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Minutes of a Meeting of the Planning and Environmental Protection Committee held at the Town Hall, Peterborough on 8 December 2009

Members Present:

Chairman - Councillor North

Councillors – Lowndes, C Burton, Todd, Kreling, Thacker, Winslade, Ash, Lane and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager

Simon Machen, Head of Planning Services

Jez Tuttle, Senior Engineer (Development)

Carrie Denness, Principal Solicitor

Gemma George, Senior Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interests

- 4.2 Councillor Winslade stated that she knew the applicant, Mr Molyneux through a different project but this would in no way affect her decision.

3. Members' Declaration of intention to make representation as Ward Councillor

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Development Control and Enforcement Matters

4.1 09/00942/FUL – Use of land for one extended gypsy family consisting of two living caravans and one family room caravan and two communal facilities blocks, revised access, parking and facility block (part retrospective) at land south of A47 and east of Great North Road, Wansford

The application which was put forward to Committee was divided in to two parts. Area 1 was for a change of use from agricultural to residential use. This was to provide accommodation for one extended gypsy family. The accommodation would be comprised of two living caravans, one family room caravan and two communal facility blocks, consisting of a wash area and bin storage. Area 2 was for a proposed revision to an existing planning permission in relation to the adjacent marina which had already been implemented in part. A revised access, parking facilities and facilities block were proposed for the marina.

The site was located within an Area of Best Landscape, in the open countryside as defined by the Local Plan. It was also located within the Nene Valley, and the lower part of the site was an area of floodland/washland. The proposal was located within approximately 700m of Sutton Heath and Bog Site of Special Scientific Interest (SSSI). A SSSI was a national designation set up to protect areas that had been identified as having a special nature conservation interest.

The site was located on a no through road, which also served an Anglian Water compound, a lorry park with a burger van and a picnic area.

The site sloped steeply down to the river from the road. The bottom half of the site adjacent to the river was grass, with the top part of the site adjacent to the road having been excavated with alterations to the original site levels. The front hedge adjacent to the road had been retained, however all other trees on site had been removed.

The Planning Officer addressed the Committee and gave an overview of the proposal, specifically highlighting the position of the proposed gypsy accommodation and the points of access into the accommodation site and the marina.

Members' attention was drawn to additional information contained within the update report. Additional comments had been received from Environmental Health on issues relating to noise and contaminated land. An assessment on the site had been requested by Environmental Health with regards to contamination, in response Planning Officers had questioned the Environmental Health Officers to establish where the source of the contaminated land was. It was established that there was no contamination in the locality therefore the requirement for the suggested condition was removed.

A further request for a condition relating to the testing of the imported materials, which were to be used to form the points of access, had also been requested by Environmental Health. Discussions had been held as to whether this request could be better dealt with by Environmental Health Legislation. The Committee was therefore informed that if it was minded to approve the application, it would be giving authority to approve the application subject to the issue of imported material testing being resolved with colleagues in Environmental Health.

The Head of Transport and Engineering had requested that adequate visibility splays be provided at access points and a condition was highlighted in the update report which was to be applied subject to the application being approved by Committee.

Two letters of objection had also been received, one of which had not been included in the update report. The main issues highlighted in this letter were:

- The proposal, if approved would open the door for similar applications
- The applicant should not be allowed to lay down accommodation wherever he saw fit
- The proposal would change the appearance of the valley
- The proposal, if approved would turn out to be phase one of further development on the site

Councillor Holdich and Councillor Lamb, Ward Councillors, addressed the Committee jointly. In summary the concerns highlighted to the Committee included:

- The site lay within an area of outstanding natural beauty, the area of best landscape
- The site was adjacent to the Nene Way footpaths

- The site was virtually opposite one of Peterborough's leading tourist attractions, Sacrewell Farm
- The was within floodland
- The site was well out of the city centre, making management of the site difficult
- There were no facilities within walking distance of the site, for example schools and shops. The legislation for travellers stated that sites should be located near facilities
- The site was located on a no through narrow road and served as a lorry park for a considerable number of vehicles, there was also a burger van and a picnic area
- The site sloped steeply away from the road and upon casual inspection appeared to need some sort of reinforcement. There could be possible slippage, resulting in a health and safety issue
- There were signs along the A47 marking this area as a family picnic area
- There was no mention of connection of the site to mains electricity and was it feasible economically to connect this site to mains water and sewerage facilities?
- Should the Committee be minded to approve the application, it was requested that planning permission be pertinent to this applicant only and that planning permission be granted on a temporary basis for two years in the first instance so that the impact on the surrounding area and the community could be assessed
- There appeared to be no coordination between the two applications,
- The Committee had previously given planning permission for a hotel on the adjacent site
- Noise would be a problem, especially from the lorries parked overnight. This would not be conducive with family living
- The proposed site was next to a river, therefore there would be the possibility of pollution from material use

