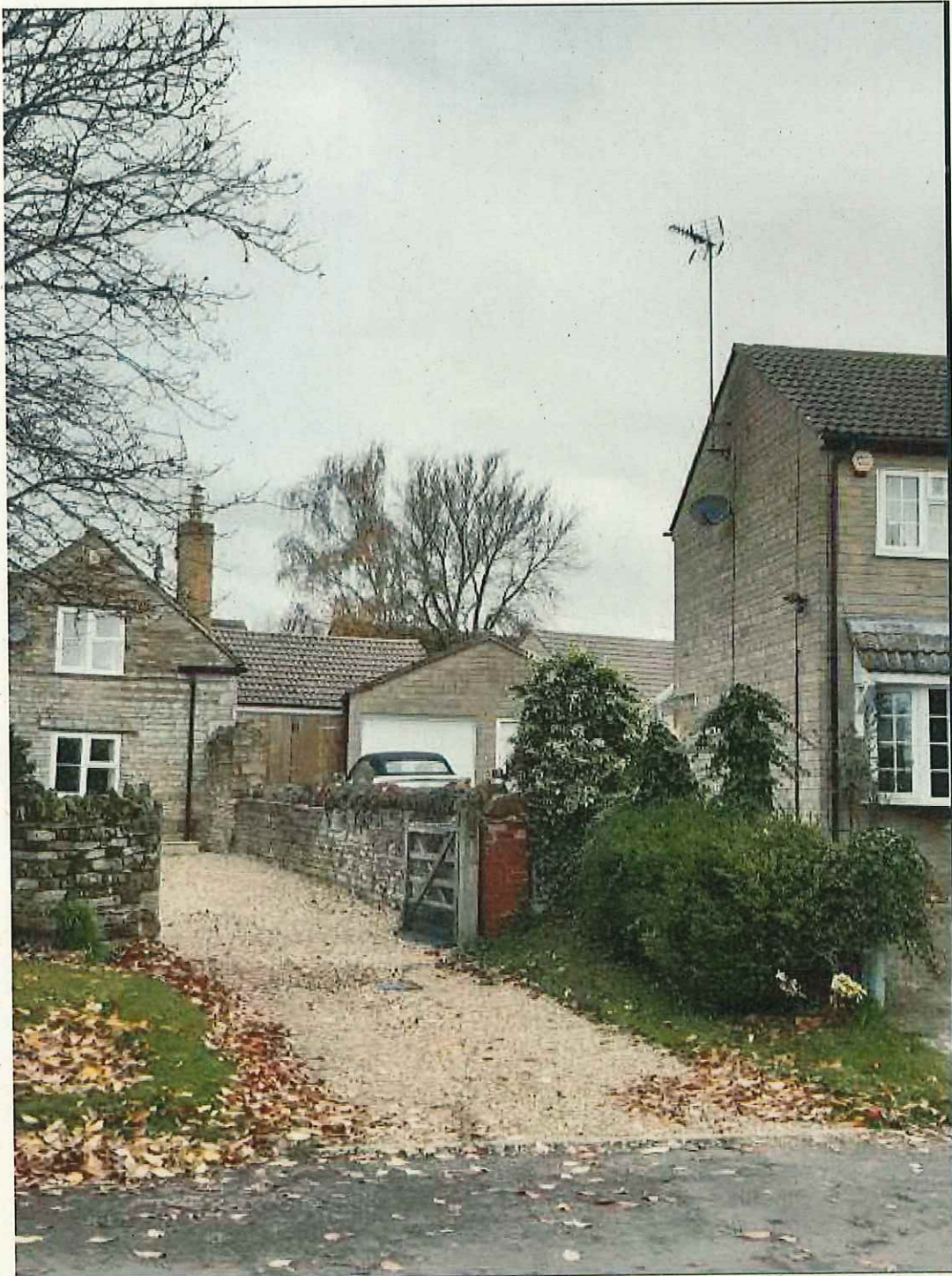
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TPO 23/00009/TPO T.1 Box Elder from Maffit Road



