

Item No. 3**Planning and EP Committee 18 February 2020**

Application Ref: 19/01870/OUT

Proposal: Outline application for proposed bungalow with all matters reserved

Site: 2 Moggswell Lane, Orton Longueville, Peterborough, PE2 7DS

Applicant: Mrs Deidre Hardy

Agent: Mr John Hartley
J J & J Hartley

Referred by: Councillor Walsh

Reason: It is considered that a bungalow can be accommodated on the site without an adverse effect upon the local community

Site visit: 29.01.2020

Case officer: Mr Jack Gandy

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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 a portion of the plot that serves No. 2 Moggswell Lane, which comprises a two storey detached property served with a large rear garden and on-site parking provision. The rear gardens of semi-detached dwellings, served by Mary Armyne Road, abut to the north boundary of the application site within this predominantly residential area.

Proposal

Outline planning permission is sought for a detached bungalow with all matters reserved (access, appearance, landscaping, layout and scale).

A site plan has been submitted with the application however this is indicative only and should not be used in the detailed consideration of this proposal.

Background

Outline planning permission (with siting secured and all other matters reserved) for a single storey dwelling was granted planning permission on appeal (appeal reference: APP/J0540/A/1170969) in June 2005. This planning permission was never implemented and has since expired.

Prior to the submission of the current application, an identical outline planning application for a bungalow was submitted for consideration under planning application reference 19/01625/OUT. This application was subsequently withdrawn following advice from Officers that the proposal was unacceptable and was to be refused under delegated powers.

2 Planning History

Reference	Proposal	Decision	Date
19/01625/OUT	Outline application for proposed bungalow with all matters reserved	Withdrawn by Applicant	10/12/2019
04/00888/OUT	Erection of dwelling and two garages (one to serve existing dwelling including demolition of existing garage)	Refused (Appeal Allowed)	21/06/2005

3 Planning Policy

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

Peterborough Local Plan 2016 to 2036

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

Dwellings with Higher Access Standards - Housing should be adaptable to meet the changing needs of people over time. All dwellings should meet Building Regulations Part M4(2), unless there are exceptional design reasons for not being able to do so (for example, listed building constraints or site specific factors such as vulnerability to flooding or site topography).

LP13 - Transport

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

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

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

LP16 - Urban Design and the Public Realm

Development proposals should 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) 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) Amenity of Future Occupiers - Proposals for new residential development should be

designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

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

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

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

LP28 - Biodiversity and Geological Conservation

Part 2: Habitats and Geodiversity in Development

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

Part 3: Mitigation of Potential Adverse Impacts of Development

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

LP29 - Trees and Woodland

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

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

LP32 – Flood and Water Management

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

4 Consultations/Representations

PCC Archaeological Officer (06.01.20)

No objections: The proposed development site is located in an area of known archaeological interest, with particular reference to the prehistoric and Roman periods, as indicated by archaeological work in the surrounding area. If present, potential buried remains are expected to survive in reasonably good conditions of preservation, as the site has witnessed limited development. Given the small scale of the proposal, an archaeological watching brief of all groundwork should be secured by condition.

PCC Pollution Team (03.01.20)

No objections: The property is not on land identified as potentially contaminated and the location is unlikely to be affected by excessive noise.

PCC Peterborough Highways Services (31.01.20)

Objection: The Local Highway Authority object to the proposal for the following reason:

The existing access to the site is inadequate and below the standard required by reason of inadequate vehicle-to-pedestrian visibility splays and insufficient width for 2 vehicles to pass. As a

result, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway. This is contrary to Policy LP13 of the Peterborough Local Plan (2019).

The proposed access is substandard in terms of dimensions and visibility. The access would be a shared access for the host and proposed dwelling and therefore should have a minimum width of 5.5 metres for a distance of 10 metres from the edge of the carriageway and 5 metres thereafter, to allow for the safe access and egress of vehicles and pedestrians into and out of the site.

The current access width scales at just under 3m and would not permit 2 vehicles to access/egress the site simultaneously. This would result in vehicles being forced to wait on the public highway whilst another vehicle exits the site.

