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## **MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 10 JULY 2012**

**Members Present:** Councillors Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Todd, Stokes, Shabbir, Sylvester, Lane and Harrington

**Officers Present:** Simon Machen, Head of Planning Transport and Engineering Services  
Nick Harding, Group Manager Development Management  
Amanda McSherry, Principal Development Management Officer (Item 5.4)  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Senior Solicitor  
Gemma George, Senior Governance Officer

### **1. Apologies for Absence**

There were no apologies for absence received.

### **2. Declarations of Interests**

Councillor Harrington declared a personal, non-prejudicial interest in item 5.2, in that he was acquainted with the Applicant, but this would in no way affect his decision. Councillor Harrington further declared that he was the Ward Councillor for items 5.3 and 5.6.

Councillor Todd declared a personal, prejudicial interest in item 5.4 due to her connections with the City of Peterborough Academy.

Councillor Shabbir declared that he was the Ward Councillor for item 5.4, but this would in no way affect his decision.

### **3. Members Declaration of Intention to make Representations as Ward Councillor**

Councillor Harrington declared that he would be speaking on behalf of residents in relation to item 5.3 on the agenda.

Councillor Todd declared that she would be speaking on behalf of residents in relation to item 5.4 on the agenda.

Councillor Hiller declared that he would be speaking on behalf of residents in relation to item 5.2 on the agenda.

### **4. Minutes of the Meeting held on 12 June 2012**

The minutes of the meeting held on 12 June 2012 were approved as a true and accurate record.

## **5. Development Control and Enforcement Matters**

### **5.1 12/00329/OUT – Great Northern Railway Hotel, Station Road, Peterborough, PE1 1QL**

The application site was approximately 0.75 hectares and was bound to the east by Bourges Boulevard and to the south, west and north by Station Road. The site lay within the city centre boundary and the Railway Station Opportunity Area and on the edge, but outside, the Central Retail Area as defined in the Adopted Peterborough Local Plan (First Replacement) 2005. The site contained a hotel building with 33 rooms, a large area of surface car parking to the east and a small garden area to the south and was accessed via Station Road. The site was generally flat and enclosed by mature trees along the northern, eastern and southern boundaries. The surrounding context was comprised of a mixture of uses and was dominated by hard infrastructure including the railway line to the west and the Bourges Boulevard dual carriageway/public transport corridor and main transport link to the city to the east; beyond which was a 4/5 storey car park associated with the Queensgate shopping centre. The site was situated directly north of the station surface car park and multi storey Perkins car park and lay directly opposite the railway station building to the west. To the north of the site was the former Royal Mail Sorting Office, which was currently in use as a temporary surface car park and Outline planning permission had recently been granted for 'Redevelopment to provide office (B1) and retailing (A1, A3 and A4)' (ref. 10/01461/OUT). The site was also in close proximity to the North Westgate Opportunity Area.

The application sought outline planning permission to establish;

- The principle of development;
- The quantum of development on the site; and
- Access to the site.

All matters relating to layout, scale, appearance and landscaping were to be reserved to a later stage. Indicative plans of the layout, floor plans and elevations showing the heights, widths and depths of the proposed scheme had been provided. The proposal included demolition of an extension to the east of the hotel building that contained the largest function room and outbuildings to the north. A new extension to the hotel would be built to the north (rear) of the hotel and a new office development was proposed on the eastern side, to be accommodated over six storeys stepped up in stages from the existing hotel building. The ground floor would provide café/retail uses with active frontages. Six residential apartments would be provided on the top floor of the office building. The development would provide two concealed parking areas, both of which would be accessed off Station Road to the north. Twenty no. spaces would serve the hotel and 31 no. spaces would serve the office/commercial/residential uses. A large public realm area would be located to the south of the site. The proposal would provide:

- 13,010m<sup>2</sup> Gross Internal Area (GIA) B1 (office accommodation);
- 801m<sup>2</sup> GIA A1 (retail) and 801m<sup>2</sup> A3 (restaurant/café);
- 1,735m GIA C1 (hotel) extension to provide 47 additional bedrooms;
- 6 no. residential apartments (3 x 3-bed and 3 x 2-bed);
- 51 car parking spaces; and
- 200 no. cycle parking spaces

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. It was advised that the Applicant had submitted a number of indicative drawings outlining what the proposal may look like once completed, however these drawings were not for approval at the current time.

The main issues for consideration were highlighted, these included landscape implications and highways issues amongst others. The recommendation was to grant the application subject to the signing of a legal agreement and the imposition of relevant conditions.

In accordance with Policy CS13 of the Adopted Peterborough Core Strategy, the development would have a burden on the services and infrastructural needs of the city therefore site related contributions and a monitoring fee were sought, these were comprised of a number of POIS contributions and a £1m Section 106 (S106) contribution towards Bourges Boulevard enhancement works.

An initial assessment conducted had highlighted that bats may be living in the existing hotel building and therefore a further detailed survey was to be conducted with a mitigation strategy to be produced.

The Committee was advised that authority was sought to issue planning consent subject to a satisfactory survey mitigation proposal as well as the implementation of a successful S106 agreement.

Members' attention was drawn to additional information contained within the update report. An additional condition was proposed in relation to the submission of a construction management plan prior to the commencement of any development.