TPO 23/00009/TPO T.1 Box Elder from Main Street



**PETERBOROUGH****CITY COUNCIL**

Sand Martin House  
 Bittern Way  
 Fletton Quays  
 Peterborough  
 PE2 8TY

planningcontrol@peterborough.gov.uk  
 01733 453410

Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or  
 Notification of Proposed Works to Trees in a Conservation Area

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number

7

Suffix

A

Property Name

Address Line 1

Maffit Road

Address Line 2

Address Line 3

Peterborough

Town/city

Ailsworth

Postcode

PE5 7AG

Description of site location must be completed if postcode is not known:

Easting (x)

511682

Northing (y)

298982

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

## Applicant Details

### Name/Company

Title

Mr

First name

Thomas

Surname

Bailey

Company Name

### Address

Address line 1

7a Maffit Road

Address line 2

Ailsworth

Address line 3

Peterborough

Town/City

County

Country

United Kingdom

Postcode

PE57ag

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

07971553232

Fax number

Email address

## What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

**Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?**

- Yes  
 No

**Do you know the Tree Preservation Order reference number(s)?**

- Yes  
 No

Please indicate whether the reasons for carrying out the proposed works include any of the following.

If so, your application MUST be accompanied by the necessary evidence to support your proposals ([see guidance notes for further details](#)).

**Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall**

- Yes  
 No

**Alleged damage to property - e.g. subsidence or damage to drains or drives.**

- Yes  
 No

**Are you wishing to carry out works to tree(s) in a conservation area?**

- Yes  
 No

### Documents and plans (for any tree)

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order.

A sketch plan is also advised when notifying the LPA of works to trees in a conservation area ([see guidance notes](#)).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

**Are you providing additional information in support of your application (e.g. an additional schedule of work for the question 'Identification of Tree(s) and Description of Works')?**

- Yes  
 No

## Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out

We would like to fell the large box elder tree in our front garden as it is blocking the light for our neighbors. Permission to fell this was granted some time ago under ref: 13/01429/CTR in now 2013 but we decided to leave the tree due to cost.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see below for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) – Whole crown reduction to 12m above ground level, to provide sufficient clearance to property.

### Sketch plan requirements

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
  - mark and name surrounding roads
  - sketch in buildings, including adjoining properties
  - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work and identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
  - marking all trees on the plan, but only numbering those to which you want to carry out work
  - showing the approximate distance between the application tree(s) and buildings
  - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

---

## Tree Ownership

Is the applicant the owner of the tree(s)?

- Yes  
 No

---

## Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Yes

No

---

---

## Declaration

I/We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

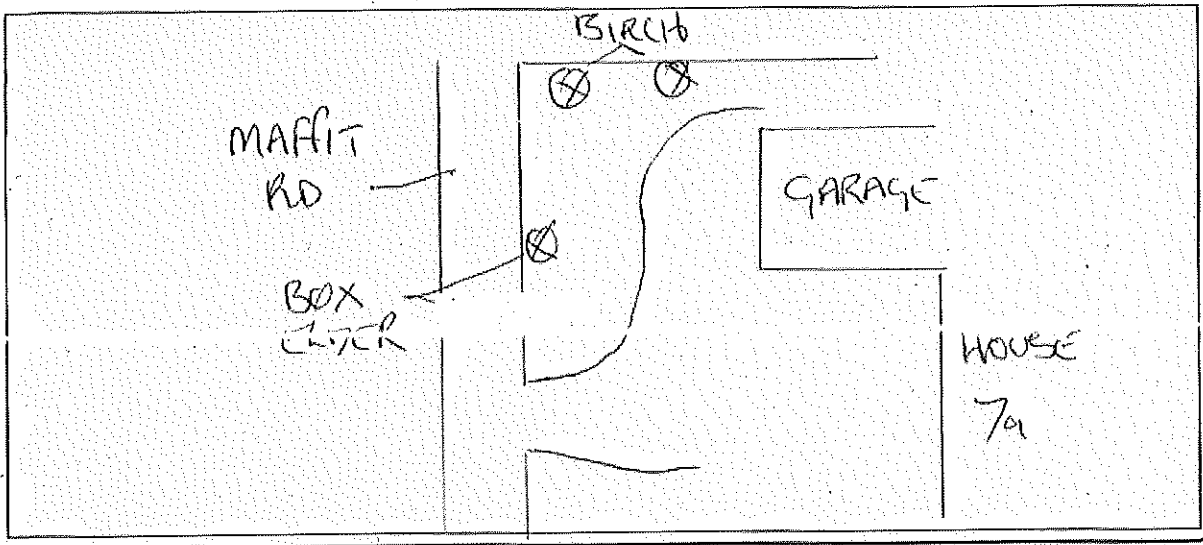
I / We agree to the outlined declaration