Councillor Richard Clarke, a Wansford Parish Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The apparent errors contained within the planning application itself including lack of definitions and the lack of dimensions on the drawings
- The new works that had been proposed did not fit in with the works that had already been undertaken on the site
- Inconsistencies in the planning application itself relating to figures
- Because there were no drawings available it was impossible to define how the site would be laid out
- There was no definition as to the size or type of caravans, a definition should be included
- The application was very confusing, it mixed previous and new applications together
- There should be a substantial effort to build the marina first before other facilities were included on the site

Mr Barry Nichols, the Planning Consultant speaking on behalf of the applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Peterborough was an area in need of such sites, as identified by local and Government policy
- The consultants had had no control over what had already happened to the site

- Services such as electricity, were available on site and there were local amenities nearby in the Wansford village for example a doctors surgery, a hotel and a post office
- The site applicant was a genuine gypsy who would conform to any planning conditions if the application was approved
- The application had been submitted after many changes had been agreed with Peterborough City Council's Planning Department, hence the possible confusion surrounding the drawings

The Planning Officer addressed the Committee and responded to several of the points that had been raised by the speakers. The Committee was also advised that a temporary planning consent could be granted for the application, however this was not advised as it could be viewed that pre conceived ideas regarding the applicants intended use for the site, had been formed. The Committee was further advised that flood risk was a problem in the lower portion of the site but the development site was situated well above the flood risk area.

It was also highlighted to the Committee that the link between the marina proposal and the gypsy proposal could not be forced. The Marina development already had an up and running planning consent, therefore was free standing. Reference to the marina proposal had been made in the presented application simply because the gypsy proposal sat on part of the previous planning proposal for the marina, therefore there was a need to provide alternative access and car parking to the marina proposal.

After debate and questions to the Planning Officer, a motion was put forward and seconded to approve the application subject to the imposition of temporary planning permission for two years. The motion was defeated by 4 votes against, 3 votes for and 2 abstaining.

Councillor Thacker was not permitted to take part in the vote due to a slight delay in her arrival at the meeting.

After further debate, a new motion was put forward and seconded to refuse the application. The motion was carried by 6 votes, with 2 voting against and 1 not voting.

RESOLVED: (6 for, 1 against, 1 not voting) to refuse the application.

Reasons for the decision:

The application was refused for the following reasons:

- The impact on the local landscape
- The distance of the development from local amenities
- Surface water run off and the risk of pollution there from
- Litter

Councillor Thacker left the meeting due to illness.

4.2 Change of use from A1 to A3 and A5 (restaurant and take away) at 1 Midgate, Peterborough

The building was currently in use as a retail unit, within use class A1 (shops). Planning permission was sought for change of use to A3 (restaurant) with an element of A5 (hot food take-away).

The application site was located within Midgate House on the junction of Midgate and Long Causeway within the City Centre.

The Long Causeway frontage formed part of the Primary Retail Frontage for the Central Retail Area. The application property was of 1980s design and was situated on a prominent corner plot. There were a variety of retail and non-retail units in the surrounding area.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were informed that it was perceived that the change of use would in no way be detrimental to the vitality of the city centre.

Members' attention was drawn to additional information contained within the update report. The Committee was advised that further comments had been submitted by Environmental Health requesting a revision to a condition 3 as highlighted in the Committee report. Members were advised that a flue scheme had to be submitted as part of the planning consent and if the details did not protect the amenities of adjacent users then the business would not be able to open. A drawing was also required to be submitted before opening which delineates that part of the site which is to be used for takeaway purposes and that use would be limited to only that area, this would in turn prevent the whole of the floor area being converted to takeaway use.

The Highways Officer addressed the Committee and stated that he did not believe the traffic flow would be increased if the application was approved.

Mr Colin Molyneux, the registered speaker on behalf of the applicant was not in attendance.

After debate and questions to the Planning Officer, a motion was put forward and seconded to defer the application on the grounds of lack of information. Members requested that clearer floor plans be provided and further information on the impact and assessment of the proposed takeaway. The motion was carried unanimously.

RESOLVED: (unanimously) that the application be deferred to a later date.

