

Planning and EP Committee 19 September 2017

Application Ref: 17/01167/FUL

Proposal: A new alfresco dining area, to include loose and fixed seating with Jumbrella; Works to Willow tree and planting of replacement trees; New step and disappearing path to the grass field; New timber posts, festoon and wall lighting; New screens to partially enclose dining area ; New fencing and new planting; New green oak square arches down the garden

Site: The Blue Bell, 10 High Street, Glinton, Peterborough

Applicant: Mr Joe Grieves
Greene King Pub Partners

Agent: Miss Emma Arnold
Concept IDL Ltd

Referred by: Glinton Parish Council

Reason: The impacts of the proposal to the character and appearance of the Grade II Listed Building and the Glinton Conservation Area and to the amenity of surrounding neighbours.

Site visit: 19.07.2017

Case officer: Mr Jack Gandy

Telephone No. 01733 452595

E-Mail: jack.gandy@peterborough.gov.uk

Recommendation: **GRANT** subject to conditions.

1 Description of the site and surroundings and Summary of the proposal**The Site and the Surrounding Area**

The application site comprises the Blue Bell Public House. The building is Grade II Listed and is also located within the Glinton Conservation Area. The pub has an existing patio area to the rear that measures approximately 17 metres in depth from the original rear elevation by 12 metres in width which is open to customers for outdoor dining. There is a garden to the west of the existing patio area which includes a willow tree and various vegetation. This area abuts against the rear boundary of No 1 Rectory Lane. There are two outbuildings which are used as a kitchen and indoor dining area. There is also a large garden area to the south of the patio area which is also provides a space for outdoor dining/drinking. The Public House is set back approximately 60 metres from High Street, which allows for the provision of an access, parking and green space to the front. Surrounding uses to the area include St Benedict's Church, a primary school, a village shop/post office and various residential properties.

Proposal

The works which are the subject of this application are located to the rear of the building. Permission is sought for the following:

- The extension of the existing patio area to create an expanded outdoor seating area with 79 seats. Of the 79 seats, 56 seats would be 'loose seating' which does not require planning permission. The 22 'fixed' seats, which require planning permission, would be located to the 2.2 metre high Jumbrella (x8 seats) and the proposed 1.2 metre high 'L-shaped' fixed seating area (x15 seats).

- Additionally, screens and square arches, to be constructed in green oak timber, are also proposed. These also require planning permission as a result of their proposed heights from ground level and exceed the provisions Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).. The proposed screens would partially enclose a section of loose seating, located to the south of the indoor dining area with each screen to measure approximately 2.2 metres in height. Four square arches are also proposed adjacent to this area to provide a 'walkthrough from the outdoor dining area to the large gardens to the south. These are proposed to measure approximately 2.2 metres in height and would provide support to the proposed festoon lighting.
- Two sections of hard surfacing are proposed to be laid down. One section, to measure approximately 6 metres by 7.2 metres in area, would be laid over part of the existing small garden/shrub area. A further smaller section of hard surfacing, to measure approximately 4 metres by 4.4 metres, is proposed to be laid to the rear of the conservatory. The proposed hard surfacing requires planning permission due to being laid down within the curtilage of a Listed Building under an A4 use class ('Drinking Establishments'). This exceeds the tolerances under Class E of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- Erection of a 1.8 metre high fenced enclosure to separate the new patio area from the remaining shrub area, to provide a buffer area from the rear boundary of No 1 Rectory Lane. The fencing, to be acoustically designed, requires planning permission as this would be development of a means of enclosure within the curtilage of a Listed Building under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The buffer area to be enclosed would measure 7.2 metres in depth by 7.3 metres in width.
- Finally, to accommodate the proposed layout changes, and based on its current conditions, the willow tree to the small garden area is proposed to be removed. New plants/vegetation are proposed across the patio area, including to the proposed seating, screens and enclosed area. This does not require planning permission, however, the proposed works have been considered in this proposal due to its relationship with the other works proposed.

An application for Listed Building Consent was submitted. However, it was considered that the proposed works do not require Listed Building Consent. Listed Building Consent is only required when a proposed development physically projects from the Listed Building itself. With no extension to the Blue Bell proposed under this application, Listed Building Consent is not required. As such, the agent was informed who then subsequently withdrew this application.