Signed

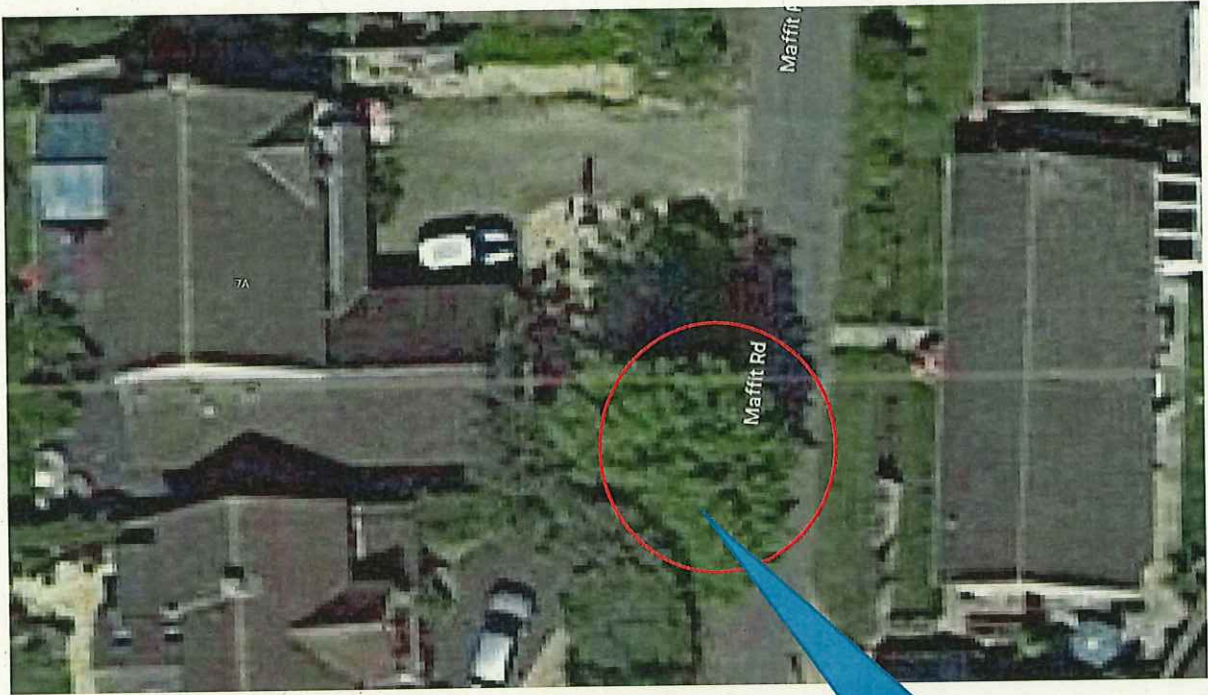
Thomas Bailey

Date

16/10/2023







This is the tree we would like to remove – **not** the silver birch



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Appendix 4

Re: Planning consultation notification 23/01416/CTR

Jenny Rice <clerk@ailsworth-pc.gov.uk>

Wed 15/11/2023 12:20

To: Plng Control Enquiries <planningcontrol@peterborough.gov.uk>

**CAUTION:** This email originates outside of Peterborough City Council's network. Do **NOT** click on links or open attachments unless you recognise the sender and know the content is safe. Please report any concerns or issues to ICT

Hi,

Please can the Tree Officer provide some advice or information to the Parish Council about the felling of the Box Elder tree 23/01416/CTR as to the reasons why this could not just be trimmed, as previously mentioned? Also, what is the expected life span of these normally to see what is being taken away from felling rather than trimming/reducing? The Parish Council would like to think this has been considered in making the decision.

