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Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 6 September 2011

Members Present:

Councillors – North (Chairman), Serluca (Vice Chairman), Hiller, Simons, Stokes, Todd, Harrington, Lane, Martin and Winslade

Officers Present:

Nick Harding, Group Manager, Development Management
Richard Kay, Group Manager, Strategic Planning & Enabling
Emma Latimer, Strategic Planning Officer
Julie Smith, Highway Control Manager
Kim Sawyer, Head of Legal Services
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Casey.

Councillor Winslade attended as a substitute.

2. Declarations of Interest

5.4 Councillor Lane declared that he knew a resident of Figtree Walk, which backed onto Welland Road, but that he did not have a personal or prejudicial interest.

5.4 Councillor Simons declared that he had been aware of this particular application for a long period of time, however this would in no way affect his decision.

5.5 Councillor Todd declared that she was Ward Councillor for the item but that she did not have a personal or prejudicial interest.

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

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

4. Minutes of the Meetings held on:

4.1 5 July 2011
4.2 26 July 2011

The minutes of the meetings were approved as true and accurate records.

The Chairman addressed the Committee and stated that a request had been received to allow item six, the Draft National Planning Policy Framework, to be taken as the first item of business. Members agreed to take item six as the first item of business.

6. The Draft National Planning Policy Framework

The Committee received a report which presented a summary of the draft National Policy Framework (NPPF) which was currently out for consultation.

The purpose of the report was to provide a summary, highlighting the proposed key changes to the planning system which would arise once the NPPF had been finalised. The Council would be submitting a formal response to the Department for Communities and Local Government following approval by the Cabinet Member for Housing, Neighbourhoods and Planning via a Cabinet Member Decision Notice.

The Committee was informed that as part of Government's continuing reform of the planning system through the Localism agenda, the NPPF intended to replace all existing national Planning Policy Statements (PPSs), all Planning Policy Guidance Notes (PPGs) and some Circulars into one single national planning policy document.

It would be important for Members of the Planning and Environmental Protection Committee to be fully aware, and understand the contents of the NPPF because it would be a key material planning consideration in the determination of planning applications. At the same time, the Council would no longer be able to rely on the existing detailed set of national guidance once this had been superseded by the NPPF.

The publication of the draft NPPF stemmed from the Coalition Agreement, which committed the Government to preparing a clearer, simpler, more coherent national planning policy framework that was intended to be easier to understand and easier to put into practice.

The Committee was advised that the consultation was ongoing and if Members had any comments they were to relay them to officers.

Members questioned why they had not received a full copy of the document and in response Members were advised that an email with a pdf version of the document would be circulated in due course.

The Cabinet Member for Housing, Neighbourhoods and Planning addressed the Committee and positively commented on the clear and concise manner in which the changes had been outlined within the report.

RESOLVED: the Committee noted the contents of the draft National Planning Policy Framework, its potential use as a material planning consideration and the intention of the Cabinet Member for Housing, Neighbourhoods and Planning to approve a response to the consultation via a Cabinet Member Decision Notice.

5. Development Control and Enforcement Matters

5.1 11/00795/FUL – Construction of 138 dwellings and highway infrastructure (allocated as employment land), land to the south of Oakdale Avenue, Stanground, Peterborough

The proposal was to develop the site with 138 dwellings, including 129 houses and 9 flats, with associated streets and parking. The type and character of development, the layout and house styles would be similar to the rest of the South Stanground development.

The South Stanground Urban Extension (SSUE) known as Cardea was situated between Oakdale Avenue to the north and the Stanground Bypass to the south; and

the new Horsey Toll roundabout to the east and Peterborough Road to the west. There was a small length of dual carriageway heading off the new bypass into Cardea, which was referred to as the Entrance Avenue. At the end of this is a smaller roundabout leading to the various parts of Cardea. The layout would be a predominantly shared surface layout; therefore there would be no footways within the road structure.

Immediately to the east of the Entrance Avenue was an area of land that would be playing fields, to the north of that was the Local Centre site including a supermarket, pub, local shops and, eventually, some other facilities. There would also be a primary school within the development; the remainder would be housing parcels, with a grid of public open space including a Sustainable Drainage System.

The application site had the bypass and a drainage pond to the south, the Entrance Avenue to the east, and to the south and north would be strips of open space then more housing.

The estate as a whole would be constructed on former agricultural land, with open countryside to the south. There was no open space to be provided on the development due to there being strategic areas of open space provided elsewhere within the development.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development on allocated employment land, connections with other developments within South Stanground, the layout and amenity standards of the proposed housing, highway safety and parking and Section 106. The recommendation was one of approval.