Pedestrian visibility splays (measuring 2m x 2m) are also required on both sides of the access. Pedestrians walking along the street should not be hidden from the view of drivers existing the driveway. The absence of splays on both sides of the access would result in motorists being unable to see pedestrians crossing the access.

PCC Peterborough Highways Services (updated comments) (09.02.20)

Objection: This is an outline planning application with all matters reserved therefore the plans submitted are for indicative purposes only.

Notwithstanding the above as the proposals shall result in an additional dwelling occupying the site a shared access shall be required. The required access width shall be 5.5m for the first 10m into the site to allow 2 vehicles and pedestrians to safely access and egress the site. Vehicle to pedestrian splays measuring 2m x 2m are also required on both sides of the access.

Vehicle to vehicle visibility splays measuring 2.4m x 43m in both directions of the new shared access are also required. Both vehicle to vehicle visibility splays, to the north and south of the site access, shall encroach onto third party land and cannot therefore be maintained free in perpetuity of any obstruction above 600mm in height. This is not acceptable.

It is possible that the 'Y' distance of 43m may be reduced if it could be demonstrated that vehicles travel along Moggswell Road at a lower speed however it is very unlikely that adequate vehicle to vehicle splays can be provided from the site access without crossing/encroaching onto third party land.

In view of the above it is the view of the LHA that a safe and acceptable shared access arrangement cannot be achieved from the site and would therefore recommend refusal for the proposals for the following reason;

In addition, the proposed development does not provide adequate space within the red line boundary area to provide the required 2.4m x 43m vehicle to vehicle visibility splays on both sides of the access which is a detriment to the safety of vehicles on the adjoining public highway

PCC Waste Management (23.12.19)

No objections.

PCC Wildlife Officer (30.01.20)

No objections: The Wildlife Officer raises the following matters:

- For the loss of trees, which may support nesting birds, the Wildlife Officer recommends a standard bird nesting Informative if the proposal is approved. To mitigate for the loss of potential nesting habitat, it is suggested that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow and Starling. Full details regarding numbers, designs and locations should be provided by the applicant which could be secured via a planning condition.

- It is recommended that the existing trees are retained along the northern site boundary where possible. With regard to any additional planting, it is recommended a range of native tree and shrub species are used, which full details could be secured via through a planning conditions.

PCC Tree Officer (14.01.20)

No objections: The Tree Officer has no further comments given that all matters are reserved, but writes to confirm that there are existing trees on site which are protected. There are two Oak trees within the front garden are protected by a Tree Preservation Order (TPO).

There is no objection to this proposal, subject to Conditions 6 and 7 of the Appeal Decision being repeated to ensure the existing trees on the site are protected and suitable and appropriate new tree planting and landscaping secured as a part of any future full application to develop the site. Condition 6 also alludes to the submission of an arboricultural impact assessment.

A condition is required such that the position of the Heras Fencing (Tree Protection Fencing) is altered to enclose the entire Root Protection Area (RPA) of the two protected Oak trees within the garden area to the north of the existing Drive.

PCC Conservation Officer (17.01.20)

No objections: It is noted that the existing application is, for conservation purposes, the same as the previous withdrawn 19/01625/OUT application.

The proposed new dwelling is set behind the existing No. 2 Moggswell Lane, further away from the conservation area. As such the principle concern is regarding the retention of the positive character of the boundary treatment on to Moggswell Lane.

At this stage the proposal is for the principle of development, which is not considered to be materially impactful to the setting of the conservation area. This is due to its set back position which not be appreciated in direct connection with the conservation area.

It should be noted that within the subsequent application, it will be expected that attention be paid to ensuring that the insertion of the new dwelling does not detrimentally impact upon the positive boundary treatment on to Moggswell Lane.

It is considered that if there is an impact on the heritage significance of the conservation area then this may be of a minor degree, not of a scale that would materially affect its heritage significance.

It is considered that the work will preserve the character and appearance of the Orton Longueville Conservation Area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is in accordance with the Peterborough Local Plan (2019), and the National Planning Policy Framework (Heritage considerations).

Orton Longueville Parish Council (03.01.20)

No objections: Orton Longueville Parish Council has no material observations to make on this application.

