

Public Document Pack



Minutes of a Meeting of the Planning and Environmental Protection Committee held at the Town Hall, Peterborough on 27 July 2010

Members Present:

Councillors – Lowndes (Vice Chair), Burton, Hiller, Thacker, Todd, Ash, Winslade and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager
Julie Smith, Acting Highway Control Team Manager
Ruth Lea, Lawyer (Growth Team)
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor North (Chairman), Councillor Serluca and Councillor Lane.

Councillor Winslade attended as substitute and Councillor Swift wished for it to be noted that he was unable to attend as substitute.

2. Declarations of Interest

5.4 Councillor Hiller declared that he had a prejudicial interest in the item and he would leave the meeting for the duration of the item.

3. Members' Declaration of Intention to make representations 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. Minutes of the Meeting held on 6 July 2010

The minutes of the meeting held on 6 July 2010 were approved as a true and accurate record.

The Committee was advised that since the application for Bushfield Academy which had been presented at the previous meeting for approval, there had been changes to the wording of the agreed conditions. These changes were required to be approved by the Committee prior to officers being given delegated authority to deal with the application. Members were advised that the changes did not materially alter the application in any way they were simply to delete repetitions and to add clarity. The changes were highlighted as follows:

C3 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all boundary walls/fences, external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local

Planning Authority. **Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highways.**

Reason: In the interests of community safety **and to avoid glare/dazzle which could lead to danger to highway users in accordance with policies T1 and DA11** of the Peterborough Local Plan (First Replacement).

C4 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- (a) A phasing scheme and schedule of the proposed works;
- (b) Provisions to control construction noise and vibration emanating from the site;
- (c) A scheme for the control of dust arising from building works and site works;
- (d) A scheme of chassis and wheel cleaning for construction **and demolition vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;**
- (e) A scheme of working hours for construction, **demolition** and other site works
- (f) A scheme for construction access **and demolition access from the Parkway system, including measures to ensure that all construction or demolition vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to park, turn, load and unload clear of the public highway and details of any haul routes across the site;**
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.
- h) A scheme for parking of contractors vehicles;**
- i) A scheme for access and deliveries including hours.**

The development shall be carried out in accordance with the approved construction management plan.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

C10 & C15 Delete

C20 **Unless otherwise agreed in writing by the Local Planning Authority** the visibility splays as shown on the approved plan (SK1022) at the junction of the access roads with the public highway shall be provided **before first use of the new access.**

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C26 **Unless otherwise agreed in writing by the Local Planning Authority prior to construction of the 3G All-Weather** details of the design, technical specification and layout of the proposed 3G All-Weather Pitch, which shall comply with the Football Association's Technical Design Guidance Note 'The FA Guide to Artificial Grass Pitches' (January 2010), where possible and, if applicable, RFU requirements relating to 3G pitches, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The facility shall then be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with policy LT10 of the Adopted Peterborough Local Plan (First Replacement).

C27 Unless otherwise agreed in writing by the Local Planning Authority prior to construction of the 3G All-Weather Pitch a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with policy LT10 of the Adopted Peterborough Local Plan (First Replacement).

C30 Unless otherwise agreed in writing by the Local Planning Authority no development in respect of the relocation of trees or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (As per section 7.2 BS5837-2005) had been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

The feasibility of moving the 6 trees as per Plan C414D115 Rev "A" utilising an appropriate "Tree Spade" method.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C31 Unless otherwise agreed in writing by the Local Planning no development shall take place in respect of the relocation of trees until a schedule of landscape maintenance for the above trees covering a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

Members commented that going forward officers should be more diligent when bringing items to the Planning Committee for consideration. Members were advised that there had been a very tight timescale on the turnaround for Bushfield.

The Legal Officer addressed the Committee and requested that a formal decision be taken on the amendments prior to the issue of permission.

After brief debate, it was unanimously agreed by the Committee to accept the amendments prior to the issue of permission, subject to a notice being sent to Ward Councillors and Group Representatives seeking their approval.

5. Development Control and Enforcement Matters

The Committee agreed to vary the order of the agenda and to allow agenda item 5.4, Church Street, Northborough, to be the next item of business.

Councillor Hiller left the meeting.