The loss of the employment land was considered to be justified given the lack of interest in the site for these purposes. There were high levels of empty, better quality, employment floor space throughout the city and it was therefore considered that there was no justification for its retention. There would still be 2.6 hectares of employment land left in South Stanground following the loss of this land.

There was some outstanding design work to be undertaken on the shared highway design, but this work only incorporated a number of small scale changes. Authority was therefore sought to approve the proposal subject to those minor changes being received and to them being satisfactory.

As well as the application being a departure from planning policy due to the proposed use of the employment land, it was also proposed to depart from the normal Council Planning Obligation and Implementation Strategy (POIS). Given the pressing need for school places in this part of the city, it was recommended that only two areas of contribution were made by this proposal, those being a contribution of £1.076m towards education and a further £394k towards affordable housing.

Members' attention was drawn to additional information contained within the update report. A numbering error had been highlighted within condition nine in the report therefore a new condition nine had been proposed. An additional condition was also proposed for a Construction Management Plan to be provided.

A query was raised with regards to whether there would be designated disabled parking on site and in response it was advised that designated disabled parking would only be provided on a commercial site.

Members further commented that there appeared to be a lack of trees on site and would bird boxes be taken into consideration. Members were advised that condition

four outlined that a detailed landscaping plan would need to be submitted for approval and a condition requiring a scheme of bird boxes could also be added.

A motion was put forward and seconded to approve the application subject to the amended condition nine and additional conditions in relation to the provision of a Construction Management Plan and bird boxes. 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 towards education provision (£1,075,825) off site affordable housing (£394,175) plus monitoring costs
2. The submission and approval of a revised layout plan addressing the highways issues outlined in the committee report
3. The conditions numbered 1 to 17 as detailed in the committee report
4. The amended condition nine as detailed in the update report
5. The additional condition in relation to the submission of a Construction Management Plan as detailed in the update report
6. An additional condition in relation to the provision of bird boxes on the site
7. If the S106 had not been completed by the 12 September 2011 without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report

Reasons for 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:

- It had been demonstrated that the site was unlikely to come forward for its allocated employment use and therefore a departure from plan policy was justified. Such a justified departure was supported by para 75 of the Draft National Planning Policy Framework. In addition, the development of the site for housing would assist in the Council achieving the delivery of housing in accordance with the Core Strategy's trajectory.
- In terms of connection with local services and facilities; foot, bus, cycle and road connections with the City and beyond; and residential amenity, the application site and the proposed layout was suitable as required by Policies H16 of the Local Plan and CS16 of the Core Strategy.
- Highway access and parking was in accordance with Policies T9 and T10 of the Local Plan, and Policy CS14 of the Core Strategy.
- The proposed change of use would have no detrimental impact on the drainage system, and the development would not be at unacceptable risk of flooding. The proposal was therefore in accordance with Policy U1 of the Local Plan.
- Suitable landscaping, and provision for the enhancement of biodiversity, would be provided in accordance with Policy LNE9 of the Local Plan and Policy CS21 of the Core Strategy.
- Section 106 contributions had been sought for education and affordable housing provision. Whilst normally contributions would be sought toward a wider range of physical and social infrastructure, a bias towards education provision could be justified due to the level of need.

5.2 11/00910/FUL – 2.4m high post and wire stock enclosure fencing at rabbit farm at land to the west of Uffington Road, Barnack, Stamford

The proposal sought permission to erect seven stock enclosures. The enclosures would each be 2.4 metres high. Whilst each enclosure would not have a traditional roof, wires (with balls affixed to keep birds away) would be strung parallel to each other every 2 metres to form a semi open wire roof. The enclosures would have the capacity to hold 900 rabbits.

The site was comprised of a field situated in open countryside with a width of 100 metres and depth of 350 metres. The field was set at the beginning of a rise in the landscape, with the lowest part of the field adjoining Uffington Road. Currently there were two small access points through the hedged boundary to the road.

The site was situated in excess of 250 metres North-West from the edge of Barnack Village.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact on landscape character and the impact on neighbour amenity. The recommendation was one of refusal as officers had concerns that the structure would look alien within its setting. Members were further advised that the land could be used for livestock purposes and this did not require any permissions, therefore any issues raised should be in relation to the proposed structure only.

Members' attention was drawn to additional information contained within the update report and it was highlighted that comments had been received from Ward Councillor Over in objection to the application.