Local Residents/Interested Parties

Initial consultations: 15

Total number of responses: 8 (including the Parish Council)

Total number of objections: 7

Total number in support: 0

Eight letters of representation have been received. Seven letters object to the proposal and one letter has a neutral stance. The following matters are raised:

- This proposal will result in a bungalow been built directly behind neighbouring properties. The mature trees provide residents a high level of privacy, character and a haven for various wildlife. The felling of trees would be detrimental to wildlife that use and live with them.
- The removal of the trees would also have a detrimental impact on the village itself and the views and character would be detrimentally changed.
- The building would not be in the keeping with the village.
- Constant disruption at the back of our property during building works.
- The proximity of the proposed building to the boundary of No. 7 Mary Armyne Road will impact the levels of natural sunlight enjoyed in the home and garden.
- The building will also reduce the privacy of the back garden and will significantly impact the outlook from the rear rooms of Mary Armyne properties.
- The current view is pleasant with several trees. If the development is approved, these trees will be removed and replaced with a much more unsightly building.
- The proposed plan will make the area feel overcrowded and reduce the overall character of our property and those of our neighbours.
- The Village is made up of green spaces and houses that are not tightly packed together or overlooking one another. If an additional building, especially one of this size, is built in a home owners garden this would fundamentally change the overall feel of the area and landscape.
- Increased noise pollution to the rear of the property with vehicles accessing and parking very close to the garden.
- The driveway of the new property and garages would be directly opposite the rear of my property and there is potential for car noise to disturb the amenity value of my garden.
- Concerns about the change in the character of the area and loss of green space.
- The reduction in grass area and soil could increase surface run-off in the area during times of heavy rain and could pose the threat of surface flooding in the surrounding areas and houses. The removal of the two large trees would reduce ground infiltration capacity.
- This property is being squeezed into a plot that is not suitable for its size and pays little consideration to existing neighbouring properties.
- Building work would cause excessive noise impacts to all neighbours.
- The highway The Village is already very busy with traffic. Additional lorries, various building vehicles and their equipment would cause distress to surrounding residents.
- Property devaluation.
- The proposed dwelling would dominate the view from the rear of Nos 7, 8 and 9 Mary Armyne Road from both the first floor windows and from the ground floor and within the garden.
- The proposed dwelling would be overlooked by Nos 7, 8 and 9 Mary Armyne Road.
- The trees between No. 2 Moggswell Lane and Mary Armyne Road properties currently provide privacy between No. 2 Moggswell Lane and Mary Armyne Road properties. They have a sense of scale that offsets the relatively small size of our garden and form a prominent part of the view for residents along the southern side of Mary Armyne Road, giving them significant public amenity value.
- There seems to be insufficient space to reasonably accommodate the proposed dwelling which is situated extremely close to the boundary fence.
- Construction of the dwelling would fundamentally change the character of the area to the rear of our property, and those of our neighbours, replacing green space with development. This would have a direct impact on the value and appeal of our property.
- There is no objection to the proposed development subject to a condition being applied that no extension (under permitted development) would have north-facing windows that overlook properties.
- The location plan does not show the extension to No. 10 Mary Armyne Road, which contains a principal living space. Any such rooflight or window would impact upon their privacy.
- The proposed bungalow appears to be overly large given the width of the plot.
- It appears to be unreasonably close to the boundaries of Nos. 6, 7, 8 and 9 Mary Armyne Road, especially given the fact that those properties have small rear gardens.
- The proposed property will dominate the view of the occupants, even though it is a single storey building. From their upstairs room, they will now see little more than a vast roof. It is both too much and too close, out of keeping with nearby properties and unsympathetic to the overall aspect of the area.

Councillor Walsh has expressed her support for the proposal on the basis that she considers that a bungalow can be accommodated on the site in question without an adverse impact upon the local community. She has advised that Councillor Skibsted concurs with this view albeit no formal comments have been submitted by Councillor Skibsted directly.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area, including designated heritage assets
- Highway safety and parking provision
- Neighbour amenity
- Lifetime homes
- Trees
- Ecology
- Archaeology

a) Principle of development

The application site is located within the identified urban area and settlement boundary of Peterborough. The proposal constitutes backland development and there are no national or local planning policies that specifically preclude such development. However, for the detailed reasons set out below and notwithstanding the previous appeal decision, it is not considered that the site is capable of accommodating a further dwelling and therefore the principle of development is not acceptable.