Reasons for the decision:

The Committee requested a deferral on the application in order that further information specifically relating to the floor plans and the impact and assessment of the proposed takeaway could be presented for consideration.

4.3 Proposed additional 21 car parking spaces at Aldi Foodstore, at Bretton Woods School site, Flaxland, Peterborough

The application related to the proposed additional 21 car parking spaces within the approved Aldi Foodstore.

The application site was the former Bretton Woods School at Flaxland, Bretton.

Planning permission (07/01697/FUL) was granted for the construction of an Aldi Foodstore with 76 car parking spaces and landscaping scheme. The sites main entrance was from Flaxland. The boundary treatment comprised of partly lined trees and soft landscaping. The front facing Flaxland boundary treatment comprised of 1.2m high hooped metal railing and the rest of the boundary treatment comprised of 2.5m high close board fence. The area was characterised by mixed use comprising of offices, retail outlets and residential buildings.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were informed that the number of requested spaces fell in line with policy.

Members were further informed that there had been no comments received from the Highways Department.

Members' attention was drawn to additional information contained within the update report. It was highlighted that on 19 November 2009, Councillor Nick Sandford had sent an email to the Planning Department to confirm withdrawal of his objection, provided that the proposal complied with Local Plan Policy and PPG13 (Transport) as advised by the Planning Officer.

After a brief debate a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) to approve the application.

Reasons for the decision:

The proposal was acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- In policy terms the proposed additional 21 car parking spaces were in compliance with both National policy and development plan policy contained in the Peterborough Local Plan (First Replacement) 2005. The empirical evidence from the survey that was carried out linking the number of pedestrians and vehicles visiting the Aldi suggested that this proposal was sustainable.
- The number of pedestrians shopping at Aldi during the initial opening days demonstrated that the location of the store and its users were considered sustainable and the additional 21 car parking spaces would not adversely affect traffic in the area. The proposal was therefore in accordance with policies T1, T9 and T10 of the Peterborough Local Plan, Agreed Travel Plan and PPG13.

The meeting was adjourned for ten minutes.

4.4 Construction of 10 two-bed and 4 one-bed apartments in three blocks (part retrospective) at 157-161 Fletton Avenue, Fletton, Peterborough

The proposal was for the provision of 14 apartments. 10 to be provided in the two blocks of two and a half storey high buildings positioned at the frontage of the site facing on to Fletton Avenue. 4 to be provided in a two storey high block positioned to the rear of these. Access to the site would be via a central access point from Fletton Avenue to a central courtyard containing 14 car parking spaces, bin storage areas and small areas of grass landscaping. Ten of the apartments would have two bedrooms, and four one bedroom.

Building works had commenced on site, but had stopped in view of the legal challenge to the approval of reserved matters issued under 08/01504/REM. The site was previously vacant and before that used as a second hand car sales garage with parking. The area surrounding the site was predominately two storey residential housing.

The Planning Officer addressed the Committee and gave an overview of the proposal, highlighting the main issues surrounding the application, namely the impact of the development on the street scene particularly on Fletton Avenue and the impact on residential amenities in relation to adjacent residential developments.

Members were further advised of the planning history of the site and the reasons for the refusal of the previous reserved matters scheme, namely the design, height and associated impact on the street scene and adjacent properties. The car parking layout and bin layout had also been considered to be awkward and detrimental to future occupiers of the scheme.

The applicant had applied for full planning permission due to part of the development having been constructed already, and the outline consent had lapsed. Although the outline planning permission had lapsed, the planning decisions were still material considerations.

The Committee was informed that consideration should be given as to whether there had been a change in circumstances in respect of policy, site characteristics, or whether or not new information had come to light that the Committee had not previously been aware of. Of primary importance with regards to this application was whether the siting, with regards to the fact that the building was situated further forward than was approved at outline, was such that it rendered the development unacceptable in terms of its impact on the street scene.

The application laid out before Committee was highlighted as being almost identical in layout to that which was presented to the Committee at reserved matters stage which had been approved. The only difference highlighted was the bin store area, which had caused a considerable amount of debate at an earlier meeting. The applicant had subsequently stated that he would arrange for a private bin collection to take place.

Members' attention was drawn to additional information contained within the update report. Numerous objections had been received in the form of letters and comments and a petition had been submitted by Fair-Play for Fletton, a group of local residents. Wording had also been provided by the agent, Mr John Ratcliffe and a drawing which highlighted the outline siting.