Thanks,  
Jenny

On Tue, 17 Oct 2023 at 10:27, <[planningcontrol@peterborough.gov.uk](mailto:planningcontrol@peterborough.gov.uk)> wrote:

Dear Sir/Madam

Please find correspondence from Planning Services at Peterborough City Council attached to this email in relation to the following application for Works to Trees situated within a Conservation Area:

Proposal: Fell large box elder tree in front garden

Site address: 7A Maffit Road Ailsworth Peterborough

Reference: 23/01416/CTR

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

T: 01733 453410

E: [Planningcontrol@peterborough.gov.uk](mailto:Planningcontrol@peterborough.gov.uk)

W: [www.peterborough.gov.uk/planning](http://www.peterborough.gov.uk/planning)

Jenny Rice

Ailsworth Parish Council Clerk

Tel 07889 669550

Re: Planning consultation notification 23/01416/CTR

Jenny Rice <clerk@ailsworth-pc.gov.uk>

Tue 21/11/2023 10:56

To: Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

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Hi Steve,

The Parish Council agreed at their meeting last night that they support your view as Tree Officer that as a principle they would prefer not to see the tree removed as it seems unnecessary - they support appropriate pruning and maintenance instead and if this cannot be agreed, would support tree protection.

Kind regards,

Jenny

On Thu, 16 Nov 2023 at 13:52, Stephen Chesney-Beales <[Stephen.Chesney-Beales@peterborough.gov.uk](mailto:Stephen.Chesney-Beales@peterborough.gov.uk)> wrote:

Afternoon Jenny

Further to our earlier telephone conversation and your e-mail with regards to the Box Elder at 7a Maffit Road. As discussed, I am not happy to see the tree removed and if a compromise cannot be reached on retaining the tree and pruning it to resolve the light issue in part, I will make a recommendation to protect the tree with a tree preservation order (TPO). If the Parish Council are in support of putting a TPO on the tree, given the circumstances, please let me know.

If you have any further questions regarding the matter, please do not hesitate to contact me.

Many thanks & kind regards

Steve

**Stephen Chesney-Beales**

Tree Officer

Planning Services,  
Place & Economy,  
Sand Martin House,  
Bittern Way,  
Fletton Quays  
Peterborough.  
PE2 8TY

Re: Provisional TPO 23/0009/TPO - 7a Maffit Road, Ailsworth, Peterborough

Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Thu 21/12/2023 15:05

To: tom.bailey@beagle-power.com <tom.bailey@beagle-power.com>

Cc: PIng Control Enquiries <planningcontrol@peterborough.gov.uk>; Darren Sharpe <darren.sharpe@peterborough.gov.uk>

Dear Mr Bailey

Further to your letter of objection received yesterday, dated 19<sup>th</sup> December 2023, please accept and note the following points below in red, in reply and response to each of the points raised.

a) The tree is a box elder and is not native to the UK

Any tree species can be protected by a tree preservation order (TPO), being a native species has no major significance, as the trees amenity value is the major consideration.

b) Historically someone has poorly pruned the tree which has made it a bit of an eyesore.

The tree does not appear to be an 'eyesore', but is considered to offer public visual amenity value to the immediate and wider area, and contributes to the character and appearance of the Ailsworth Conservation Area.

c) The tree is poorly positioned. It is too close to my house and the road meaning debris is constantly being dropped in my guttering and on the road.

The tree appears to be positioned much the same as one of the adjacent Silver Birch, and in a suitable position in the front garden adjacent to the Maffit Road.

d) The tree is interfering with the telephone lines.

The branches of the tree interfering with the telephone lines can be pruned, sympathetically to reduce the contact with the lines in question, by way of a TPO Tree Work Notice/Application.

e) The tree is interfering with the lamppost.

The branches of the tree interfering with the lamppost or blocking the lamppost can be pruned, sympathetically to reduce the contact with lamppost, by way of a TPO Tree Work Notice/Application.

f) The tree is blocking light to my neighbours houses one of whom has raised the issue.

The tree can be sympathetically pruned, subject to good arboricultural practices, to address in part the issue of light to the neighboring property, by way of a TPO Tree Work Application.

g) Due to its positioning the tree is constantly being hit by delivery vans / trucks.