For the avoidance of doubt, whilst the earlier appeal decision is noted, the planning policy context has been fundamentally altered in the intervening 14 years through the replacement of Planning Policy Guidance/Statements with the National Planning Policy Framework and 2no. revisions to the Peterborough Local Plan. As such, whilst the appeal decision is a material consideration, officers advise that only very limited weight should be attached to it. Notwithstanding this position, a copy of the appeal decision is attached to this report for information.

b) Design and impact to the character and appearance of the site and the surrounding area, including designated heritage assets

The application site is not within, but adjacent, to the Orton Longueville Conservation Area (CA), which is located to the east of the application site. In addition to this, there are a number of Listed Buildings which surround the application site. Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) require that special regard be paid to ensuring that development preserves or enhances the character, appearance and fabric of Listed Buildings, and the character and appearance of Conservation Areas. This is further emphasised within the National Planning Policy Framework (2019) which requires that significant weight be placed upon the need to preserve heritage assets.

Moggswell Lane is comprised predominantly of detached dwellings situated upon large plots. The principal elevations of dwellings are predominantly street-facing and are set back to allow for both front gardens and off-street parking provision. To the north of the application site is the cul-de-sac Mary Armyne Close, where dwellings vary in form and include two storey detached, semi-detached and bungalows, situated within smaller plots.

Officers consider that any dwelling situated within the curtilage of No. 2 Moggswell Lane would effectively subdivide the plot into two smaller plots which would not reflect the development pattern and layout character of Moggswell Lane. The proposal would also not be keeping with the layout patterns to either Mary Armyne Road given the plots form, shape and orientation.

Furthermore, as many of the dwellings to Moggswell Lane have principal elevations which face to the public highway, it is considered that the curtilage of Green View, along with the limited space adjacent to the north-facing side elevation of No. 2 Moggswell Lane, would not allow an acceptable street-facing elevation to be produced. The proposal would therefore be contrary to the character of this area.

Officers recognise the appeal that has granted previously for outline consent for one dwelling. However, the development allowed, over 14 years ago, is no longer extant and was permitted under now superseded local planning policies. The adopted Policy LP16 is clear in stating that "*development proposals will be required to demonstrate to a degree proportionate to the proposal, that they:*

- a) *Respect the context of the site and surrounding area and respond appropriately to:*
 - *the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments; and*
- b) *Make effective and efficient use of land and buildings, through the arrangement of development plots and the design, layout and orientation of buildings on site."*

The development proposed is not considered to appropriately respect the layout pattern of dwellings within this area and the limited opportunity to achieve a street facing frontage is not considered to be in keeping with the properties to Moggswell Lane. Officers do not consider that any dwelling could be sited in a manner that is appropriate to the layout of the surrounding area.

Finally, the front of site is adjacent to, but not within the Orton Longueville Conservation Area. The City Council's Conservation Officer has advised that, in their view, the proposal would not materially impact upon the character of the CA or the setting of surrounding Listed Buildings. Officers do not disagree with this view.

Notwithstanding the heritage impact, in light of the above, the proposal would result in unacceptable harm to the character of the surrounding area and is not considered to accord with Policy LP16 of the Peterborough Local Plan (2019).

c) Highway safety and parking provision

Whilst all matters are reserved at this time, including access, the red line boundary of the application site is such that access to the proposed dwelling would have to be shared with that of the host dwelling.

The Local Highway Authority (LHA) initially advised that the existing access onto Moggswell Lane measures less than 5 metres in width and therefore, two vehicles would not be able to enter/exit the site simultaneously, resulting in vehicles wanting to enter the site waiting on the highway when another leaves. This therefore would pose an unacceptable highway safety danger particularly as Moggswell Lane is not a cul-de-sac but instead provides access for a number of other dwellings within the locality.

However, as detailed above, the matter of access is reserved at this time and therefore the Local Planning Authority can only consider whether the site is capable of accommodating safe access. Accordingly, the LHA has revised their comments on this basis. They do still maintain an objection however.

