

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

10 MARCH AT 1:30PM

- 1 Procedure for Speaking
2. List of Persons Wishing to Speak
3. Briefing Update

UPDATE REPORT & ADDITIONAL INFORMATION

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.

MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Objectors.
2. Applicant or agent or supporters.

LIST OF PERSONS WISHING TO SPEAK

Agenda Item	Application	Name	Ward Councillor / Parish Councillor / Objector / Applicant
5.1	19/00307/FUL – Buffingham Kennels, Waterworks Lane, Glington	John Dadge Mr Iudavic Greenhow	Agent Applicant
5.2	19/01466/FUL – 23 Old North Road, Wansford,	Richard Clarke	Parish Councillor
5.3	19/01871/R3FUL – Ken Stimpson School, Werrington	Cllr John Fox/JudyFox/Lane Bryan Erwin David Barsby Tony Forster	Ward Councillor Applicant Objector Objector

BRIEFING UPDATE

P & EP Committee 10 March 2020

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	19/00307/FUL	Buffingham Kennels Waterworks Lane Glinton Peterborough , Proposed two-year temporary continuation of use of land and siting of mobile home in connection with, and use of, land, kennels and associated fencing as licenced establishment for breeding dogs

No Further Comments

2.	19/01466/FUL	23 Old North Road Wansford Peterborough PE8 6LB , Erection of 2 dwellings, garages and creation of associated access
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i) Revised Tree Officer comments (received 5th March 2020).

“As a starting point, please note my previous comments dated 9th January 2020 with regards to the plans showing the sections through the proposed site and the ground levels adjacent to the proposed houses/garages etc. The revised plans still do not show the very obvious ground level changes on the Plots especially when levels will be changing from 29m > 31.11m and 29.22m > 30.84m.

A retaining wall is shown in relation to the southern Plot and within the root protection area (RPA) of the TPO'd Tree of Heaven (ToH) but nowhere else on the site. What groundworks/engineering works are being implemented to deal with the above ground level changes in and around the rear boundary of the northern Plot, the drives and the RPA of the ToH in relation to the retaining wall shown for southern Plot?

The plans of the sections of the site do not attempt to show this obvious change and there are no levels shown on the proposed plans in relation to these areas of the development.

With regards to the revised AIA & AMS, within Section 8.3 Vehicular Access and sub-section 8.3.2, it states: 'Within the site, the driveway lies partially within the Root Protection Area (RPA) of Tree of Heaven tag 4724. Due to the change in levels, this is likely to involve some minor excavation but this can be controlled and minimised so it is unlikely to have a detrimental effect on the tree.' I do not agree with this statement at present, as it is clear that a fairly significant level change will have to be accommodated in this area of the site to facilitate the proposed plans and is likely to have a significant effect on the rooting activity in this area, as it is the only open, grassed area within the RPA of the ToH”.

Also, within Section 8.4 Layout and sub-section 8.4.7 it states: 'The retaining wall that is to be provided as part of the garage construction for the southern plot implicates a chord across the Root Protection Area of the Tree of Heaven which will result in an incursion of around 9% of the total RPA. The space to the west of the tree will provide adequate compensatory rooting area for the tree to grow into, should it need to make more root.' Again, I do not agree that 'the space to the west of the tree will provide adequate compensatory rooting area for the tree to grow into' given the nature of a tree's rooting habit and the fact that most of the area to the west is a gravel drive – this is not conducive to compensatory root activity in the circumstances, in my opinion. Therefore, it is recommended that the retaining wall and any ground level changes within the RPA of the ToH are avoided and that the retaining wall is moved east outside of the RPA, together with the drive access/gate ways moved outside of the RPA, from a line from the corner of the boundary south of the 'Beech 4731' past the peripheral edge of the RPA of the ToH, to the boundary.

With the above statement in mind, please request that this statement is amended as the retaining wall is not a 'part of the garage construction'?

As stated previously, I am concerned that the proposed changes in levels and construction within the RPA of the ToH will have a significant and long term detrimental effect on the tree and its future health and stability”.

Officer response: The Tree Officer has advised that there is insufficient information as to fully determine the proposal's impacts upon the Tree of Heaven (protected under a Tree Preservation Order). Proposed site level changes have not been stated. It is also not clear in terms of how the proposed land level changes would impact upon Plot 1 (north dwelling) without support of a retaining wall, given that a retaining wall appears to only be proposed to the rear boundary of Plot 2 (south dwelling) which is within the root protection area (RPA) of the Tree of Heaven. The level of excavation required is currently undefined.

