

Item No. 5.3

Planning and EP Committee

Application Ref: 19/00304/WCPP & 19/00305/WCLBC

Proposal: Variation of condition C4 (boundary treatment) of planning permission 18/01901/FUL
Variation of condition C2 (boundary treatment) of planning permission 18/01902/LBC

Site: 333 Thorpe Road, Peterborough, PE3 6LU,
Applicant: Mr Marco Cereste

Reason for Call In: **The Applicant is a Ward Councillor.**

Site visit: 12.12.2018

Case officer: Mr N Harding
Telephone No. 01733 453410
E-Mail: matt.thomson@peterborough.gov.uk

Recommendation: **Approve**

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

Site Description

The application site comprises a large detached outbuilding with walls constructed out of coursed rubble and a pantile roof, situated within the grounds of Longville Tower and Tower House, both of which are Grade 1 listed buildings. The ground floor of the outbuilding is mainly used as a billiards room with w/c and downstairs study / bedroom, and the first floor is used as a bedroom with a bathroom. The outbuilding is for all intents and purposes a self-contained annex serving Tower House.

The annex has two north facing dormer windows and a single south facing dormer window serving a first floor bedroom. The northern dormers are non-openable; there is no glazing and the external shutters are for decoration only. The southern dormer is fitted with obscure glazing. There is a south facing roof light and a window serving the first floor bathroom, which looks towards Tower House.

To the immediate south of the annex is an open air swimming pool also serving Tower House, with a large detached thatched cottage beyond (325 Thorpe Road). To the west and north is a detached two storey dwelling (335 Thorpe Road) and single storey dwelling (333 Thorpe Road). There is a linear garden that runs between these two properties. This linear piece of garden land has vehicle access onto Thorpe Road via a shared access and turning area with No's 335 and 337 Thorpe Road.

The application site is within the Longthorpe Conservation Area.

Pre-Amble

In February 2019 planning permission and listed building consent (LBC) were granted to subdivide the curtilage of the listed building and convert the detached annex to form a separate dwelling under App Ref: 18/01901/FUL and 18/01902/LBC.

As part of these permissions conditions were attached which required the erection of a stone

boundary wall between the outbuilding and the Grade 1 Tower House.

Proposal

Further to the granting of these permissions the Applicant seeks to vary the relevant conditions (Condition 4 and Condition 2 respectively) to use a timber fence rather than cropped limestone wall between the to-be-created dwelling and Grade 1 listed Tower House. The wording of the condition on both applications is as follows:

Condition:

Prior to the occupation of the dwelling hereby approved details of the boundary treatment separating the dwelling from Tower House shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the boundary wall shall be constructed out of cropped limestone.

Thereafter the boundary wall shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

At the time of writing this report both applications were out for public consultation, which ends on the 28th March 2019. Therefore should any comments be received these will be included within the Update Report.

2 Planning History

Reference	Proposal	Decision	Date
18/01902/LBC	Conversion of annex to separate dwelling.	Permitted	01/02/2019
09/00384/LBC	Formation of dormer windows in billiard block (renewal)	Permitted	14/09/2009
99/00149/LBC	Formation of dormer windows in billiard block	Permitted	12/07/1999
09/00762/FUL	Formation of dormer windows in billiard block	Permitted	14/09/2009
18/01901/FUL	Conversion of annex to separate dwelling	Permitted	01/02/2019

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 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 pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

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)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

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.

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 (Submission)

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. The plan has now been examined by the Inspector who has published a list of proposed modifications. These are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

LP16 - Urban Design and the Public Realm

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

LP19 - The Historic Environment

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

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

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

4 Consultations/Representations

PCC Conservation Officer (11.03.19)

Object - From a heritage consideration the proposed works are not supported; the proposed development would have an adverse impact on the setting and significance of the Grade 1 Listed Building.

Historic England (06.03.19)

No objection

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

At the time of writing this report both applications were out for public consultation, which ends on the 28th March 2019. Therefore should any comments be received these will be included within the Update Report.

5 Assessment of the planning issues

The Principle of Development

The application site is situated within the urban area of the City therefore the principle of creating a self-contained dwelling can be considered in principle, however the scheme is not supported for the following reasons:

Historic Significance – Design, Materials and Listed Building Consent

Historic England and the Council's Conservation Officer raised no objection to the proposed subdivision of the curtilage serving the Grade 1 listed Tower House, however the Council's Conservation Officer has raised an objection to the use of a timber fence as a boundary treatment.