Background

Prior to this application, a previous planning application (reference 17/00273/FUL) was submitted. The previous application proposed an increase in seating provision, but also proposed three outbuildings to the small garden area for sheltered seating with heat and lighting and a sheltered pergola area. The Local Planning Authority considered that the sheltered seating, with its heating and lighting attributes, would have encouraged customer use to the rear garden all year round. Along with their proposed location to the rear boundary of No 1 Rectory lane, it was considered by the Local Planning Authority that the previous proposal would have been unacceptably harmful to the amenity of surrounding neighbours as a result of the nuisances that would have occurred from these outbuildings. Additionally, this application was refused due to the inadequate information provided upon the works to the willow tree on site.

The scale of development proposed under this application is reduced compared to the previous proposal. The sheltered outbuildings and pergola from the previous application has been removed. The seating arrangements have altered, including the increase in loose seating and also an enclosed, buffer area is now proposed to the boundary of No 1 Rectory Lane, as discussed in Section 1 'Proposal'.

2 **Planning History**

Reference	Proposal	Decision	Date
17/01168/LBC	A new alfresco dining area, to include loose and fixed seating with Jumbrella; Works to Willow tree and planting of replacement trees; New step and disappearing path to the grass field; New timber posts, festoon and wall lighting; New screens to partially enclose dining area ; New fencing and new planting; New green oak square arches down the garden	Withdrawn by Applicant	03/08/2017
17/01260/CTR	G2: 4 No. Lawsons Cypress - Crown lift to 1m clearance from roof of neighbouring chemist T3 Ash - Crown lifted to achieve 1-1.5m clearance above neighbours garage T11 Elder - Fell T23 Plum - Fell T24 Plum - Fell T30 Sycamore - Crown lift by 1-1.5m above the roof	Permitted	02/08/2017
17/00273/FUL	Construction of pergola, works to trees, erection of three shed structures, five square arches, timber posts with festoon lighting, addition of fixed seating, steps and disappearing path	Refused	06/06/2017
16/00528/FUL	Erection of garden room	Permitted	16/05/2016

3 **Statutory Provisions and Planning Policy**

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

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

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

National Planning Policy Framework (2012)

Section 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive

contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

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.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document took place between December 2016 and 9 February 2017. The responses are currently being reviewed. At this preliminary stage only limited weight can be attached to the policies set out therein.

4 Consultations/Representations

PCC Conservation Officer (03.07.17)

From a heritage consideration the proposed works can be supported.

It is considered that the work will preserve the character, appearance and historic significance Grade II listed Public House and that of the Ginton Conservation Area in accordance with Sections 66(1) and 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act

1990 (as amended) and is in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012), Design and Development in Selected Villages SPD (Glington village specific) (2011) and the National Planning Policy Framework (Heritage considerations).

PCC Tree Officer (21.07.17)

There is no arboricultural objection to the proposal further to landscaping and tree protection being firmed up as a condition of planning.

If the application is successful I recommend detailed conditions on the following:

- Details of a site specific Method Statement and Tree Protection Plan to be submitted to and approved by the Local Planning Authority; and
- Prior to the commencement of development, a landscaping scheme of the site to be submitted to and approved by the Local Planning Authority.

PCC Pollution Team (17.08.17)

This is a revised application following the refusal of 17/00273/FUL. It is noted that the revised plans include the removal of the 'shed structures' and the addition of an area that is not available to the public. However the proposed outdoor area is still less than 10m from the nearest residential property, and the outside area is surrounded by residential properties. The proposed plans will still result in an intensification in use of the outdoor area for outdoor dining and drinking, impacting on adjacent residential gardens and properties. However it is recognised that the removal of the 'shed area' will reduce the impact of the development on residents compared to the previous proposal.

When considering complaints of nuisance under the Environmental Protection Act 1990 it is important to note that planning decisions that alter the character of the area and therefore affect the acceptability of particular noise and use, could impact on whether certain activities would be judged as nuisances [Wheeler v JJ Saunders Ltd, 1996]. The designation via the planning regime of areas suitable for certain uses is an important contribution to the operation of the decision making process in the statutory nuisance regime. Consequently, if the proposal is granted planning permission and residents complain about noise emitted from this development, it is highly unlikely that any action would be possible under the statutory nuisance regime.