The branches of the tree being hit by delivery vans/trucks can be pruned, subject to good arboricultural practices, by way of a TPO Tree Work Notice/Application.

h) The tree is depositing debris in my neighbour's garden and guttering.

It is unfortunate that debris is falling into your neighbour's garden and gutters, however, this happens with all trees close to property boundaries and is a normal situation with regard to most trees in such circumstances. With regards to gutters being affected, gutter guards are widely available to reduce debris getting into gutters.

i) I have spoken to my immediate neighbours who all in support of felling the tree.

Your comment is noted. The Peterborough City Council and Ailsworth Parish Council (APC) support the retention of the Box Elder.

j) If the tree were to fall it would damage either my house or my neighbour's house. It overhangs an original roman wall owned by my neighbour.

As the owner of trees you have a 'Duty of Care' under the Occupiers Liability Act to ensure your trees are in a safe condition. There did not appear to be any evidence to suggest the tree was in an unsafe or dangerous condition, when assessed, giving rise to any concerns that the tree or significant branches may fail or fall.

k) Felling the tree will enable the two silver birch trees to flourish as the box elder is blocking light getting to them.

The Silver Birch in question are not considered to offer the same public visual amenity value, as stated above, and are of a poor quality.

l) We have previously been given permission to fell the tree. Nothing has changed between today and when the permission was previously granted apart from the Tree Protection Officer.

A Notice/Application was made in 2013 to fell both the Silver Birch and two Box Elder.

In the last ten years the situation has changed significantly, in as far as, one of the Box Elder has been removed, freeing up space around the remaining Box Elder and the two Silver Birch would appear to have declined further. Whereas, the Box Elder has become a prominent feature on this section of Maffit Road, contributing to the public visual amenity value of the immediate and wider area and contributes to the character and appearance of the Ailsworth Conservation Area, so much so, that APC did not wish to see the Box Elder removed and supported its further protection with a TPO.

With the above responses in mind, I respectfully request that you consider withdrawing your objection and retaining the Box Elder; and consider pruning the tree to address the above issues, subject to modern arboricultural practices and British Standard BS3998:2010 Tree work - Recommendations.

This matter will be taken to the Council's Planning & Environmental Protection Committee for consideration in light of the objections received, and prior to the TPO being considered by the Committee for confirmation. You will be contacted again, before the matter is taken to Committee and you will be given an opportunity to present your objections to the Committee.

If you wish to discuss any of the above further, please do not hesitate to contact me

Kind regards

**Stephen Chesney-Beales**  
Tree Officer

Tom Bailey  
7a Maffit Road  
Ailsworth  
Peterborough  
PE5 7AG  
07971 553232

Date: 19/12/2023

Dear sir/madam,

I am writing in relation to the proposed tree preservation order being placed on a tree in my front garden (Ref: 23/00009/TPO) raised as a result of my planning request to fell the box elder tree in my front garden.

I would like to contest the plan apply a TPO to the tree for the following reasons:

- a) The tree is a box elder and is not native to the UK
- b) Historically someone has poorly pruned the tree which has made it a bit of an eyesore.
- c) The tree is poorly positioned. It is too close to my house and the road meaning debris is constantly being dropped in my guttering and on the road.
- d) The tree is interfering with the telephone lines.
- e) The tree is interfering with the lamppost.
- f) The tree is blocking light to my neighbours houses one of whom has raised the issue.
- g) Due to its positioning the tree is constantly being hit by delivery vans / trucks
- h) The tree is depositing debris in my neighbours garden and guttering.
- i) I have spoken to my immediate neighbours who all all in support of felling the tree.
- j) If the tree were to fall it would damage either my house or my neighbours house. It overhangs an original roman wall owned by my neighbour.
- k) Felling the tree will enable the two silver birch trees to flourish as the box elder is blocking light getting to them.
- l) We have previously been given permission to fell the tree. Nothing has changed between today and when the permission was previously granted apart from the Tree Protection Officer.

This letter will be emailed and taken to the Planning services offices at Sand Martin House.

I would my application to fell the tree reviewed again.

