

Telephone: 01733 453410 (9am - 1pm Mon, Wed, Fri)
Email: planningcontrol@peterborough.gov.uk
Case Officer: Miss Molly Hood
Our Ref: 22/00463/FUL
Your Ref: Newborough & Borough Fen Pari...



Planning Services
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Mr Paul Sharman
Sharman Architecture
Oak Barn
Willow Drove
Borough Fen
Peterborough
PE6 7QB

DX 12310 Peterborough 1
01733 747474

24 February 2023

Dear Mr Sharman

Application for Planning Permission

Proposal: Construction of a Skate Ramp
Site address: Open Space Fernie Close Newborough Peterborough
Your client: Ms Irene Healiss

Further in the above matter, please find enclosed our formal decision notice relating to your client's application for planning permission. Please be sure to remind your client that the scheme should be carried out in line with the approved plans. This will avoid the need for any enforcement action.

Making changes to the approved plans

In the event that you wish to change your proposal, please contact your case officer who will advise you on whether the change can be dealt with as a "non-material" or "material" amendment. In either case you will have to complete a form and provide fresh drawings.

Complying with the approved plans

We would like to draw your attention to 'precedent conditions':- these are conditions which require you to either do certain works or submit something for approval prior to starting any work. These conditions must be complied with. Please check your Decision Notice carefully and familiarise yourself with its requirements, allowing plenty of time for the conditions to be complied with before work commences. If these conditions are overlooked you may invalidate your consent, risk enforcement action being taken and may need to submit a further application.

In addition you should be aware that failing to build in accordance with the approved plans or properly discharging conditions often causes problems and delays if selling the property.

Complying with conditions

Please read the conditions attached to this permission carefully. Some conditions may require you to submit more information to us before you can start work.

If further information is required you will need to submit a separate application together with the required supporting documentation. The relevant application form (PF27) for discharge of conditions can be downloaded from our application One Stop Shop at www.peterborough.gov.uk/planningoss

Please ensure that the required details are submitted in duplicate and if you are applying to discharge more than one condition that the supporting information is clearly separated and referenced to each individual condition.

There is a fee required with an application to discharge planning conditions, however this is chargeable per application rather than per condition, please ensure that this is enclosed as part of your application. For further information please visit our application One Stop Shop or contact Planning Services on 01733 453410.

Appeals against conditions

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see <https://www.gov.uk/government/organisations/planning-inspectorate> for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

Your feedback on our service is welcomed

We are interested in finding out what you thought of our service and how we might make it better. To give us feedback please go to <http://consult.peterborough.gov.uk/portal/pscss>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Chapman', with a stylized flourish at the end.

Adrian Chapman

Executive Director: Place and Economy

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990

GRANTED

Reference	22/00463/FUL
Proposal	Construction of a Skate Ramp
At	Open Space Fernie Close Newborough Peterborough
Applicant	Ms Irene Healiss Newborough & Borough Fen Parish Council
Date valid	6 April 2022

Conditions

Permission is granted subject to the following conditions and reasons:

- 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 permitted shall only be carried out in accordance with the following approved plans:

- Location Plan dated 6th April 2022
- Skate Ramp Section NPC/04/A dated 6th April 2022
- 3D View of Ramp dated 6th April 2022
- Enlarged Plan to Skate Ramp Area NPC/03/B dated 26th April 2022
- Existing Location Plan & Site Plan NPC/02/B dated 4th July 2022

Reason: For the sake of clarity and proper planning.

- C 3 The materials of the skate ramp hereby approved, shall be in accordance with drawing Skate Ramp Section NPC/04/A dated 6th April 2022. The development shall be carried out in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 4 Prior to the commencement of development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- o Verification of the suitability of the infiltration of surface water. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- o Provide calculations that the proposed infiltration system to manage the worst case storm of 100year plus 40% climate change.
- o Provide detailed engineering drawings of each component of the drainage scheme.
- o Provide a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage system shall be implemented prior to the commencement of the use.

Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policy LP32 of the Peterborough Local Plan 2019. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- C 5 Prior to the commencement of use of the skate ramp a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy LP32 of the Peterborough Local Plan 2019.

- C 6 There shall be no external lighting illuminating the ramp unless planning permission has been first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity, character of the area and biodiversity, in accordance with Policies LP16, LP17 and LP28 of the Peterborough Local Plan (2019).

- C 7 (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised

vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019). This is a pre-commencement condition because the protective fencing must be in place and adequate prior to development commencing to ensure the trees are protected.

C 8 Prior to the commencement of use of the skate ramp a scheme for soft landscaping of the banked earth shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting
- Proposed planting plans including species, numbers, size and density

The soft landscaping shall be carried out within the first available planting season following completion of the development or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Development shall be carried out in accordance with the submitted details. Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity of the area in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

Statement of compliance

The proposal as submitted was not in accordance with local and national planning policy. The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Amendments were discussed and agreed with the applicant to bring the proposal into compliance with policy, and the application can therefore be approved in accordance with Paragraph 38 of the National Planning Policy Framework (2019).

Authorisation

Authorised by:

A handwritten signature in black ink, appearing to read 'A Chapman', written over a light grey rectangular background.

Adrian Chapman

Executive Director: Place and Economy

Date the decision was made: 24 February 2023

General Notes

- 1.1 Planning permission does not constitute approval under the Building Regulations or Bye-law approval relating to new streets and buildings.
- 1.2 It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.
- 1.3 The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application site and/or in close proximity to the development should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Appeals to the Secretary of State

- 1 The applicant has a right to appeal to the Secretary of State against any conditions of this planning permission, under Section 78 of the Town & Country Planning Act 1990.
- 2 If you want to appeal against your local planning authority's decision then you must do so within **6 months** of the date of this notice.
- 3 Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on
tel: 0303 444 5000.
- 4 The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 5 The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- 6 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Starting Work too soon

If you start work on this development before complying with conditions that require to be met before work starts, your action has made this planning permission invalid. A fresh planning application will then be required, with the associated cost and delay.

Street Naming and Numbering

If your development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Technical Support Team Manager - Highway Infrastructure Group on (01733) 453461 for details of the procedure to be followed and the information required. This procedure is applicable to the subdivision of premises, which will provide multiple occupancy for both residential and commercial buildings.

Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.

Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>