Given the width of the site frontage (including the land edged in blue which is within the ownership and therefore control of the Applicant), the LHA considers that there is sufficient space to accommodate a 5.5 metre wide access with the required 2 metre x 2 metre vehicle-to-pedestrian visibility splays. However, there does not appear to be sufficient space to accommodate the necessary 2.4 metre x 25 metre vehicle-to-vehicle visibility splays to the southern side of the access. This, in their view, poses an unacceptable highway safety danger for which the proposal

should be resisted.

Whilst the position of the LHA is noted, Officers do not consider that this matter is one that could reasonably be sustained at appeal. Almost in line with the southern boundary of the application site, Moggswell Lane becomes a private unadopted road of relatively narrow width. Therefore, any vehicles travelling along it would be driving at low speeds and therefore, users of any widened shared access to the application site would have clear visibility of oncoming vehicles. Officers do not consider that the danger posed is therefore significant, and any reason for refusal on this basis would unlikely be sustained at appeal.

In terms of parking provision, this would be a matter for consideration at reserved matters stage kin the event that outline permission were granted. However it is considered that there is adequate space within the site to accommodate parking for both dwellings which meets with the Council's minimum adopted parking standards.

d) Neighbour amenity

The application site is adjacent to the rear boundaries of properties serving Mary Armyne Road to the north, as well as No. 4 Moggswell Lane to the south and Green View to the east.

Whilst the submitted layout drawing is indicative only, the shape of the application site, along with the previous appeal decision, indicates the likelihood that any dwelling to be proposed on site would be in close proximity to the northern boundary. The appeal decision states that a bungalow would be visible from the properties on Mary Armyne Road, but it would not be overbearing or visually intrusive and nor would it cause unacceptable noise disturbances.

In terms of noise, the City Council's Pollution Control Officer has advised that a single additional dwelling is unlikely to generate excessive noise and therefore, no undue harm would result to neighbour amenity in this regard.

However, Officers do disagree with the position of the Inspector and consider that adverse overbearing impacts would result to neighbours if a dwelling (even only single storey in height) was sited anywhere within the application site. If sited as per the indicative plans, the proposed bungalow would be readily visible from the rear gardens and primary habitable rooms of Nos. 7, 8 and 9 Moggswell Lane. The proposed roof would appear prominent across the rear garden, especially to No. 8 Moggswell Lane, given that the dwelling would be wider than the wider of this neighbouring plot.

Any dwelling sited further southwards, to avoid the aforementioned amenity issues, would result in similar neighbour amenity issues to the host dwelling, No. 2 Moggswell Lane. A single storey dwelling would appear prominent across any part of the remaining garden serving this host dwelling, and would gain views into the proposed dwelling, to the detriment of privacy of occupiers. As such, Officers do not consider the principle of any dwelling (even as a bungalow proposed) could be accommodated within the site without unacceptable harm to surrounding neighbours.

In light of the above, the proposal is adversely harmful to the amenity of surrounding neighbours and it is contrary to Policy LP17 (Part A) of the Peterborough Local Plan (2019).

e) Lifetime Homes and water efficiency

Policy LP8 of the Peterborough Local Plan (2019) requires that all new dwellings comply with Part M4(2) of the Building Regulations. As all matters relating to the proposal are reserved at this time, there is no requirement for the Applicant to demonstrate compliance at outline stage. However, a condition would need to be imposed that required any future reserved matters submission demonstrate compliance.

Similarly, Policy LP32 requires that all new dwellings ensure a limit of 110 litres per person per day

of water usage is achieved. This could again be imposed by way of a condition.

f) Trees

There are two oak trees to the front garden of No. 2 Moggswell Lane that are protected by a TPO (Tree Preservation Order). The indicative site layout drawing submitted, indicates that it is proposed to erect heras fencing to protect these trees during development.

The City Council's Tree Officer has raised no objection to the proposed development subject to a scheme being submitted to retain and protect trees, shrubs and hedges across the site (Condition 6 of the previous allowed appeal) as well as scheme for the replanting of trees (Condition 7). The former would require the submission of an Arboricultural Impact Assessment (AIA), method statement and tree protection plan. In addition, it is advised that the area enclosed by heras fencing is increased to cover the entire root protection area. Both are considered reasonable and necessary to secure by condition to be submitted alongside a future reserved matters application if outline permission is granted.