Kind regards,

Tom Bailey

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Re: Case ref 23/00009/TPO Officer Mr S Chesney-Beales

Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

Thu 21/12/2023 15:03

To: calasraid@hotmail.co.uk <calasraid@hotmail.co.uk>

Cc: Plng Control Enquiries <planningcontrol@peterborough.gov.uk>

Dear Dr Baugh

Please accept my apologies in sending a copy e-mail yesterday to you, in error, addressed to Mr Bailey.

Further to your letter of objection received yesterday, dated 19<sup>th</sup> December 2023, please accept and note the following points below in red, in reply and response to each of the points raised.

1. The Box Elder is a very large, overgrown tree and leaning badly towards the road and appears to be a dangerous risk in terms the potential to fall onto the road and significantly damage the opposite property.

The Box Elder is not considered to be 'very large, overgrown and leaning badly'. When assessed the tree was not considered to be in an unsafe or dangerous condition. There was no evidence, giving rise to any concerns that the tree or significant branches may fail or fall onto the road or adjacent properties. The owner of the tree has a 'Duty of Care' under the Occupiers Liability Act to ensure the tree is in a safe condition.

2. The tree is impinging on various telephone wires that cross the road and is in danger of bringing these down.

The branches of the tree interfering with the telephone wires can be pruned, sympathetically to reduce the contact with the wires in question, by way of making a TPO Tree Work Notice/Application accordingly.

3. The tree in question is non-native and therefore not a priority for preservation.

Any tree species can be protected by a tree preservation order (TPO), being a native species has no major significance, as the trees amenity value is the major consideration.

4. In a conservation area the owner of such trees would in any case need formal permission to fell or prune such a tree and hence we see no need for a formal TPO to be made in this case.

A tree owner in a conservation area does not 'need formal permission to fell or prune such a tree', but is obligated by the Town & Country Planning Act to give Peterborough City Council (PCC) six weeks notice in writing before carrying out such works. This was done in respect of the Box Elder and because the felling was objected to by PCC and supported by Ailsworth Parish Council the TPO was made.

5. We fully support the conservation area and would wish to preserve as many native deciduous trees as possible in both the village as a whole and Maffit Road, which has a lovely rural appearance, which is due to the presence of trees.

PCC would agree with your sentiment, subject to **all trees** that offer public visual amenity value to the immediate and wider area; and contribute to the character and appearance of the Ailsworth

Conservation Area, being preserved.

6. However, this tree has become so large and leaning that it appears to be a potential danger to residents and users of Maffit Road and we are concerned about this danger. Hence we feel it would benefit from tree management/pruning which would not require a formal TPO being imposed.

Your comment above is noted, however, the tree in question is considered to be safe and in a healthy condition, as stated above. The tree can be sympathetically pruned, subject to good arboricultural practices, by way of a TPO Tree Work Application, to address in part the issue of its future 'management/pruning'.

With the above responses in mind, I respectfully request that you consider withdrawing your objection.

This matter will be taken to the Council's Planning & Environmental Protection Committee for consideration in light of the objections received and prior to the TPO being considered by the Committee for confirmation. You will be contacted again, before the matter is taken to Committee and you will be given an opportunity to present your objections to the Committee.

If you wish to discuss any of the above further, please do not hesitate to contact me

Kind regards

**Stephen Chesney-Beales**  
Tree Officer

Planning Services,  
Place & Economy,  
Sand Martin House,  
Bittern Way,  
Fletton Quays  
Peterborough.  
PE2 8TY

---

**From:** Stephen Chesney-Beales <Stephen.Chesney-Beales@peterborough.gov.uk>

**Sent:** 20 December 2023 14:17

**To:** calasraid@hotmail.co.uk <calasraid@hotmail.co.uk>

**Cc:** Plng Control Enquiries <planningcontrol@peterborough.gov.uk>

**Subject:** Re: Case ref 23/00009/TPO Officer Mr S Chesney-Beales

Dear Mr Bailey

Thank you for your letter of objection with regard to the making of the above tree preservation order (TPO), I will respond in due course. However, if you wish to discuss the matter further, please do not hesitate to contact me.