Comments had also been received from the Senior Architectural Liaison Officer which highlighted parking issues.

Councillor Rush, Ward Councillor, addressed the Committee on behalf of local residents and declared that he had no personal or prejudicial interest in the item. Councillor Rush responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Many of the surrounding properties were two storey semi detached houses and the proposal would not be in keeping with these
- The development was approximately 1.5 metres forward of 155 Fletton Avenue, building lines should relate to the street pattern
- The impact of the development was not in keeping with the street scene
- The development would deprive adjacent properties of daylight and sunlight
- The development would have negative impact on the residential amenities of adjoining properties and result in the overlooking of gardens
- The height and the windows to the rear of block c would result in a loss of privacy to a property located on Garrick Walk
- The application was contrary to the provisions of the Peterborough Residential Guide, and contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan. If the Committee were minded to approve the application this would mean that the Peterborough Residential Guide had been ignored
- The issues surrounding parking, namely that it was too cramped and would result in on street parking causing more congestion to already congested roads
- The issues surrounding the problem of dustcarts gaining access to the site

- The issues surrounding the refuse areas itself regarding impracticality

Mr Peter Lee, an objector speaking on behalf of Fair-Play for Fletton, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- How far should the history of the site be taken into account? Case law had established that previous decisions were material decisions, this being to ensure consistency in order to secure public confidence.
- There were good reasons for not regarding the original outline as a major constraint on the Committees decision. The permission had time expired, so was no longer capable of implementation. The original outline was also granted contrary to Peterborough City Council's established policies. The original outline was also different from the current application.
- The development would cause excessive light loss to surrounding properties
- The development would cause overshadowing to neighbouring properties
- The development would overlook numerous properties
- The line of the development was measured as being 2.1 metres forward, not 1.5 as previously mentioned
- The building would be substantially taller than any of the surrounding buildings
- The issues surrounding parking, including the potential for noise disturbance and exhaust fumes

Mr John Ratcliffe, the Planning Consultant speaking on behalf of the applicant and agent, addressed the Committee and responded to questions from Members. In summary the main issues highlighted to the Committee included:

- The partly implemented scheme accorded with the scheme that was implemented by the Planning Committee
- The bin storage areas would be managed by a private contractor
- The two frontage blocks facing Fletton Avenue had front elevations which had been designed to appear as two pairs of semi detached houses, to reflect the design and appearance of the adjoining dwellings
- The block at the back would be two storey only and had been designed to reflect the designs of the properties in Garrick Walk
- The materials used in development would be in keeping with the area
- Shrubs and grass were proposed for the front of the development as a buffer between the development and Fletton Avenue
- There would be no loss of trees as the area was a brown field site
- The scheme had been designed to complement the existing houses
- There would be no direct overlooking of existing properties
- The on site amenity space accounted for 22% of the site area

The Highways Officer addressed the Committee and stated that if the building was set forward by 2.1 metres, this was deemed acceptable for a pedestrian splay.

After debate, and comments from the Head of Planning, a motion was put forward and seconded to refuse the application. The motion was carried by 8 votes, with 1 voting against.

RESOLVED: (6 for, 1 against) to refuse the application.

Reasons for the decision:

The application was refused for the following reasons:

- Due to the extent to which the proposal stood forward of the established building line on Fletton Avenue
- The proposal would appear out of keeping with the street scene, consequently, the proposal was contrary to the policies DA1 and DA2 of the Peterborough Local Plan

Councillor C Burton left the meeting.

4.5 E1 – Enforcement Action in Northborough Ward

The Committee unanimously agreed to the exemption and members of the press and public left the meeting.

The Committee received a report requesting it to note the situation in respect of the unauthorised development listed in part 1 of the report and to agree the proposed action plan as detailed in the report, namely that no enforcement action be taken but a subsequent letter be sent to the owners advising them that the decision not to take enforcement action in no way condoned their actions.

After debate, a motion was put forward and seconded to agree to the recommended actions as detailed in the Committee report. The motion was carried unanimously.

RESOLVED: (Unanimously) to agree to the recommended actions as detailed in the Committee report.

Reasons for the decision:

It was established that there were three breaches of planning control which were not to be condoned. However, a breach ought not inevitably lead to enforcement action if the breaches were not considered to be harmful. The fact that the development had not been built in accordance with the approved plans, presented a problem for the owner, should the property be sold, refinanced or used as collateral, in that the whole of the development was unauthorised, but this could be addressed by a retrospective planning application.

13.30 – 15.21

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