

**Application Ref:** 13/01874/R4FUL

**Proposal:** Repositioning of boundary fence to extend garden and change of use of landscaping strip

**Site:** Land Rear Of 77 Russell Street, Millfield, Peterborough, PE1 2BJ

**Applicant:** Mr Wasim Akhtar

**Agent:** Mr Zahir Ahmed

**Referred by:** Councillor Nadeem

**Reason:** Owing to the history of the site

**Site visit:** 23.12.2013

**Case officer:** Miss L C Lovegrove

**Telephone No.:** 01733 454439

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**Recommendation:** **REFUSE**

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

**Site and Surroundings**

The application site comprises an area of designated Public Open Space, located to the northern side of Bright Street. There is a significant area of hardstanding with shrub borders adjacent to the public footway and to the rear of residential properties along Russell Street and Cromwell Road. The site is bound to the south by public footway and to the north and west by 1.8 and 2 metre high fencing and brick walls. There are a number of mature shrubs within the site and a semi-mature Cherry tree.

**Proposal**

The application seeks planning permission to extend the garden land associated with No.77 Russell Street by approximately 4.5 metres to the rear and to the rear of the neighbouring dwelling No.79. It is proposed for the fence to stand at 1.8 metres in height with an access gate along the rear boundary.

The application currently under consideration is identical to the scheme which has already been refused planning permission under delegated powers (reference 13/01085/R4FUL).

**2 Planning History**

Reference	Proposal	Decision	Date
13/01085/R4FUL	Repositioning of boundary fence to extend garden and change of use of landscaping strip	Application Refused	11/09/2013

**3 Planning Policy**

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

## **Peterborough Core Strategy DPD (2011)**

### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

### **CS19 - Open Space and Green Infrastructure**

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

## **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

### **PP03 - Impacts of New Development**

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.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

## **Peterborough City Centre DPD (Proposed Submission) (2014)**

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

### **CC03 – City Core Policy Area**

CC3.5 North Westgate Opportunity Area – Planning permission will be granted for comprehensive mixed-use redevelopment which is well integrated with the existing retail area. The design, layout and access arrangements must enhance the transition between the residential area to the north and city centre.

### **CC10 – City North Policy Area**

Development will be acceptable provided that it respects the character and built form of the surrounding area.

## **4 Consultations/Representations**

### **Landscape Officer**

Objection - The proposal will result in the loss of public open space within a Ward where there is already a deficiency. In addition, existing valuable landscape features will be incorporated within a garden where it is likely that they will be removed. The repositioning of the boundary fence will create a hard landscape boundary to the open space in contrast to the soft boundary that currently exists which will result in a negative landscape impact.

### **Transport & Engineering Services**

No objections.

### **Wildlife Officer**

No objection - Replacement native landscape planting should be sought to prevent a net loss to biodiversity.

## Property Services

No comments received.

## Police Architectural Liaison Officer

No objections, recommendations or observations.

## Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

## 5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Impact upon the character and appearance of the surrounding area

### a) Background

Councillor Nadeem has requested that the application be referred for determination by Members of the Planning and Environmental Planning Committee owing to the history of the application site and advice previously given to the Applicant by Officers of the Local Planning Authority.

Approximately three years ago, the Applicant applied to the City Council's Property Services Team to purchase the land subject to this application. Approval was granted for this, in principle, subject to the change of use being granted planning permission. At the time, informal Officer opinion was provided that the change of use of the land could be acceptable, however no planning application was ever submitted and no formal written advice issued.

In the intervening period between this earlier advice and the current planning application, planning policy has been revised through the adoption of the Local Development Framework which, in the context of the application, was underpinned by a City-wide open space quantitative/qualitative assessment. In addition, the area of land has been subject to a significant level of replanting in order to address previous issues of anti-social behaviour. Accordingly, for the reasons given below, the proposal is no longer in accordance with adopted planning policy and is therefore unacceptable.

### b) Principle of development

As detailed in Section 1 above, the application site comprises designated Public Open Space. The Peterborough Open Space Study Update (2011) provides details on all open space provision throughout the City, broken down by the type of space and the level within wards. With regards to Central Ward, within which the application site is located, there is a shortfall of Public Open Space provision of all types. As such, any existing space is of significant value. Policy CS19 of the Peterborough Core Strategy DPD (2011) clearly states that:

*'To protect existing open space, planning permission will not be granted for development which would result in the loss of existing open space if that loss would give rise to a deficiency in open space, or would be in an area where there is already a deficiency...'*

It also provides two criteria whereby this loss may be found acceptable - if the proposed development would be ancillary to the use of the site as open space, or if alternative provision is made of an equivalent size. The application proposal would result in the loss of open space to residential garden land and no alternative provision is proposed. The site is located within an area which is already deficient of all types of open space and accordingly, it is considered that the application scheme is wholly at odds with this adopted policy. On this basis, the principle of the change of use is unacceptable.

**c) Impact upon the character and appearance of the surrounding area**

At present, the application site comprises an open parcel of Public Open Space which has recently been re-landscaped. The site is formed by a mixture of hard surface, low level shrub planting with mature shrubs and a semi-mature Cherry tree along the boundary with properties to the rear of Russell Street. Accordingly, the overall appearance is of a soft landscape within the hard built form along Bright Street which makes a positive contribution to the visual amenity of the area. The proposal would result in the loss of some soft landscaping and the semi mature tree would be incorporated into the garden land of No.77 Russell Street. The tree in its present form is not worthy of protection by way of a Tree Preservation Order however it does make a positive contribution to the locality. There is no guarantee that this tree would be retained following the grant of permission and its loss should be resisted. The proposal would introduce a hard fence line in contrast with the soft landscape boundary that currently exists. It is considered that this impact, in combination with the potential loss of key landscape features would result in an unacceptable impact upon the character, appearance and visual amenity of the locality. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

**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 Director of Growth and Regeneration recommends that planning permission is **REFUSED** for the following reason(s):

- R 1 The proposed garden extension would result in the loss of existing Public Open Space within Central Ward which already has a significant deficit in provision. The proposed use of the land is not ancillary to the use of the site as open space and nor has the scheme proposed alternative provision within the surrounding area. Accordingly, the proposal would result in the unacceptable loss of important existing open space, contrary to Policy CS19 of the Peterborough Core Strategy DPD (2011).
- R 2 The application scheme will result in the loss of valuable soft landscape features within the streetscene along Bright Street and the replacement with a hard boundary fence which will appear stark in contrast. Overall, the proposal will result in an unacceptably negative impact upon the character, appearance and visual amenity of the surrounding area, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors M Nadeem, N Khan MBE, M Jamil