In conclusion, there are some mitigation measures included in the application, however these appear to be limited to the removal and replacement of the 'sheds' with trees and closure of the alfresco dining area at 23.00hrs. It is the view of this department that despite these measures the additional noise created by the use of the alfresco dining area will still have an impact on nearby residents.

Glington Parish Council (21.08.17)

Parish Council object to the application and are unanimously opposed to the proposal. In particular, the Parish Council will support residents in their legitimate objections.

The proposal includes a fenced off strip adjacent to the nearest neighbour. This does not go far enough as the neighbour at No 3 Rectory lane is also affected. The proposals are likely to lead to a loss of amenity by neighbours and a potential increase in noise nuisance.

The Parish Council consider that a time limit of say 10.30 in evenings should be imposed on all external activities in order to minimise the potential and existing noise nuisances.

Similar objections were made to the proposed festoon lighting in that they had the potential to cause a loss of amenity to neighbours. As stated to applications containing similar proposals, they are felt to be inappropriate in the context of the Listed Building and the Conservation Area.

Existing late night operation into the early hours after midnight have already caused a nuisance to neighbours and these applications do nothing to address these issues. They contain the right mix to make these occasions more numerous.

However, if approved, the consent should contain a condition imposing restricted hours of operation related to external activities of any nature.

It is noted that the LBC application has been withdrawn on the advice of officers that it was not required, although the application refers to the use of a listed building and grounds in the heart of a conservation area.

Cllr Johnson calculated that approximately 78 seats were proposed in the garden area. Councillors felt that this would create a both noise and general nuisances. This would especially be the case in the summer evenings when customers would be most likely to be outside during licensing hours, possibly up to 11pm. Summer evenings also being when neighbours wished to enjoy the privacy and the peace of their gardens.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 3

Total number of objections: 2 (Both Glington Parish Council)

Total number in support: 0

One representation has been received from a local resident, who neither supports or objects to the proposed development, but has raised the following:

The tables are to be removed from what was formerly designated as a "quiet area" adjacent to the properties in Rectory Lane, which will open up a larger grass play area. There has been previous damage to their boundary wall and conservatory caused by "heavy balls". Could the wall be shielded by continuing the existing border and including evergreen shrubs to give all year round visual, noise and damage protection?

5 Assessment of the planning issues

The main considerations are:

- a) The "fall-back position".
- b) Design and impact upon the setting of the Listed Building and the surrounding Glington Conservation Area.
- c) Neighbour amenity.
- d) Impact to trees.

a) The "fall-back position".

The "fall-back position" is a material planning consideration. This position indicates what could be achieved without the requirement of planning permission.

At present, there is existing outdoor furniture in the patio area to the rear and side of the conservatory located at the back of the pub and there are a number of picnic benches that are scattered across the rear most gardens. These do not require planning permission because they are not fixed to the ground and they can easily be moved. They do not fall within the meaning of development under Section 55 of the Town and Country Planning Act 1990 (as amended). Therefore, any effects of development within the fall-back position of this site could not be enforced by the Local Planning Authority due to no permissions being required.

There is no limit as to the amount of seating or tables that could be placed within the patio area or rear garden regardless of the outcome of this application

The "fall-back position" has been considered in each of the following sections.

b) Design and impact upon the setting of the Listed Building and the surrounding Glington Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to ensuring that development preserves or enhances the character, appearance and fabric of Listed Buildings. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be taken to preserving conservation areas and their surrounding settings. This is further emphasised within the National Planning Policy Framework (2012) which requires that significant weight be placed on the need to preserve heritage assets.

With regards to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the duties do not allow the local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations following the cases of *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 and *R (The Forge Field Society & Messrs Barraud and Rees) v Sevenoaks DC and Others* [2014] EWHC 1895 (Admin). However, for the reasons which follow it is not considered that any harm arises to either the listed building or the conservation area and as such no presumption against the grant of planning permission arises.

As outlined in Section 1, it is not considered that Listed Building Consent is required for the proposed development. That being said, the impacts of the proposal to the character and appearance of the Listed Building as well as its setting have been assessed below.