Councillor June Woollard, the Chairman of Barnack Parish Council, addressed the Committee on behalf of the Parish Council and local residents. In summary the concerns highlighted to the Committee included:

- This was the third application for this particular piece of land
- The applicant was not a farmer but a property developer who had purchased the field as part of a land bank for future housing development
- Some trees had originally been planted on the site and it had been described as a tree stock nursery, yet nothing further had ever come of this
- Derelict trailers had been dumped in the field
- The first application had been for a stable, and this had been granted with conditions stating that no housing could be built on site and only one entrance was to be allowed. No stables had been built, but a second entrance had been created on the bend of the road which was dangerous
- This new second entrance gave the impression that the site was being prepared for housing development
- The second application was made for a rabbit farm with a barn and was rejected
- The Parish Council was not opposed to suitable housing within the village envelope, but was strongly opposed to development within greenfield farmland
- The Parish Council strongly objected to the planning application
- The field was in open farmland, well outside the village envelope on land marked as best landscape in the Peterborough Local Plan
- The land sloped up and was visible from the East, West and North approaches to Barnack
- The application would create an eyesore at the entrance to the historic conservation village of Barnack

- The proposed site ran along the narrow Uffington Road which was too narrow for lane markings and was unsuitable for industrial traffic or large vehicles
- The new entrance was completely hidden from traffic in both directions and was a severe hazard
- The fields were overrun with wild rabbits suffering from myxomatosis and the caged rabbits could become infected
- Rabbits were burrowing animals and wire fencing would not restrain them
- Rabbits from the site would escape and eat surrounding crops and attack local residents gardens
- Other scavenging animals would be attracted to the pens
- The structures would create a scar on the land, the wires and balls would not prevent birds attacking the animals
- There was no water on site and there was no mention of how this was to be provided or stored
- No details of food storage or shelter had been provided
- This application was reminiscent of one in Helpston, where a riding stables had been placed on greenfield land with temporary structures. There were now brick buildings in place and the residents of Barnack and the Parish Council did not want the same thing to happen on this land
- If permission was granted, then conditions should be put in place to stop any houses being built on the site in future and to prevent mobile water trailers being dumped on the site
- There were no building structures in the immediate area of this land. This landscape should not be lost

Members commented that the development would be an enormous blight on the landscape and the countryside needed protection against this kind of development.

A motion was put forward and seconded to refuse the application. The motion was carried unanimously.

RESOLVED: (Unanimously) to refuse the application, as per officer recommendation and:

1. The reason R1 as detailed in the committee report

Reasons for decision:

The proposed enclosures were considered unacceptable as;

- The enclosure would have an appearance of a solid structure;
- Given Point one above and the density of the enclosures, the proposal would be at odds with the landscape; and
- Planting would take many years to mitigate the visual harm of the proposal; any intensification of planting would detract from the attractive landscape character and form.

5.3 11/01018/R3FUL – Demolition of existing stand, construction of new stand with education centre and energy centre, together with access and parking, Moys End Stand (east stand) at Peterborough United Football Club, London Road, Peterborough

The application related to the existing Moys End Stand (East Stand) at Peterborough United Football Club and formed the first phase in the redevelopment of the stadium. The proposal sought the demolition of the existing stand of a standing capacity of 3,495 which no longer met the demands of the football club, as well as removal of the existing

floodlighting column to the north-eastern corner of the site. Following demolition, the scheme sought the erection of a new 2,500 capacity all seated stand and connected education centre for Science, Technology, Engineering and Mathematics. The education centre would cater for approximately 300 students aged 14 to 19 years and provide laboratories, IT suites, flexible teaching spaces and a refectory. The stand would result in an overall loss of capacity of 995 albeit the overall floorspace of the building would increase by some 4,000 square metres. The footprint of the building would be approximately 9 metres deeper however the main bulk would not be sited any closer to the Glebe Road properties.

The Peterborough United Football ground was situated on the corner of London Road and Glebe Road with the main vehicular access taken from London Road along Cripple Sidings Lane. To the south of the site was a row of residential properties along Glebe Road, with rear gardens bounding the ground site. To the north and east was situated the area recently approved for the Carbon Challenge Housing Scheme and beyond this to the north was the railway line and to the east, the Frank Perkins Parkway.

At the current time, parking for 198 cars was provided informally to the north and east on an area of rough hardstanding. Emergency access was taken to the south eastern corner of the site onto Glebe Road. The site was affected by contamination

Associated to this, there was a proposed Renewable Energy Centre which would generate economically viable heat and/or power and be fed by mains gas through Biomass boilers. The energy generated would feed both the football ground facilities and the adjacent Carbon Challenge housing scheme to the north and east. The energy centre would consist of one off 220kWe Biofuel CHP unit, one off 200kWe Natural Gas CHP unit, one off 330kW Pellet Boiler, two off 1.0MW Natural Gas Boilers and four off Thermal Storage Vessels. Also associated with the application were alterations to the access from London Road, and internal changes to the car parking areas. At present there were 198 car parking spaces on the site, which would be reduced to 168 as a result of the proposal, a loss of 30 spaces. There would no longer be parking provided on site for football supporters. The existing Glebe Road access was to be altered so that it was for emergency use only. A coach turning and drop off area was to be provided using Cripple Sidings Lane as the access.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, the design and impact upon the character and appearance of the surrounding area, highways implications, the impact of the development on neighbour amenity (air quality, noise disturbance and overlooking/lack of privacy), ecology, ground contamination and remediation, crime prevention and community safety and drainage and flood risk. The recommendation was one approval.