5.4 10/00508/FUL – Construction of 3 x two-storey 5 bed detached dwellings and associated garages at Church Farm, 7 Church Street, Northborough, Peterborough

The application sought permission for the erection of three 5-bed two storey detached dwellings and associated garages, in a paddock associated with Church Farm. The application was a resubmission of a previously approved scheme (ref. 05/01772/FUL) and was identical in siting, layout and scale. House C had a two storey element fronting the west of the site with single storey wings running west to east and attached double garage to the west. House D also had a two storey element fronting to the west with a single storey element to the east and detached double garage to the side/rear (east). House E had a two storey element fronting north with a single storey element to the east and attached double garage to the west. Changes were proposed to the materials to that of the previous scheme which now proposed reconstituted stone to the principle two storey elements and the number of windows within the elevations fronting the conservation area had been reduced. The site was accessed via a private gravelled driveway off Church Street which currently served Church Farmhouse and the Barnhouse (formerly used as an office), with extant consent for conversion to dwelling. A gravelled yard was provided to the front of the dwellings as a turning area.

The site area was approximately 0.35 ha, currently an area of paddock associated with Church Farm, located within the village settlement boundary of Northborough and just outside the Northborough Conservation Area Boundary to the west. The site was part of the curtilage of the listed building and adjacent to the site to the north-west is Church Farmhouse a Grade II Listed Building with a stone built double garage and to the south west was a curtilage listed barn formerly used as an office with extant planning consent for conversion to a dwelling and consent for the erection of a stone built garage (05/00468/LBC and 05/00469/FUL) which abutted the application site. The surrounding area was predominantly residential in character with a two storey modern development abutting the site to the north, Northborough Primary School was located directly to the south, school playing fields to the east and there was a Public Right of Way to the east and south of the site. The site was bounded to the north with a 1.8m close boarded fence and to the east and in part to the south by post and rail fencing the remainder of the southern boundary formed by 1.8m fencing beyond which was a stone wall with pantile edging. The site was accessed via a private drive approximately 4m in width leading from Church Street adjacent to St Andrews Church which was enclosed by a 1.6m high wall stone wall.

The Planning Officer addressed the Committee and stated that since the approval of the previous development, numerous improvements to the design had been secured, including a reduction in the number of windows included in the development and the building materials that were proposed to be used.

Members' attention was drawn to additional information contained within the update report. Objections had been received from Councillor Hiller, Ward Councillor, and his main concerns were that the development would have an overbearing impact visually and on the amenity of the dwellings at Church View and also on Church Farm. The proposal did not preserve or enhance the character of the Conservation Area and it was detrimental to the setting of the listed building, that being Church Farm House. The proposal would also subdivide the grounds/garden of the listed building.

One neighbour had submitted an objection supporting Councillor Hillers' concerns and the Church had confirmed that it had concerns regarding highway safety in the vicinity and further concerns at the prospect of bins being left out on the triangle after bin collections, thus being detrimental to the conservation area.

There had been a further objection received from a neighbour following the re-consultation of the amended plans. The main concerns highlighted in the objection were that the only changes to the front elevation of house C were very limited, and only the top three windows within the stair case were proposed to be obscure glazed which would look odd therefore all of the window should be obscured glazed. The Planning Officer advised Members that this could be conditioned if the Committee were minded to approve the application and to agree to the condition. Further concerns were that the proposal would impact on the views of houses in Church Close, it would affect the character of the area, put additional pressures on services, devalue surrounding properties, it would create traffic problems particularly when there was a church service, it would be detrimental to the setting of the listed building and the sub division of the garden was contrary to CBE7. Planning of the site could also have been more imaginative than it was.

Members were advised that the Parish Council had withdrawn its objection to the application, this was with the proviso that the Committee accepted the latest version of the plans which showed changes to the fenestration and the implementation of the condition to deal with bins etc.

In respect of the footpath, the proposal which had been put forward by the Planning Department and had been accepted by the applicant was that instead of having a close bordered fence, because of it being too enclosed, the applicant had agreed to set the fence back half a metre or so to give it a more open feel and also where the footpath turned a corner there would be section opened up into a bit of a visibility splay for pedestrians to make it feel a bit safer.