The brief heritage statement submitted with this application states: *'given the context of this together with that of the gazebo and the swimming pool (albeit the latter is to be filled in under the proposal), it is considered that the requirement to construct a boundary wall from stone is excessive and that a wooden fence would not be harmful to the heritage asset'*.

It is deemed pertinent to state that the swimming pool and canopies / gazebo affixed to the Grade 1 Tower House currently in situ date from the 1980's and 90's, which are not considered sympathetic to the character appearance or setting of the listed building and would not be supported today. As such, they should not be considered as justification for other additions, divergent in both material and character to a heritage asset of the highest order.

The boundary to be secured as part of the parent permissions would run across the middle of the site and would be attached to a curtilage listed stone barn (the annex). In order to reduce any unacceptable adverse impact on the setting of the Grade 1 listed building as a result of subdividing its curtilage, it is considered appropriate and necessary to stipulate that the material for the hard boundary is consistent with the predominant material on site and of a sufficient visual quality, especially where it is attached to an existing listed stone building.

The use of a timber fence in lieu of a stone wall in a prominent location within the curtilage of the listed building would be less sympathetic to the listed building, however the boundaries are currently made up of a variety of materials in this part of the property, including brick and timber.

As such it is not considered the use of a timber fence in this location would harm the setting or significance of this Grade 1 listed building, and accords with Policies CS16 and CS17 of the

Peterborough Core Strategy DPD (2011), PP2 and PP17 of the Peterborough Policies DPD (2011), Paragraphs 195 and 196 of the NPPF (2019) and Section 66 of the 190 Planning (Listed Buildings and Conservation Areas) Act (1990)

6 Conclusions

The proposal to allow the use of timber instead of stone for the boundary treatment is acceptable 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 case officer recommends that Amendment to an existing Planning Permissions 19/00304/WCPP & 19/00305/WCLBC is **GRANTED** subject to the following conditions:

19/00304/WCPP - Variation of condition C4 (boundary treatment) of planning permission 18/01901/FUL:

- 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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), planning permission will be required for extensions, outbuildings, openings and dormer windows, porches, chimneys, flues or soil and vent pipes.

Reason: In order to protect the amenity of the area, neighbouring amenity and the setting of the adjacent Grade 1 listed building, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3 and PP17 of the Peterborough Policies DPD (2012).

- C 3 Prior to the occupation of development hereby approved space shall be laid out for 1 vehicle to park in accordance with drawing 1753 E005 (Proposed Site Plan). The parking area shall utilise a solid bound material and shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of the dwelling hereby approved.

Reason: To ensure the development is provided with satisfactory parking, in accordance with Policy PP13 of the Peterborough Policies DPD (2012).

- C 4 Prior to the first occupation of the dwelling hereby approved a timber fence shall be positioned between the application site and Tower House, and shall thereafter retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

- C 5 Prior to the occupation of the dwelling hereby approved the swimming pool shall be infilled in accordance with Drawing 1753 E005 (Proposed Site Plan), and shall thereafter be retained for the purposes of garden / patio serving the dwelling.

Reason: In the interest of providing a satisfactory garden to serve the dwelling in accordance with Policy PP4 of the Peterborough Policies DPD (2012).

- C 6 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 7 The development hereby approved shall be carried out in accordance with the following approved plans:

- o 1753 E001A - Location Plan
- o 1753 E002 - Existing Site Plan
- o 1753 E003 - Existing and Proposed Elevations
- o 1753 E004 - Existing and Proposed Plans
- o 1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

19/00305/WCLBC - Variation of condition C2 (boundary treatment) of planning permission 18/01902/LBC:

- C 1 Works to which this consent relates shall be begun no later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C 2 Prior to the first occupation of the dwelling hereby approved a timber fence shall be positioned between the application site and Tower House, and shall thereafter retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

- C 3 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C 4 The development hereby approved shall be carried out in accordance with the following approved plans:

- 1753 E001A - Location Plan
- 1753 E002 - Existing Site Plan
- 1753 E003 - Existing and Proposed Elevations
- 1753 E004 - Existing and Proposed Plans
- 1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

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