The rear of the Blue Bell Public House has been extended previously following planning approval of the garden room (reference: 16/00528/FUL). The most significant elevations of the building in terms of its historic importance are located to the front of site. These are the most visible from the surrounding public realm. All elements of the proposal would be constructed to the rear of the site. These would not be readily visible to the surrounding public realm and therefore, it is considered that they would not affect the historic character of the site. Furthermore, given the previous, twentieth century extensions to the rear, the rear of the Public House has a reduced historic character. Against this proposal, and what furniture could be laid out under the "fall-back position", the Council's Conservation Officer has raised no objections to the proposal.

Excluding any tree works, which are discussed in Section C, the proposed works would not be readily visible from the surrounding public realm, due to the dwellinghouses surrounding the side and rear boundaries of the pub garden. As such, it is not considered that the proposal would be unacceptably harmful to the character and appearance of the Glington Conservation Area.

In light of the above, the proposal is considered to accord with Section 12 of the National Planning Policy Framework (2012), Sections 66 and 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policies CS16 and CS17 and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012).

c) Neighbour amenity.

At present there is some use of the rear garden of the Public House. This is limited to the small patio area and a number of scattered benches across the large gardens to the south of the site. There is no outdoor heating provision and limited cover on the patio area. The benches have no cover and are completely open to the elements. The area adjacent Rectory Lane to the west is not used. As such existing activity takes place away from the boundaries with neighbouring properties and does not give rise to significant levels of noise or general disturbance.

The neighbours nearest to the proposed works are the occupiers of No 1 Rectory Lane. From the

rear elevation of their property, the residential garden measures approximately 4-5 metres in depth. This backs onto the boundary meeting the 'private yard' and the existing 'small garden area' of the Blue Bell.

The most prominent structures proposed include the fixed 'L-shaped' seating, the Jumbrella and the square arches. By their locations alone, these would not cause unacceptable overbearing or overshadowing impacts to neighbouring properties that surround the application site. However, due to the seating increase, the proposal would intensify the use of the rear garden along with the nuisance of noise. Paragraph 123 of the National Planning Policy Framework (2012) states that proposals should "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development". The paragraph continues, stating that "decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions".

The Council's Pollution Control team raise no objection to the proposal, but they state that the proposal will cause an impact to nearby residents, due to the distance of the proposed works to the rear of No 1 Rectory Lane. The 79 seats proposed would intensify the number of customers using the rear garden. Glington Parish Council state within their objection that the proposed 78 seats would cause both noise and general nuisances. However, 56 of the seats proposed would not be fixed to the ground and would be moveable. These would not require planning permission under the provisions of the fall-back position detailed in Section 5 a). Additionally, a lot more seating, than that what is currently proposed, could be placed and create greater noise nuisances to surrounding neighbours under the 'fall-back position'. Furthermore, it is considered that the proposed layout of seating is acceptable and an improvement to the previous refused application. The exclusion of the pergola and sheds that were part of the recently refused planning application, would mean that customers would not be using the rear garden all year round, thus the proposal is limited to warmer seasonal use.

None of the proposed seating would be located any closer to No 1 Rectory Lane, but there would be more of it due to the extension of the existing patio area that is approximately 7 metres from the boundary of No 1 Rectory Lane. The Council's Pollution Control team have advised on the use of acoustic fencing to this enclosed area. Acoustic fencing would help to limit to the noise nuisances that would emanate from the seating areas to No 1 Rectory Lane, most of which do not require planning permission. Since then, the agent has agreed to the use of acoustic fencing to this enclosed area, with amended plans detailing this. To further reduce noise nuisances to No 1 Rectory Lane, it is recommended a planning condition be attached to make this area off-limits to the public, other than for staff to maintain the Rowan Trees and vegetation within this area. This would help to limit the impact of noise from the proposal to No 1 Rectory Lane, as well as any potential noise increases in the future from additional seating placed under the provisions of 'the fall-back position'.

The rear boundary treatment to No 3 Rectory Lane is a buff brick wall. Given the separation distance between this boundary and the proposal, it is considered that the solid brick wall would adequately protect from noise from the proposed works to the rear of the Blue Bell.