In most circumstances, Planning Officers can impose conditions for details of proposed site levels. In this instance, however, given such details are required prior to the determination of the proposal to ensure no adverse harm comes to the Tree of Heaven, Officers cannot support the proposal.

Therefore, the Officer reason of refusal is updated as follows:

R 3: The proposal would unacceptably impact upon the amenity of trees on-site. This is specifically in relation to the Tree of Heaven, protected under a Tree Preservation Order and the development's impact to its root protection area, as well as the development's impact to unprotected trees and the harm that would be received. Accordingly, the proposal is contrary to Policy LP29 of the Peterborough Local Plan (2019).

ii) Letter from Applicant representative, Mr Machen. This letter was submitted on 5th April 2020 and is attached as Appendix 1 to this update report.

3.	19/01871/R3FUL	Ken Stimpson Community School Staniland Way Werrington Peterborough , Change of use of part of the existing school playing fields with current open access to the public, to enclosed school playing fields, with erection of 2.4m high fencing, with out of school hours public access
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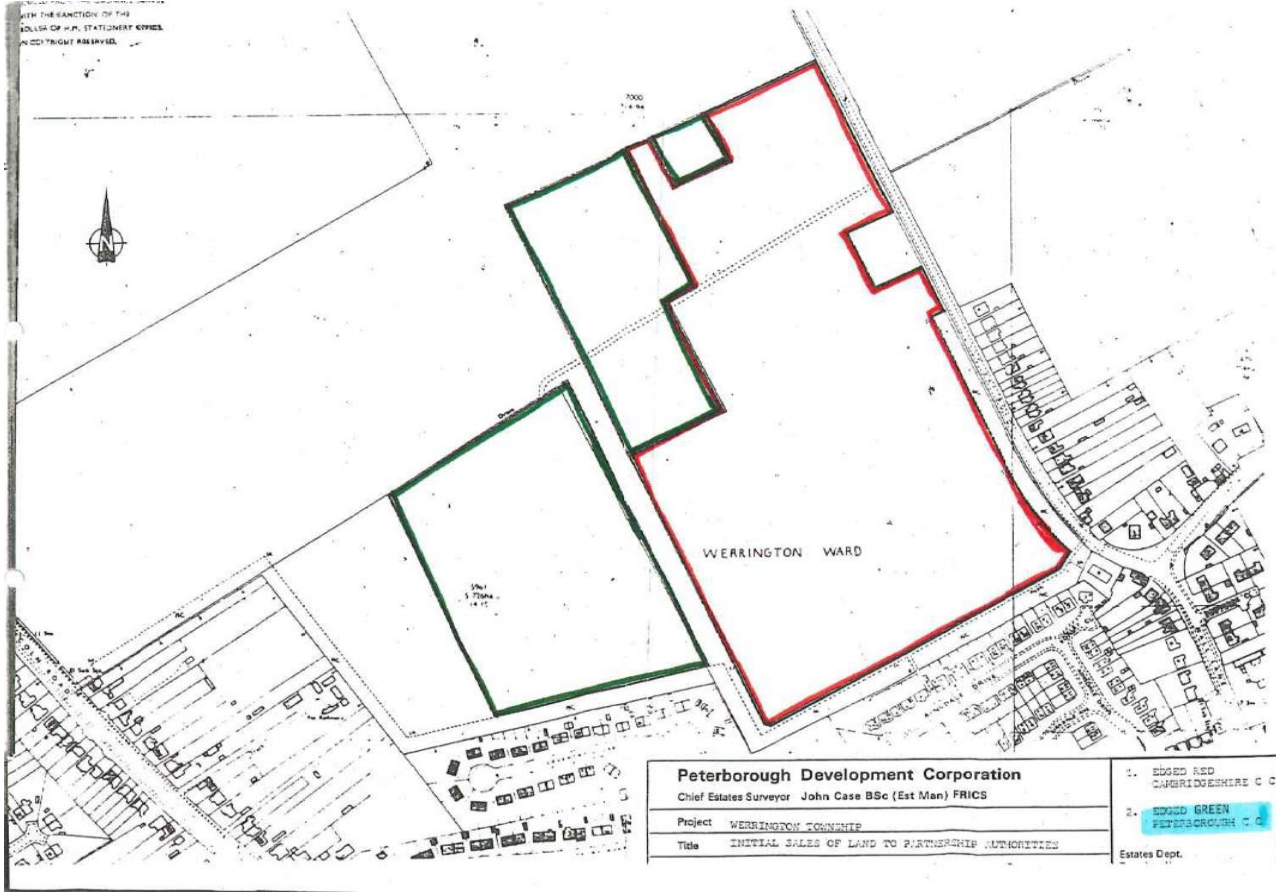
Further comment has been received from the Open Space Officer:

Further to previous email on this Application to confirm we object to the additional change of use of the existing Public Open Space (Playing Fields).