Mrs Hazel Potter, an objector and local resident, addressed the Committee on behalf of the residents of the neighbouring properties and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The neighbouring properties all had small gardens abutting the paddock, if planning permission was granted for the development the houses would only be 6 metres away from the rear fences of the gardens
- The houses would be visually overbearing and would lead to noise and disturbance
- The development was contrary to policy DA1 of the Peterborough Local Plan in that the properties would create an adverse visual impact
- The development was contrary to policy DA2 of the Peterborough Local Plan in that the amenities of surrounding properties would be affected
- Were more houses required in Northborough? There were numerous houses for sale in the village of varying size and price and some of those houses had been up for sale for over a year
- Although previous permission had been given for the site, surely with the changes towards environmental issues the permission should be re-considered? Peterborough was proud of being an environmental city and the protection of existing green land should be a priority
- The Parish Council had been seeking suitable land for allotments, the land would be ideal for this use. The land would be preserved as green land

Members commented that there had been no information received regarding drainage and water run off and in response the Planning Officer stated that it appeared that a surface water drainage condition had not been included in the list of conditions. This therefore would be required to be added. Surface water was unlikely to be a problem at the site and the development could be accommodated by a normal soak away system. Anglian Water had failed to comment on the application, but had they had any major concerns, these would have been highlighted.

Members questioned whether the proposed driveway was adequate for use and whether vehicles would be able to reverse easily. The Highways Officer addressed the Committee and stated that the Highways Authority had commented that the driveways on some of the properties were quite long therefore cars would need to reverse either in or out of the garages and the parking spaces. Although this was not an issue for the Highways Authority as it was a private access road, it was felt that the comment needed to be made. Members further questioned the safety of the access to the site as the turning was blind. The Highways Officer further commented that the entrance was substandard but it was a private driveway therefore did not fall within the remit of the Highways Authority.

After debate and further questions to the Planning Officer regarding minimum distance requirements between properties, the fencing along the pathway, the responsibility for the upkeep of the grass verge between the fencing and the footpath and refuse collections, a motion was put forward and seconded to approve the application subject to the imposition of an additional condition in relation to a foul and surface water scheme, the revision to the condition in relation to the obscure glazing in the staircase window and an additional note to state that the area of land in between the public right of way and the boundary fence would remain the responsibility of the landowner to maintain. The motion was carried by 4 votes with 3 voting against.

RESOLVED: (4 for, 3 against) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the development needs of the area
2. The conditions numbered C1 to C14 as detailed in the committee report
3. The amended condition number C15 to read - Notwithstanding the submitted details, the staircase window to House C that faces towards the dwellings on Church View shall be entirely obscure glazed and fixed and shall thereafter remain in that form. Reason: To give the window a uniform appearance and to avoid the potential for overlooking of the properties on Church View if additional windows were to be inserted under normal permitted development rights and to accord with Policy DA2 in the Peterborough Local Plan (First Replacement) 2005
4. An additional condition stating that the development shall be served (from the date of first occupation) by a foul and surface water scheme that shall be submitted to and approved by the local planning authority. Reason: In the interest of amenity, flood risk and pollution prevention in accordance with Policies U1 and U2 in the Peterborough Local Plan (First Replacement) 2005
5. The informatives numbered 1 to 4 as detailed in the committee report
6. The addition of a note stating 'Please note that the area of land between the public right of way and the boundary fence will remain the responsibility of the landowner to maintain'

Reasons for the decision:

Subject to the imposition of the conditions, 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:

- the principle of residential development on this site had already been supported under the previous planning consent.
- the site lay within the settlement boundary of Northborough where the principle of windfall sites was supported

- the density, scale, layout, design and use of materials would be in keeping with the adjacent listed buildings and would not harm the character and appearance of the Northborough Conservation Area
- the proposal would not result in an unacceptable impact on the amenity of occupiers of neighbouring dwellings
- given previous use of the site the access was acceptable and would not result in any adverse impact on the adjoining highway.

Hence the proposal accorded with policies CBE3, CBE7, DA1, DA2, DA6, H10, H16, T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

Councillor Hiller re-joined the meeting

5.1 10/00328/FUL – Construction of 14 no. self contained apartments consisting of 8 x 2-bed flats and 6 x 1-bed flats in 3 no. blocks with on site parking at 157 – 161 Fletton Avenue, Fletton, Peterborough, PE2 8DB

The Committee was advised that the item had been withdrawn from the agenda by the Head of Planning Services and would be brought back to the Committee for consideration in September 2010.