The Planning Officer addressed each of the issues in turn and the main points were highlighted as follows:

- A chimney stack was included as part of the energy centre and this was 19 metres in height and 0.9 metres in width. Only the top four metres would not be enclosed by the proposed structure;
- Access to the site would be via Cripple Sidings Lane with a bus turning area and drop off area. The buses would park off site and the location of this site would be a matter dealt with as part of the crowd management of the site. Negotiations were currently ongoing;
- The site had an existing access onto Glebe Road. This access would only be utilised in emergencies going forward;
- Due to the stand taking up more space, a number of car parking spaces would be lost;

- Highways Officers had requested tracking diagrams to be provided for the turnaround area and the junction and this information had been provided with the maximum length of coach currently provided, that being 15 metres. The information submitted outlined that further design changes were required to this area and approval was therefore sought to issue consent subject to revised tracking plans being submitted and being satisfactory;
- Highways Officers had also indicated that a yellow box junction be implemented ensuring free flow traffic in and out of the ground. Secondly, it had been noted that two 15 metres coaches could not pass each other at a certain point. A Car Parking Management Plan had been requested for submission and this could identify marshals and stewards to be in place to ensure that two coaches would not be at the same point at any time. This was considered to be acceptable by officers;
- The energy centre would have a maximum of two deliveries per week;
- The energy centre would be a biomass boiler with the potential to run 24/7. This would have the capability of providing energy to the adjacent carbon challenge site and the football ground itself and any other new development in the locality;
- A technical document had been submitted which had identified the existing levels of background noise on the site currently. It ranged from 62db during the day down to 34.5db at night;
- The proposed plant technical information provided indicated that the equipment could run below the background noise levels;
- There was a planning condition to restrict noise levels;
- A technical report had also been submitted with regards to pollution issues and this demonstrated that the gases coming out of the chimney would be within regulated levels and would not worsen pollution in the area;
- With regards to concerns which had been highlighted about ash coming from the chimneys and falling onto people's properties, the plants were designed to operate at very high temperatures and therefore the amount of ash would be minimal. The plant would also have filtration systems within it;
- There would be safety features in the plant in case of a malfunction, where the plant would close itself down automatically;
- The existing stand was 10.3 metres to the ridge and the proposed new stand would be 12.5 metres to the highest point of the roof;
- The new stand would come no closer to the existing adjacent residential property than the current Moys End stand.

Members' attention was drawn to additional information contained within the update report and was highlighted that there had been revisions made to condition C8 in relation to the levels of noise emitted from fixed plant and equipment. There had also been a letter received from Natural England stating that they had no objections to the application.

Further comments had also been received from local residents and these were outlined in full in the update report.

Councillor Fran Benton, Ward Councillor, addressed the Committee, on behalf of local residents and Councillor Matthew Lee, and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The application should have been split into two. The Energy Centre and the Education Centre;
- The Education Centre was a vast improvement on existing provision on the site and residents welcomed this;

- The Energy Centre did however cause grave concerns including the height of the chimney and the emissions;
- The noise from the Energy Centre was of concern;
- Further information was required on both the emissions and the noise levels;
- The responses received from the Planning Department had been vague on these issues;
- Residents views should be taken into serious consideration;
- A large chimney was to be built next to residents gardens;
- The energy was to be fed to the Carbon Challenge site, but the original homes needed to be looked after too;
- Why had the Energy Centre not been built on the railway side?;
- Could assurance be given that Cripple Sidings would not become congested with coaches. Not having enough room for two coaches to pass would cause problems;
- Could the application be split into two now?;
- It was requested that the application be deferred until clear information had been provided on the emissions and noise from the Energy Centre;
- There were no recommendations on these issues and this was an important decision that Members were being asked to make without the proper information having been provided to them;
- There had been no concrete decisions made as to the type of energy unit to be implemented;
- Residents were extremely concerned and due to this lack of information it was felt that this was not good enough.

The Committee was advised that Mr Vincent Perna, a provisional speaker, was not in attendance.