Information relating to the application site's current premise license restrictions has been provided by the Council's Licensing Team. The information submitted within the Design and Access Statement would not contradict any of the restrictions currently imposed on the Blue Bell through its premise license. Glington Parish Council state their wish that 22.30hrs limit should be imposed on all external activities to limit potential and existing noise nuisances. The Council's Pollution Control team advise that the use of the outdoor dining area should cease either before dusk or 21.00hrs, whichever is earlier.

Given the use of the outside space at present, the potential use forming the fall-back position, and the restrictions currently imposed as a result of the premise license and what the premise license currently allows, it is considered that the hours proposed by the Pollution Control team would be unreasonable. Accordingly, this would fail one of the six key tests which planning conditions must

meet and therefore Officers do not consider this could be applied.

Notwithstanding this, it is considered that the proposal could result in increased noise and general disturbance above and beyond the fall-back position, which could result in the need to restrict the hours of use of the rear outside space beyond the current premise license (this allows the outside space to be used to midnight Sunday to Wednesday and 00:30hrs from Thursday to Saturday). As it is not possible to take action under statutory noise nuisance powers in respect of noise arising from people talking, it is the role of the planning system to ensure this impact is fully considered. Accordingly, it is considered appropriate to restrict the hours of use of the outside space to 21:00hrs as this will protect the amenities of neighbouring occupants. However, Officers are aware of the implications that this restriction could have upon the viability of the Public House which is also a material consideration (in terms of the potential loss of a key community facility). As such, it is proposed to allow the proposed outside space to be used for a temporary period, to 30 November 2018, up to 23:00hrs. This would allow the owners/operators of the Public House time to demonstrate that the proposed outside space can be operated without causing unacceptable harm to surrounding neighbour amenity. After this date, if the applicant wished for the hours to be permanently extended, a further planning application would be required, which would be subject to public consultation.

The Council's Pollution Control team have advised not to impose planning conditions on recorded and live music that are on the current premise license. They advise that if statutory noise nuisances arise from the outdoor dining area, the PCC Licensing department have "more fluidity" to tackle any unacceptable noise nuisances with the Council's Pollution Control team than through the Planning regime. Additionally, the Council's Pollution Control team state that including planning conditions based on the current premise license restrictions would result in a conflict between the Planning and Licensing enforcement routes. Such statutory nuisances could be dealt with under the Environmental Protection Act 1990 and through PCC Licensing's Enforcement procedures. Should a formal complaint on statutory nuisances be received by PCC Licensing, the applicant would need to demonstrate compliance with relevant codes of practice. This includes the 'Institute of Acoustic Control from Noise from Pubs and Clubs' and 'Noise Council Control of Noise from Concerts, along with any relevant case law relating to Statutory Nuisance.

The Pollution Control team state that there could be still be an impact on nearby residents, even with the measures proposed by the agent. However, the Local Planning Authority considers that the resulting impacts from the proposal's implementation, along with the mitigation methods proposed and what could occur under the 'fall-back position' would not exceed the requirements of Paragraph 123 of the National Planning Policy Framework.

In light of the above measures to protect the amenity of surrounding neighbours, it is considered that this would be to an acceptable standard, providing that the conditions are complied with. The proposal is considered to accord with Paragraph 123 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

d) Impact to trees.

The Council's Tree Officer has raised no objections. A recent s211 notice (notice of intention to carry out works to trees in a conservation area) to enable works to be carried out to trees on site has recently been approved under 17/01260/CTR. The large willow tree was excluded from the s211 notice due to its relationship and proximity with the works proposed under this planning application.

A large willow tree is located in the pub garden, abutting the existing hard surfacing, is identified for removal. The tree has reasonable public amenity (it can be seen from High Street) although structurally its life is limited due to a former large diameter stem failure resulting in a wound that undoubtedly will become a location of decay. On balance, the Council's Tree Officer raises no objection to the removal of this tree, regardless of the outcome of the planning application, given

that it has defects and is not worthy of a Tree Preservation Order.

Planting is proposed in the small, rear garden area to create a screen from the neighbours of No 1 Rectory Lane. Rowan Trees are proposed and there is no objection to this, given that they would not be overly prominent and that they wouldn't cause unacceptable levels of shadowing to No 1 Rectory Lane. The Council's Tree Officer has no objections for further screening within the enclosed area.