It is to be noted that the Application site forms the area that was dedicated upon development to PCC (before Unitary status) for Public use (primary) while allowing for School use of such (secondary) , please see plan attached highlighting such (Overleaf):

Furthermore regardless of the outcome of Planning's decision on the change of use the fencing in of PCC's POS will still require the permission of PCC's Client for the land (Open Spaces).

WITH THE SANCTION OF THE
COLLUSOR OF H.M. STATIONERY OFFICE.
NO COPYRIGHT ABSTRACT.



Peterborough Development Corporation

Chief Estates Surveyor John Case BSc (Est Man) FRICS

Project WERRINGTON COMMUNE

Title INITIAL SALES OF LAND TO PARTNERSHIP AUTHORITIES

1. EDGED RED
CAMBRIDGESHIRE C C

2. EDGED GREEN
PETERBOROUGH C C

Estates Dept.



Barmach Ltd
22 Charlotte Way
Peterborough
PE39ES

5 March 2020

Dear Mr Gandy

Planning application reference 19/01466/FUL
23 Old North Road, Wansford

I refer to the above planning application which is scheduled to be considered at the meeting of the Council's Committee on 10th March 2020. I represent the applicant and would be grateful if you could draw this letter to the attention of Committee members in full as part of your supplementary papers.

We note that the Wansford Parish Council do not object to the application and indicate that they do not agree with your Conservation Officer's comments, hence their request that the application be considered by Committee and not under officer delegated powers. We are disappointed that the application is recommended for refusal and would make the following points in respect of the report to Committee.

Third party representations

As set out above, Wansford Parish Council do not object to the application and the applicant has engaged proactively with local councillors taking into account their positive suggestions for the detailed design and layout of the scheme.

The report to Committee refers to two letters of objection from the public. One of these objections is from the owner of 19 Old North Road who is not resident at the property. That property has been subject to ongoing renovation for many years. The other objector lives in Thurgaton, Norwich and is not therefore a local resident. Both letters of objection were submitted in respect of the original submission. Amended plans, taking into account helpful comments from the Parish Council, were submitted in late November 2019 and no objections have been received from either of these two parties or from other local residents to the amended scheme.

Reasons for refusal

The report to Committee refers to 3 reasons for refusal which can be summarised as follows:

- Adverse impact on the character and appearance of the site, Wansford Conservation Area and 19 Old North Road, a Grade II Listed building.
- Adverse impact on the amenity of the occupiers of 23 Old North Road (the existing house on the application site which is the applicant's home)
- Potential impact on trees (the Committee report notes that this may be acceptable subject to the Council's tree officer considering further information which has been submitted)

It can therefore be assumed that the application is acceptable in terms of all other technical matters including highways, drainage and flood risk, and archaeology and that it has no adverse impact on other neighbours.

Impact on character and heritage assets

The application was supported by a detailed planning and heritage impact assessment and a detailed response to the Conservation Officers's concerns has also been submitted. It is of significance that the Parish Council do not agree with the Conservation Officer's comments.

In the Committee report the Conservation Officer states that *'It should be noted that the exclusion of a site from a conservation area does not by default mean the site does not have heritage significance'*. This is disingenuous. Peterborough has three categories of classification for heritage significance in terms of any particular area:

- A statutorily designated Conservation Area
- A Special Character area as defined in the Peterborough Local Plan 2019 (Wothorpe, Thorpe Road and Ashton)
- All other areas (i.e. where there is no special heritage significance)

The site is not within a Conservation Area or Special Character Area and therefore has no special heritage significance.

The Conservation Officer accepts that the setting of 19 Old North Road has been compromised by adjacent development (approved by the Council) at 17A Old North Road (figure 1 below) and 21 Old North Road (figure 2 below).