Mr David Shaw the Agent, Mr Neil Farnsworth the Architect and Mr Gareth Dawkins the Capital Projects Officer addressed the Committee jointly in support of the application and responded to questions from Members. Mr Richard Hodgeson, a listed speaker, was not in attendance. In summary the issues highlighted to the Committee included:

- The officers had produced a detailed and comprehensive report;
- There had been numerous discussions over the years regarding whether the football club should move or stay where it is;
- The proposal confirmed that the ground would stay in its current location as part of the South Bank development;
- Development of further stands were expected in due course;
- Peterborough was in great need of educational resources and this development would add to those resources in a central location;
- The Energy Centre would help Peterborough fulfil its aim to be environment capital;
- The Centre would provide renewable energy in line with the specific policies in the Peterborough Core Strategy;
- The concerns over the Energy Centre and its flue had been noted;
- With regards to noise, there would be very little perceptible noise outside the buildings. All equipment would be inside, where there would be soundproofing;
- A comparison would be a large domestic hot water boiler. This would be something similar as you would not hear it outside of the building;
- A condition would restrict the amount of noise that was able to be made by the Centre;
- The Consultants who had been brought in were one of the largest in the country and they would be under duty to produce a design to meet the specific criteria;
- The noise would not exceed 42db, as contractually obliged;

- A detailed report on pollution had been submitted with the application. The report had been fully accepted by the Environmental Health Officer;
- The air quality in the area would remain well below the allowable limits;
- There was regular monitoring of air quality in Peterborough already and no specific monitoring had been put in place for the site. If future monitoring for this site was required specifically, this could be done and results provided;
- The proposed chimney was fairly narrow, and its tallest point was lower than the tallest point of the steel work on the existing south stand;
- It would not tower above the scheme and from Glebe Road, it would be hardly visible;
- The building would create modern, light and airy space. It would make innovative use of the space under the football stand;
- The fully glazed three storey atrium would provide a focal point for the entrance to the educational facility;
- Sustainable materials and technologies would be incorporated into the building, acting as a teaching aid to students;
- The football facilities would be of high quality;
- The stand would provide enhanced provision for disabled spectators;
- If the building had been put on the north side of the site it would mean that the buildings would have been closer to residential properties. Noise from the college would also have been closer to the adjacent residential properties;
- It was key for the entrance to the education facility to be in the corner proposed. It needed to have a profile from the entrance to the ground;
- The final layout of the Energy Centre would not usually come at this stage;
- Further details could be submitted to the planning authority of a similar site prior to installation if it was required;
- Aesthetically, it was felt that this was the best location for the Energy Centre.

A number of concerns were highlighted by the Committee, in summary these were the lack of specific information provided as to the method of Energy Centre provision, the reasons as to why the Energy Centre and Education Centre had been placed where they had on site, the noise and pollution emissions and the lack of an expert being present in order to highlight the different options available for the Energy Centre.

In response, the Planning Officer advised that the noise would not be able to be heard over the existing background noise, it was conditioned to be below those already audible and although there were no specific outlines of what was to be placed inside the Energy Centre, the technical report produced stated that no noise levels would be produced over and above existing levels. This was to the satisfaction of the Environmental Health Officer. Refusal could therefore not reasonably be undertaken on this point.

With regards to the emissions, a technical report had also been submitted stating that the emissions would meet government standard for air pollution and the equipment would have the necessary filters in place. The plants had to comply with national regulations, therefore the imposition of an additional condition to monitor the output of the plant would be met with reluctance by the Planning Officer but as had been previously stated by the applicant, they would be happy to accept an additional condition for such monitoring.

With regards to the lack of detail of the equipment, Members were advised that usually there would be a normal boiler system fuelled by wood pellets, biofuel or gas. Wood pellets and biofuel were categorised as being carbon neutral, hence the reason for the site being able to provide energy to the adjacent Carbon Challenge site. Gas was used as a backup for the biofuel.

It was commented that the football stand looked good, with a good design, however there were still concerns around the Energy Centre and the lack of information provided.

Further comments were made that the emissions and noise levels issues had been adequately covered in the address by both the Planning Consultant and the Planning Officer as had the reasons for the location of the Energy Centre and Education Centre. The proposal was welcomed, being a well designed building that would replace a tired looking structure.

The lack of consultation with residents, in order to allay their fears in the first instance about the site, was highlighted as still being of concern to a number of Members and it was commented that a deferral should be sought until the residents had had an opportunity to view such a site. In response to this point the Planning Officer advised that following the consultation, five letters had been received in response and letters had been written in response to those five residents and all residents in Glebe Road outlining the situation with regards to the noise and pollution concerns. This gave an overall perspective into the number of objections received.