Regards

**Stephen Chesney-Beales**  
Tree Officer

Planning Services,

From: Ian Baugh <calasraid@hotmail.co.uk>

Sent: 19 December 2023 10:11

To: PIng Control Enquiries <planningcontrol@peterborough.gov.uk>

Subject: Case ref 23/00009/TPO Officer Mr S Chesney-Beales

**CAUTION:** This email originates outside of Peterborough City Council's network. Do NOT click on links or open attachments unless you recognise the sender and know the content is safe. Please report any concerns or issues to ICT

Dear Mr Chesney-Beales

With reference to the above TPO notice we are the neighbours at number 5 Maffit Road and we would like to object to the proposal to impost a TPO on the Box Elder tree at number 7a for a number of reasons:

1. The Box Elder is a very large, overgrown tree and leaning badly towards the road and appears to be a dangerous risk in terms the potential to fall onto the road and significantly damage the opposite property.
2. The tree is impinging on various telephone wires that cross the road and is in danger of bringing these down.

<https://outlook.office.com/mail/inbox/id/AAQkADFJMTQ1NjA3LWE0MTgtNDU2Ni1hY2FILWQ1ZWl4ODhkNTAxNAAQAFd3tklUgMxIkha1tPNKGG...> 1/2

20/12/2023, 14:13

Email - Stephen Chesney-Beales - Outlook

3. The tree in question is non-native and therefore not a priority for preservation.
4. In a conservation area the owner of such trees would in any case need formal permission to fell or prune such a tree and hence we see no need for a formal TPO to be made in this case.
5. We fully support the conservation area and would wish to preserve as many native deciduous trees as possible in both the village as a whole and Maffit Road, which has a lovely rural appearance, which is due to the presence of trees.
6. However, this tree has become so large and leaning that it appears to be a potential danger to residents and users of Maffit Road and we are concerned about this danger. Hence we feel it would benefit from tree management/pruning which would not require a formal TPO being imposed.

Thank you for your consideration of this matter

Yours Sincerely

Dr Ian Baugh

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Telephone: 01733 453465/07920160206  
E-Mail: [stephen.chesney-  
beales@peterborough.gov.uk](mailto:stephen.chesney-beales@peterborough.gov.uk)  
Please ask for: Stephen Chesney-Beales  
Our Ref: TPO: 23/00009/TPO

Kim Murphy & Gerald Scherrer  
1 The Bungalow  
Maffit Road  
Ailsworth  
Peterborough  
PE5 7AG

**Please reply to:**  
**Natural & Historic  
Environment Team  
Planning Services  
Place & Economy  
Peterborough City Council  
Sand Martin House  
Fletton Quays  
Peterborough  
PE2 8TY**

13th December 2023

Dear Kim & Gerald

Re - Tree Preservation Order 23/00009/TPO - T.1 Box Elder

Site Location: 7a Maffit Road, Ailsworth, Peterborough

Further to your letter dated 30<sup>th</sup> November regarding the above matter, please note the following points in reply.

The above Box Elder was protected by the above Tree Preservation Order (TPO) because a S.211 Notice (23/01416/CTR), giving Peterborough City Council (PCC) six weeks Notice that the tree was to be felled, which at the time was protected by growing with the Ailsworth Conservation Area (ACA)

The Box Elder is considered to be in good health & condition, it contributes to the character & appearance of the Ailsworth Conservation Area and offers public visual amenity value to the immediate and wider area/environment. The making of the TPO was supported by Ailsworth Parish Council.

I note your concerns with regards to the safety of the tree, however, there is no evidence to suggest the tree is in an unsafe or dangerous condition that may cause the tree or significant branches to fail causing any damage to the highway or adjacent property.

Unfortunately, the issue of leaves, is not of a serious concern when considering tree retention and protection within the district.

A tree work application can be made to address the issue with regards to the street light/lamp post and any low branches over the highway - Maffit Road.

I'm sorry to hear that the tree is having an effect on the enjoyment of your property due to its height, width and lean. Again, it may be possible to address some of these issues, to a degree, by making a tree work application to undertake sympathetic pruning conducive to good arboricultural practices in the future.

Please confirm if you would like your letter treated as an 'objection' to the making of the TPO, to be considered at the Planning & Environmental Protection Committee, prior to the TPO being considered for confirmation.

If you wish to discuss any of the above points further, please do not hesitate to contact me.