Whilst the Tree Officer has no objection to the proposed development, he has requested conditions which require the submission of a site specific Method Statement and/or Tree Protection Plan in accordance with British Standards, along with the submission of a landscaping scheme. These are considered reasonable to ensure a satisfactory appearance of the site within the Glington Conservation Area, along with safeguarding the amenities of those that would be affected by on-site tree works.

Subject to conditions, it is considered that the proposal would not unacceptably impact upon the amenity of trees or vegetation on-site. The proposal is considered to accord with Policy PP16 of the Peterborough Planning Policies DPD (2012).

Other matters

1) Festoon Lighting – Such lighting does not fall under the meaning of 'development' under Section 55 of the Town and Country Planning Act 1990 (as amended) and therefore does not require planning permission.

2) Damage from balls – This is not a material planning consideration.

6 Conclusions

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

- The character and appearance of the Listed Building and its setting, as well as the surrounding Glington Conservation Area, would not be unacceptably impacted upon by the proposed development. The proposal is considered to accord with Sections 66(1) and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (amended), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012).

- The proposal would not unacceptably harm the amenity of surrounding neighbours, in accordance with Policy PP3 of the Peterborough Planning Policies DPD (2012).

- Trees to the application would not be unacceptably harmed by the proposed development, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012)

7 Recommendation

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

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

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

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

- Proposed Elevations (Drg No 2177-04 Rev D).
- Tree Positions Plan (Drg No 2177-08 Rev B).

- Proposed Layout Plan (Drg No 2177-02 Rev K).
- Tree Protection Plan (Drg No 2177-09 Rev B).
- Proposed Block Plan (Drg No 2177-06 Rev E)
- Existing Elevations (Drg No 2177-03 Rev A).
- Existing Block Plan (Drg No 2177-05 Rev B).
- External Details (Drg No 2177-07 Rev B).
- Existing Layout Plan (Drg No 2177-01 Rev B).
- Tree Protection Plan Statement Rev A (Dated 9th June 2017).
- Heritage Statement Rev A.
- Design and Access Statement Rev A (Dated 2nd June 2017).
- Visual Tree Assessment (Dated 7th April 2017).

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

- C 3 The materials to be used on the fixed structures (L-shaped seating, the screens and Jumbrella); hereby permitted, shall accord with the information shown on 'Proposed Elevations' (Drg No 2177-Rev C) and 'External Details' (Drg No 2177-07 Rev B).

Reason: For the Local Planning Authority to ensure a satisfactory external appearance within the setting of the Grade II Listed Building and within the Ginton Conservation Area

- C 4 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 *Trees in relation to design demolition and construction - Recommendations methodology* has been submitted to, and approved by, the Local Planning Authority that identifies (not exclusively) the following:

- Trees to be retained and those to be removed.
- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application site including accesses;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised.
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Prior to any works taking place, signs shall be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer. The protective fencing shall be retained until the works are complete.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP14 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because the details to be approved are required to be carried out at the on-set of any groundworks/building works to ensure that retained trees are protected.

- C 5 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the completion of development. The scheme shall include the following details:

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP14 of the Peterborough Planning Policies DPD (2012). The pre-commencement is required because the details to be approved are required to be carried out at the on-set of any groundworks/building works to ensure that retained trees are protected and local biodiversity is enhanced.

- C 6 For a temporary period up to the 30 November 2018, the development hereby permitted shall not be open for use by patrons of the Bluebell Public House or members of the public outside the hours of 09:00 and 23:00 on any day. Thereafter, the development hereby permitted shall not be open for use by patrons of the Bluebell Public House or members of the public outside the hours of 09:00 and 21:00 on any day.

Reason: To allow the extended hours to be tested to see whether issues that arise from the development hereby permitted would unacceptably harm the amenity of surrounding neighbours, in accordance with Policy PP3 of the Peterborough Planning Policies DPD (2012)

- C 7 Prior to the development's completion, the acoustic fencing; hereby permitted shall be constructed in accordance with details submitted on Drg No. 2177-04 Rev D "Proposed Elevations" and Drg No 2177-02 Rev K "Proposed Layout Plan".

Reason: In the interests of protecting the amenity of the occupiers of No 1 Rectory Lane from the impacts of noise from the proposal, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).