The Planning Officer further advised the he would have concerns with proposals for visiting a similar site for a number of reasons, those being that there was not much to see in the first instance and also guarantee could not be given that the plant being visited was constructed to the same specification as the proposed plant. The Committee had received a great deal of information with regards to the pollution and noise and this information had been proven satisfactory to the relevant officers. Because of these reasons it would be difficult to justify a deferral.

It was commented that although some Members believed a visit to be necessary, some Members believed this proposal to be unnecessary. Not comparing like for like could provide a false impression of the proposed development and could therefore possibly place further unfounded fears into the minds of local residents.

A motion was put forward and seconded to approve the application, subject to revised on site tracking being undertaken, the implementation of an additional condition requiring the emissions of the site to be monitored and a update on these emissions to be provided at a later date and the revised condition C8 in relation to the levels of noise being emitted as detailed in the update report. The motion was carried by 6 votes, with 4 voting against.

Members were advised that as a courtesy, details of the equipment to be installed inside the site would to be provided to Members at a later date.

RESOLVED: (6 For, 4 Against) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C20 as detailed in the committee report
2. The revised condition C8 as detailed in the update report
3. An additional condition requiring the emissions from the site to be monitored and an update on these emissions to be provided at a later date
4. Revised on site tracking being undertaken and provided

Reasons for decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposed Moys End Stand and education centre would provide a mixed use development of high quality, in a sustainable location which adhered to the general principles for the redevelopment of the South Bank Opportunity Area and the City Centre in accordance with PPS1 (2005), Policy CS4 of the Peterborough Core Strategy DPD (2011) and Policy CC11 of the Peterborough Local Plan (First Replacement);
- The design of the proposed development was innovative and of high quality which would not appear unduly incongruous within its setting in accordance with PPS1 (2005) and Policy CS16 of the Peterborough Core Strategy DPD (2011);
- The Energy Centre would offer low-carbon on-site renewable energy and would contribute towards the City's Environment Capital agenda in accordance with PPS22 (2004) and Policies CS10 and CS11 of the Peterborough Core Strategy DPD (2011);
- The proposal would not result in any detrimental impact upon the amenities of occupants of neighbouring properties in accordance with PPG24 (1994) and Policy CS16 of the Peterborough Core Strategy DPD (2011);
- Suitable remediation could be carried out on contaminants found within the soil in accordance with PPS23 (2004);
- There would be no harmful impact upon ecology as a result of the proposal in accordance with PPS9 (2005) and Policy CS21 of the Peterborough Core Strategy DPD (2011); and
- The proposal would have no detrimental impact upon the flood risk of the surrounding area in accordance with PPS25 (2010) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

The meeting was adjourned for ten minutes.

5.4 11/01023/FUL – Construction of bungalow (part retrospective – part amendment) at land rear of 78 Welland Road, Dogsthorpe, Peterborough

The application related to an existing three bedroom bungalow which had not been built in accordance with the approved plans. The as-built dwelling differed from the approved scheme (01/01585/FUL) in the following ways:

- Footprint of dwelling increased;
- Dwelling built 0.5 metres closer to the southern boundary;
- Dwelling built one metre closer to northern boundary;
- Garage built 1.5 metres closer to southern boundary;
- North-western corner of the dwelling 'filled out' and dwelling constructed five metres closer to the southern boundary;
- Arrangement of rooms internally altered to increase the number of primary habitable rooms facing Nos.46-50 Figtree Walk;
- 2.5 metre boundary breeze block wall;
- Alterations to front elevation design;
- Number of windows to the southern elevation increased and size of windows increased also; and
- Ridge height increased by 0.7 metres.

This application included a series of proposed amendments, which the applicant believed would address the concerns raised by Offices, Members and residents.

This revised scheme had been submitted following extensive discussion between the applicant, officers, Ward Councillors and local residents of Figtree Walk albeit it was accepted that the proposal may not overcome all concerns raised by local residents.

The revisions to the dwelling included a reduction in the ridge height of the roof to that approved under application reference 01/01585/FUL, construction of a 1.8 metre high close boarded boundary fence, alterations to the glazing of the rear elevation and

restriction to the outdoor lighting. The scheme proposed replacement of all four no. double patio doors with fixed standard glazed windows and insertion of a 400mm strip of obscure glazing.

There had been several applications submitted to regularise the situation however none had been successful and at the current time, the dwelling had no planning permission. Furthermore, an Enforcement Notice requiring the dwelling to be amended in line with the approved plans under application reference 01/01585/FUL was served upon the owner on 3 August 2010. This Notice was appealed and upheld, with the period of compliance extended to 6 December 2011.