5.2 10/00385/FUL – Construction of two bed dwelling at land adjacent to Southcroft, Main Street, Barnack

Permission was sought for the construction of one, two bedroom dwelling on land between Southcroft and Pasque Cottage. The proposal was one and a half storeys in height and incorporated a dormer window to Main Street with a single storey wing to the rear.

The application site was located to the core of the Barnack Conservation Area on a parcel of land between Pasque Cottage and Southcroft, Main Street. All the buildings to this part of the street were listed with the exception of Southcroft. The application site previously formed part of Southcroft's garden area. The land was presently overgrown and flanked by a brick wall of approximately 1.4m high.

The Planning Officer addressed the Committee and stated that the application was an improvement on a previously approved scheme which had lapsed in February 2009. The previously approved scheme had a slightly higher ridge and eaves height, the current application therefore represented a significant improvement with regards to the proposal tying in to the adjacent terraced buildings.

Members' attention was drawn to additional information contained within the update report. Additional comments had been received from Councillor Over, one of the key points raised was in relation to the S106 obligation and he questioned how it would be allocated in order to be of benefit to the locality. Members were advised that it would be allocated in accordance with the Planning Obligations Implementation Scheme SPD which was established on Neighbourhood boundaries.

There were no speakers on the item and after debate and questions to the Planning Officer regarding bin storage, the dividing wall between the proposed property and the current property and further questions to the Highways Officer regarding parking, a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the development needs of the area
2. The conditions numbered C1 to C8 as detailed in the committee report
3. The informatives numbered 1 to 8 as detailed in the committee report
4. If the S106 had not been completed within 6 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report
5. The addition of a note stating 'Prior to the implementation of this permission please make yourself aware of the provisions of the Party Wall Act'

Reasons for the decision:

Subject to the imposition of the conditions, 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:

- The principle of the development has been established under planning applications 99/00479/FUL and 03/01839/FUL.
- The amended design results in an improved composition that is appropriate in scale and form and will reinforce the enclosed character of Main Street. The proposal will not therefore result in a significantly detrimental impact on the character or appearance of the Barnack Conservation Area.
- The proposal by reason of its design, scale and height will not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development is consistent with the character of the area and will provide adequate living conditions for residents.
- The proposal will not result in a detrimental impact on Highway Safety.

The proposal was therefore in accordance with Policies DA1, DA2, DA6, CBE3, H16 and T1 of the Peterborough Local Plan (First Replacement).

5.3 10/00412/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan at land opposite 3 Hurn Road, Werrington, Peterborough

The Committee was advised that the item had been withdrawn from the agenda by the agent.

6. Peterborough Planning Performance Agreement (PPA) Charter

A report was submitted to the Committee which highlighted the draft Peterborough Planning Performance (PPA) Charter.

Members were advised that the Planning Service had established a protocol and charging system for dealing with pre-application enquires and this had been running since January 2010. The methods and timescales for dealing with such enquires was set out on the website and the response time for applications for proposals which fell within the 'major' category was within 30 days.

The current approach was appropriate for the majority of pre-application enquiries but for those projects which were very large scale or complete, a more detailed project management approach was required. The Government advocated that Planning Performance Agreements were an effective tool for enabling collaborative working between local authority planners, other services and developers and ensured that proposals were progressed in a timely manner. The PPA Charter set out how the Planning Service would wish to see this work. It all re-emphasised the importance of

early developer engagement with the local community and complimented the Statement of Community Involvement in this regard.

The Charter was produced by the working group, which had been set up earlier in 2010 and included officers from the main services mostly involved in discussions/consultations on planning applications. Members from each main political group were also invited to attend. Informal consultation had been carried out with neighbouring authorities, internal and external consultees and house builders. Few responses had come in but where possible they had been incorporated.

Members' endorsement of using the PPA Charter and planning performance agreements generally as a project management tool to enable partnership working on large and complex proposals was sought.

After discussion, Members positively commented on and endorsed the report and it was noted that the changes would lead to a more efficient and user friendly service.

RESOLVED: to endorse the PPA Charter as the Council's preferred procedural mechanism for dealing with large/complex planning applications.

1.30pm – 2.45pm
Chairman

This page is intentionally left blank