Figure 1 – 17A Old North Road

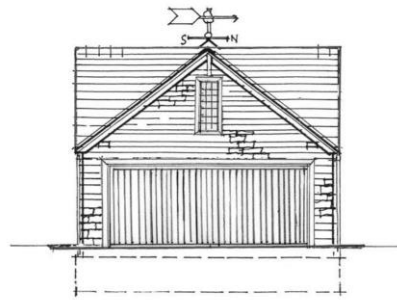


Figure 2 – 21 Old North Road

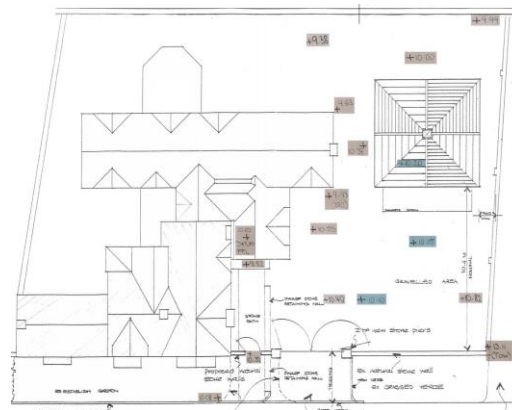


Furthermore, planning permission has recently been granted (16/02043/LBC) for a detached garage block at 19 Old North Road, as illustrated in Figure 3 below. This in itself compromises the setting of that Listed building. Clearly the property would not have had a garage block of such a modern design when built.

Figure 3 – Garage block recently approved at 19 Old North Road



EAST ELEVATION
Scale 1:100



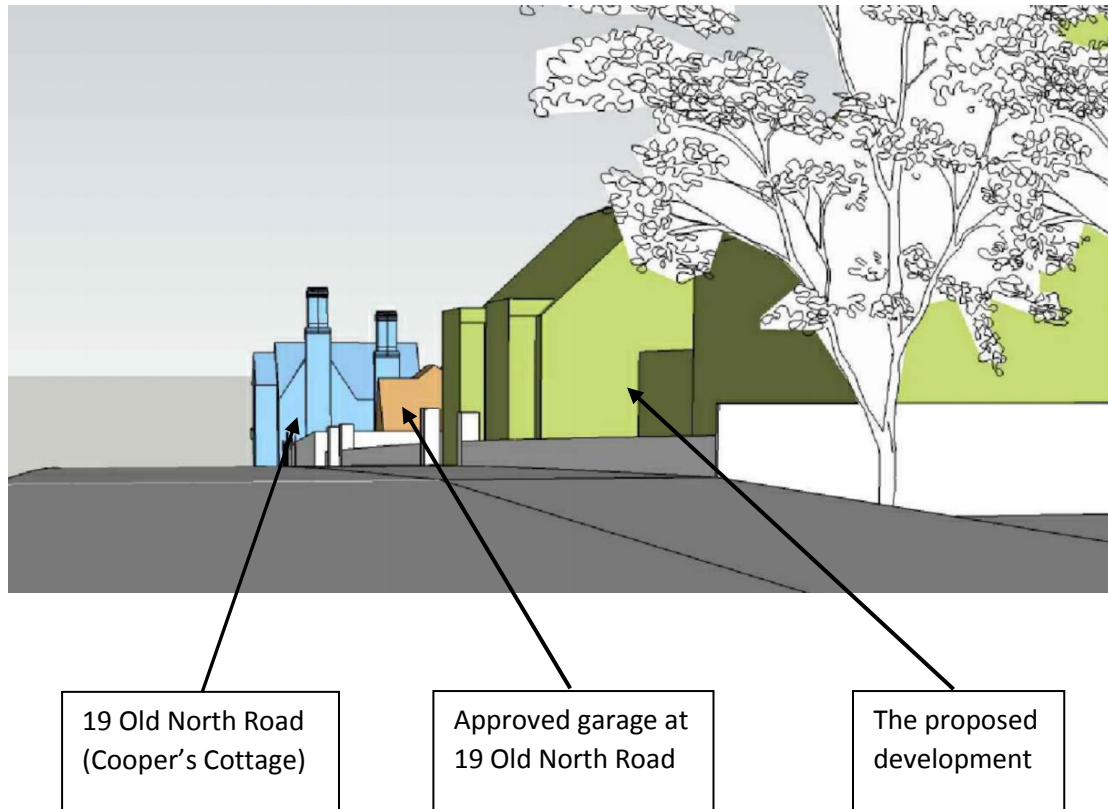
The Listed 19 Old North Road has also been subject to an inappropriate uPVC conservatory extension which has compromised its heritage value as illustrated in Figure 4 below.