The site was previously part of the rear private gardens to Nos. 78 and 80 Welland Road, a pair of semi-detached dwelling houses. The site was bound to the north east by part of the side wall and the rear garden to No.82 Welland Road and to the south east by the rear gardens of properties along Figtree Walk.

The dwelling itself was situated to the rear of the plot, at its narrowest approximately two metres from the rear boundary wall and at its widest 3.2 metres. The form was roughly 'L-shaped' with the main amenity area to the front of the dwelling. A detached garage was situated close to the boundary on the south-west side and access to the highway was provided via a driveway along side No.78 Welland Road. The driveway had not been completed.

The Planning Officer addressed the Committee and gave an overview of the main issue for consideration, that being the impact of the development on neighbour amenity. The recommendation was one of approval.

Members were advised that the Inspector had upheld the refusal of the Council and he had also upheld the enforcement notice. A number of comments had also been made by the Inspector, including a recommendation that all parties involved should meet to try and resolve matters between themselves rather than bringing the issue back to the inspectorate for determination. The Inspector had also identified a number of changes which he believed would address the concerns of the neighbours, those being the use of a boundary fence instead of a wall, changing the patio door windows in the bungalow from full length to a more modest window size, planting to mitigate the appearance of the house/fence and the lowering of the ridge height to match the approved scheme. This would be a reduction of 0.7 metres.

The applicant had taken note of these points raised from the Inspector and submitted the application which was before the Committee.

The Planning Officer advised that the only element he believed was missing was that of landscaping but given the limited amount of space available between the rear of the bungalow and the property boundary there was no realistic prospect of getting purposeful landscaping into that space.

Members' attention was drawn to additional information contained within the update report. Additional comments had been received from Councillor Chris Ash and Councillor Adrian Miners, Ward Councillors, urging resolution of the issue.

Councillor Bella Saltmarsh, Ward Councillor, addressed the Committee, on behalf of those residents of Figtree Walk directly concerned with the application and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- This was a case that could have benefitted from simplification
- It was not believed that the development on the back land was successfully accommodated on the site

- The development harmed the amenity of local residents as per policy DA6, as it had been built too close to the boundary fences at the rear
- If the building had not been built so close, the original screen of trees and shrubs could have remained in situ and the problems of invasion of space/proximity of walls fences etc would not have been so acute
- The new proposals to reduce the height of the bungalow and to insert obscure glazed windows still did not alter the fact that the bungalow had been built larger and closer to the properties in Figtree Walk and not as per original specification
- The bungalow had also been built in the knowledge that no planning permission was granted and the applicant had been warned that the building was continuing at his own risk. This showed a complete disregard for planning rules
- Every application had been refused or dismissed after the original application was approved in 2002
- The original application would have been acceptable to the residents of Figtree Walk
- Building on the site did not start until 2007
- The application had caused unnecessary stress to the directly concerned residents of Figtree Walk

Mr John Dadge, the Applicant's Planning Consultant from Barker Storey Matthews, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The application was a difficult one for the Committee to decide
- A remedy, inline with the comments made by the Planning Inspector in his report, was sought
- Various ways to mitigate against the impact of the development, as built, had been looked into
- It was believed that reducing the height of the building would reduce its visual impact
- It was believed that the measures proposed in relation to the windows would overcome the issue of loss of privacy
- There was always some element of overlooking from first floor windows in urban areas, however people did not tend to spend time looking out of those windows into their neighbours gardens
- The measures imposed would achieve a positive result, and officers considered the proposals as policy compliant
- The conditions attached to the proposal addressed all the matters
- The applicant was keen to make sure that the necessary remediation was undertaken at the earliest opportunity
- The works could be completed within three months, and in relation to the window works specifically, this could be undertaken within six weeks of the granting of planning approval
- Suggested conditions had been offered to take away permitted development rights in order to offer some reassurance for the future
- Authority had been given by the applicant that the matter not be dealt with via a S106 but by a unilateral undertaking
- It was hoped that the neighbours would be happier once the revisions to the property had been undertaken

Members sought clarification from the Planning Officer as to whether the revised arrangements with regards to the unilateral undertaking were acceptable to officers. In response, Members were advised that planning consent would not be issued until such time as the legal agreement was entered into. If the way forward was by unilateral agreement, a payment was usually made at the time of the signing of that agreement. A contribution of £6k would be required.

In response to a number of queries raised by Members, the Planning Officer advised that the reduction in the ridge height was to be 0.7 metres. With regards to the proposals for the new windows, obscure glass would be used rather than the application of a film on part of the windows.