Yours sincerely

**Stephen Chesney-Beales**  
Tree Officer

Telephone: 01733 453465/07920160206  
E-Mail: [stephen.chesney-beales@peterborough.gov.uk](mailto:stephen.chesney-beales@peterborough.gov.uk)  
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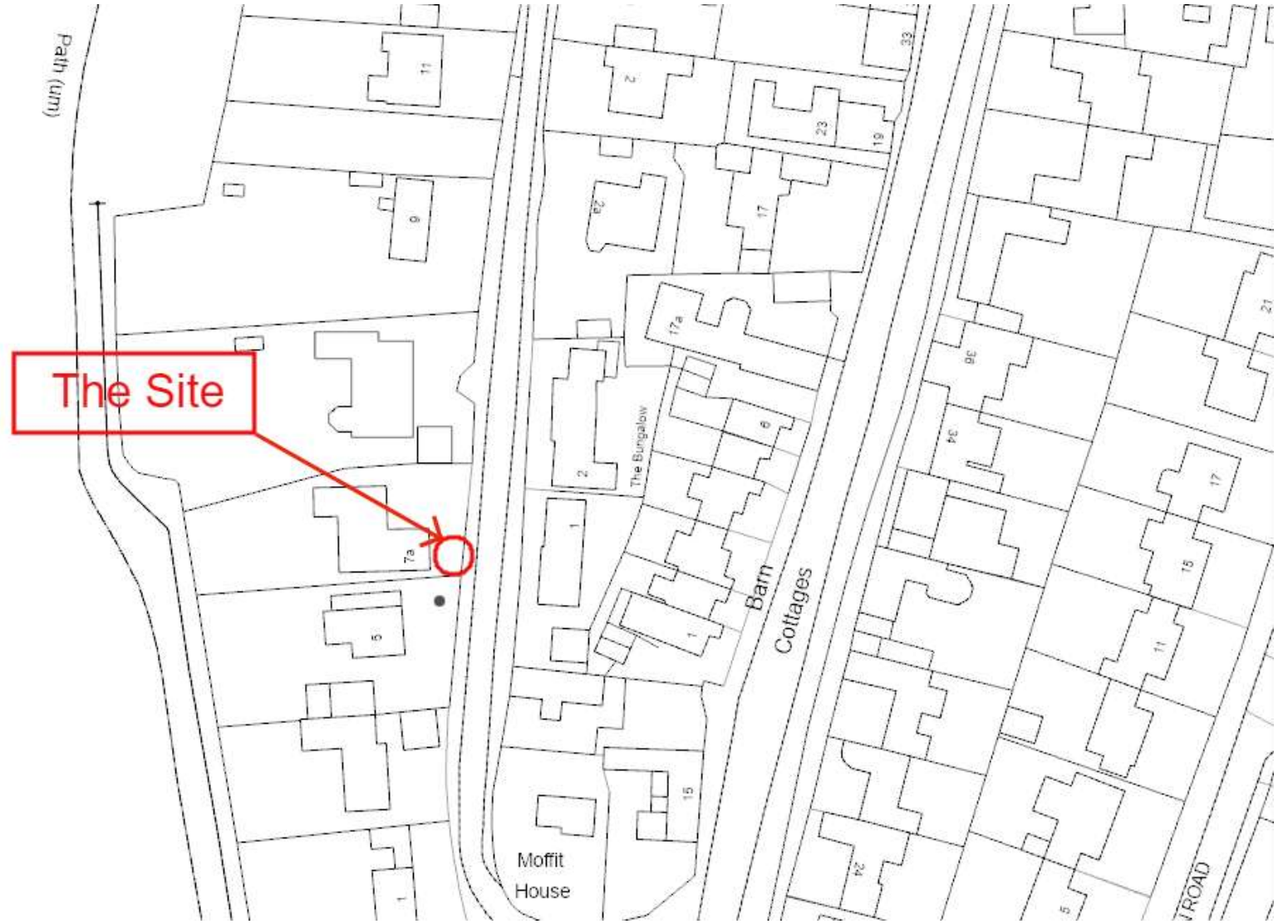
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**Stephen Chesney-Beales**  
Tree Officer





Reference: 23/00009/TPO  
Site address: 7A Maffit Road, Ailsworth

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