Figure 4 – uPVC rear conservatory at 19 Old North Road



Contrary to the Conservation Officer's concerns, it is not considered that the proposed development will have any adverse impact on the setting of 19 Old North Road. There will be a significant distance retained between 19 Old North Road and the most northerly of the two proposed homes. The street view below (Figure 5) clearly demonstrates that when travelling south on Old North Road the property will remain dominant and visible in views. Views from the south would be unaffected.

Figure 5 – Indicative street scene view

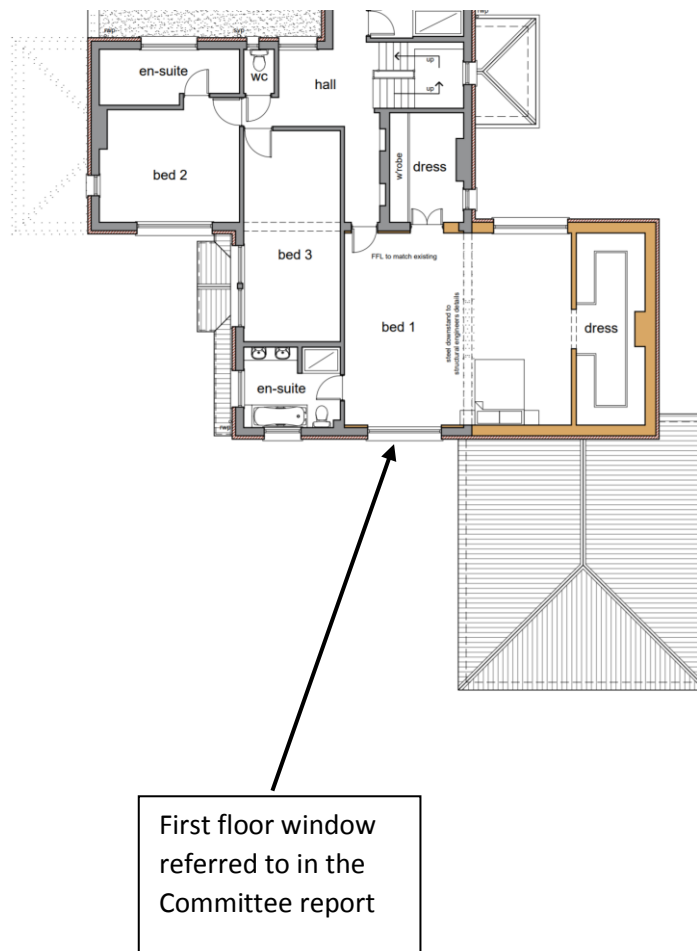


The proposed new houses incorporate traditional materials and design detailing and will make a positive contribution to the street scene, helping to counterbalance the low quality, bungalow development immediately opposite the site.

Impact on residential amenity

The report to Committee recommends refusal on grounds of adverse impact on the occupiers of 23 Old North Road and it can therefore be assumed that there is no such adverse impact on any other property. No 23 Old North Road is the applicant's home, not an unrelated dwelling and the applicant does not agree with this assessment. Reference is made to a permitted extension to 23 Old North Road (application reference 19/01470/HHFUL) which includes a garage block to the east elevation (closer to the road) and a two-storey rear extension. Specifically, concern is raised about potential overlooking from a first floor window of the approved extension as illustrated in Figure 6 below.

Figure 6 – Approved extension layout to 23 Old North Road



If considered necessary, the applicant is willing to enter into a Section 106 legal agreement to amend this planning consent to remove the first floor window as it can reasonably be replaced by rooflights.

Potential impact on trees

As indicated in the Committee report, further information has been submitted that there will be no adverse impact on protected trees subject to confirmation by the Council's Tree Officer.

Conclusion

It has been demonstrated through the submission of amendments to the scheme and supporting information that there will be no harm to heritage and ecology assets, to the amenity of neighbours and that the proposal is acceptable in technical terms. It will also contribute to the sustainability of Wansford through sensitive infill development that will help to support local facilities and businesses.

Yours faithfully

Simon Machen

Simon Machen MRTPI

Barmach Ltd

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