With regards to the other trees across the site, notably those trees adjacent to the boundary abutting to the rear gardens of properties along Mary Armyne Road, these do not have any planning protections. Therefore, whilst these trees may be enjoyed by local residents, the landowners of where the trees grow can remove these trees without consent. However, if a scheme comes forward to protect these trees under a reserved matters application, protection measures during construction can be applied, but it is not considered necessary or reasonable to secure this now given that this proposal is for outline consent only.

In terms of accommodating a widened access, this may result in incursion within the RPA of the protected trees within the site frontage. However no dig construction methods could be utilised to ensure no undue harm results, and this could be dealt with through the submission of an AIA as set out above.

In light of the above, the proposal is considered in principle to accord with Policy LP29 of the Peterborough Local Plan (2019).

g) Ecology

The City Council's Wildlife Officer has raised no objections to the proposed development. The Officer advises that the removal of any of the unprotected trees adjacent to the north boundary of the site should be replaced with native tree and shrub species to ensure no net loss in biodiversity results, and such a matter could be secured by condition.

In addition, to ensure that there is no new loss in bird nesting habitat from any trees removed on site, it is considered reasonable to secure details for appropriate nesting boxes, including design, location and quantity. This matter can also be secured through a planning condition.

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

h) Archaeology

The City Council's Archaeologist has advised that the application site is within a known area of archaeological significance given previous archaeological work within the surrounding area. As the area upon which the proposed dwelling would be sited has had limited development upon it (other than works directly to the dwellinghouse of No. 2 Moggswell Road), it is likely that any buried remains would be in reasonably good condition. The Archaeologist therefore suggests a written scheme of investigation (watching brief) to be secured under a reserved matters application, which given previous finds within the surrounding area, this is considered to be reasonable to secure under a planning condition.

On the basis of the above, the proposal is considered to be in accordance with Policy LP19 of the Peterborough Local Plan (2019).

i) Other matters

In relation to those neighbour objections received and not discussed above:

- *Comments relating to the proposed bungalow's design:* The plans are indicative and therefore they should not be used in the detailed consideration of this proposal. The final design of the dwelling would be subject to further consideration at reserved matters stage, in the event that outline permission was granted.
- *Loss of view:* This is not a material planning consideration and therefore cannot be afforded any weight when determining a proposal.
- *Removal of permitted development for windows:* Such rights can be removed at outline or reserved matters stage if considered appropriate. However, given that the detailed design of the dwelling is a reserved matter, any such condition at this time would not be necessary and therefore could not be imposed.
- *Removal of trees:* At the time of writing, the trees that abut to the rear boundaries of Mary Armyne Road properties are not protected and therefore can be felled without planning permission. Officers however are aware that there is ongoing consideration by the Tree Officer whether to designate further tree protection orders on site.
- *Noise:* Works relating to development will produce noise. It would be up to the City Council's Pollution Control Team to determine whether noise levels during development reach excessive levels and what actions must be taken. This is outside the remit of the planning system.
- *Property devaluation:* This is not a material planning consideration and therefore cannot be afforded any weight when determining a proposal.

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** for the following reasons:

- R 1 The proposed subdivision of the plot serving No. 2 Moggswell Lane to enable the construction of 1no. detached bungalow, would unacceptably impact upon the layout character of the surrounding area. The character to Moggswell Road consists of detached, street-facing properties situated upon large plots of land. No dwelling could be acceptably sited within the application site without appearing cramped and contrived between No. 2 Moggswell Lane, Green View and the dwellings to the north that are served by Mary Armyne Road. Accordingly, the proposal is contrary to Policy LP16 of the Peterborough Local Plan (2019).
- R 2 Notwithstanding that layout, appearance and scale are reserved matters, it is considered that the siting of a bungalow would adversely impact upon the amenity of occupiers of Nos.

7, 8 and 9 Mary Armyne Road and No. 2 Moggswell Lane. Any siting of a dwelling within the application site would result in unacceptable overbearing impact to at least one or more of the surrounding residential properties and their adjacent residential gardens. This is unacceptable to the amenity of surrounding neighbours. Accordingly, the proposal is contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to Ward Councillors Casey, Skibsted and Walsh.