Following comments with regards to possible justification for refusal, it was highlighted that the application, as long as it was enforced, appeared to be acceptable.

Members questioned what the next steps would be if the works were not completed within the three month allocated timescale. The Planning Officer advised that a breach of condition would be served, which would go straight to court. Secondly, a normal enforcement notice would be served stating that the planning permission should be complied with during a set timescale.

It was commented that if approval was given, a precedent would possibly be set for future developments. The Inspector had commented in his report that it would be better for all parties to resolve the situation between themselves. This application had not done that.

Following further brief comments, a motion was put forward and seconded to approve the application subject to receipt of an S106 agreement or unilateral undertaking for the sum of £6k and additional conditions relating to the height of the roof ridge and the specifications of the patio windows. The motion was defeated by 6 votes, with 4 voting for.

A further motion was put forward and seconded to refuse the application due to the proximity of the bungalow to the boundary and its overbearing nature in relation to the adjacent properties. The motion was carried by 6 votes, with 4 voting against.

RESOLVED: (6 For, 4 Against) to refuse the application, contrary to officer recommendation.

Reasons for the decision:

The proposed reduction in the ridge height of the bungalow inadequately compensated for the fact that the property had been built closer to the boundary with the residential properties in Figtree Walk than was previously approved under 01/01585/FUL. The proximity was such that the bungalow would still have an overbearing appearance when viewed from those properties. The proposal was therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).

5.5 11/01058/FUL – Extension and installation of new shop window and roller shutter and change of use of shop from A1 to A5 hot food takeaway at 93 Eastfield Road, Peterborough

The application sought planning permission for the change of use of an existing A1 retail shop which currently sold wigs and hair accessories to an A5 hot food takeaway. According to the applicant this unit was soon to be vacated. No details had been provided of the proposed occupant however it was proposed for the unit to have a kitchen to the rear, a servery and shop area with five seats for waiting customers.

In addition permission was sought for an extension of the shop front including new shop window and security roller shutters. The proposed extension measured 1.2 metres in width to incorporate an additional door. The proposed roller shutters were to have perforations of no less than 150mm x 150mm and would extend across the entire of the new shop front.

The application site was comprised of a two storey mid-terraced Victorian building located along Eastfield Road, close to the junction with Padholme Road and opposite the cemetery. The site was located within an identified Local Centre within the Peterborough Local Plan (First Replacement) (2005) albeit there was no primary retail frontage.

The properties either side of the application site were of A1 retail use (specifically a convenience store/off license and a former domestic appliance store that was now vacant). There was also an existing hot food takeaway within the Local Centre. There was no off road parking provided at the site and Eastfield Road was restricted by double yellow lines preventing parking immediately to the front of the site. Parking was provided on-road to the south and north of the site albeit this is restricted.

The Planning Officer addressed the Committee and gave an overview of the application. The main issues for consideration were outlined and these included the principle of development, the design and impact upon the character and appearance of the area, the impact of the development on neighbouring amenity (crime and anti social behaviour), noise and fumes from extraction equipment and highways implications. The recommendation was one of refusal.

Members were advised that the police had been consulted for two reasons, the first being due to the issue of crime and disorder in the area. In response, the police advised that the area had a high level of anti social behaviour and it was felt that changing the premises to a late night hot food takeaway would exacerbate this situation further. The police had also been consulted due to the proposal having a metal roller shutter on the shop front. This would only usually be allowed on a premises where there was a history of criminal damage to the property. Whilst there was anti social behaviour in the area, there did not tend to be criminal damage done to properties in the area, therefore fitting external shutters would have a detrimental impact on the streetscene. The Planning Officer further advised that he would be happy for internal mesh rollers to be fitted which did not need planning consent.

A proposal was put forward and seconded to refuse the application as per officer recommendation. The motion was carried unanimously.

RESOLVED: (Unanimously) to refuse the application, as per officer recommendation, and:

1. The reasons R1 and R2 as detailed in the committee report

Reasons for decision:

It was considered that the proposed change of use from A1 retail unit to A5 hot food takeaway was unacceptable and contrary to the relevant development plan policies against which any proposal must be assessed. Particularly, the proposal would result in an increase in the levels of crime and anti-social behaviour in the area which in turn, would lead to a detrimental impact upon the amenities of surrounding residential properties by virtue of noise and general disturbance. This was contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005).

Furthermore, the applicant had failed to satisfy the City Council's requirement that there was a clear need for security roller shutters as a result of crime and vandalism affecting the property. As such, it was considered that the proposal would result in the

unnecessary proliferation of roller shutters within the area, resulting in harm to the character, appearance and visual amenity of the locality.

13.30 – 16.42
Chairman

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