Mr Peter Lee, from the Civic Society, addressed the Committee in objection to the application and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The retention of the historic Great Northern Hotel's core building was welcomed as was the open space and concourse on the southern side;
- The loss of trees, as specified within the committee report, was of no real concern and it was felt that the site had development potential;
- The main objection was in relation to building height. It was felt that the Applicant had not demonstrated that a building of such a height was acceptable at the location;
- There had been no attempt to address the impact of an eight storey building on Bourges Boulevard or on longer distance views;
- The building would be surrounded by other buildings and the drawings had not shown this;
- The maximum height limit of five to six storeys should be applied so as not to impinge on the views of the Cathedral from the west;
- The elevation facing Bourges Boulevard would be a flat blank façade. This would be the most visible façade in the scheme for most people. More needed to be made of this façade;
- There were concerns about the triangular balconies facing outwards from the site, a much more positive focal point was required. The balcony areas had also been included in the overall floorspace, which was incorrect;
- The adverse impact to the north. The building would overshadow the station egress road and the site to the north, where a new area of pedestrian public realm had recently been approved;
- With regards to the new bedroom block facing the station, this would be a four storey high building and it would be higher than the three storey Great Northern Hotel, could the fourth storey be put into a mansard roof?;
- The size of the retail units was questioned, if they were large retail units, would they come into direct competition with other units in the area?;
- The lack of public consultation. The exhibition had taken place for six hours on

a working day and therefore it was felt that the results were flawed.

Following comments from the speaker, the Group Manager Development Management advised that the public consultation process had no fixed format to follow and therefore the Applicant had been under no obligation to undertake the consultation in any particular fashion. It was further highlighted that the Committee were not approving designs at the current time, just the maximum amount of floorspace permitted for development. The application had been presented to the Design Panel, made up of local and nationally based architects, and overall the comments received had been of a positive nature, however it had been mentioned that the final designs may require some additional work.

Following questions to the Group Manager Development Management in relation to the eight storey height of the building, Members were advised that the final design could be very different to that presented, and as long as the floorspace was achieved an eight storey proposal was not a certainty.

The Head of Planning Transport and Engineering Services addressed the Committee in response to the concerns raised by a number of Members in relation to the height of the proposal. He stated that the proposal would not appear out of place as both Queensgate and the recently approved ING development were large buildings. Furthermore, in order to make the scheme viable and to generate investment in the city, the floorspace would need to be maximised to its full potential.

Following debate, Members commented that the development was an exciting concept for the city, however when the application was submitted at the reserved matters stage the impact on the Great Northern Hotel and the impact on the views of the Cathedral needed to be taken into careful consideration. There were previous success stories where old buildings had been merged with new buildings, and this needed to be achieved with this development.

A motion was put forward and seconded to grant the application subject to the imposition of an additional condition in relation to the production of a construction management plan, a satisfactory bat survey and mitigation proposal and the signing of a S106 agreement. The motion was carried by 8 votes, with 2 voting against.

**RESOLVED:** (8 For, 2 Against) to grant the application, as per Officer recommendation, subject to:

1. The conditions numbered C1 to C20 as detailed in the committee report;
2. The additional condition C21 as detailed in the update report:

Prior to the commencement of any development a construction management plan shall be submitted to and approved by the Local Planning Authority. The construction Management Plan shall include (but not exclusively) the following:-

- Haul Routes to and from the site;
- Hours of working;
- Parking, Turning and Loading/Unloading areas for all construction/contractors vehicles;
- Site compounds/storage areas;
- Temporary Access points; and
- Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction.

In the interests of the safety of all users of the public highway in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD 2011

3. The completion of a satisfactory bat survey and mitigation proposal; and
4. The signing of a S106 agreement.

#### **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 weighing against relevant policies. Specifically;

- The proposal would provide 13,010m<sup>2</sup> of new office floorspace within the city centre and the site could accommodate the quantum of development within the indicative heights without detriment to the immediate context;
- The proposed A1/A3 uses would provide active frontages and would be complementary to the existing station;
- The site would be well related to services and facilities that would serve the residential needs of the future occupiers of the apartments;
- The extension to the hotel building would be complementary to the characteristics of the site and would enable the continued operation of one of Peterborough's historic assets;
- The public realm would enhance the sense of arrival to the city and improve the legibility to the city centre;
- The proposal would not unduly impact on the surrounding highway network;
- The proposal would not have an unsatisfactory impact on any ecological feature or trees of significant value;
- The proposal would make satisfactory and justified off site provision towards improvements to Bourges Boulevard and a contribution towards the social and physical infrastructure demands that it would place on the city; and
- The proposal would provide a high quality landmark building important to the city's image and would not prejudice the potential for the development of other sites within the Station Quarter Opportunity Area.

Hence the proposal was in accordance with policies CC12, CC15, CC16, LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS3, CS4, CS10, CS12, CS13, CS14, CS16, CS17, CS21 and CS22 of the Adopted Peterborough Core Strategy DPD 2011 and the National Planning Policy Framework.

#### **5.2 12/00609/HHFUL – Proposed single storey side and rear extensions with additional living space in roof, 12 Main Road, Etton, Peterborough, PE6 7DA**

The site was a detached 1960's chalet style dwelling of brick and tile construction, located within the Etton Conservation Area, adjacent to the edge of the village envelope. The dwelling was one of three similar chalets; the other two had been altered by, in one case the insertion of a dormer window, and the other a porch. The site was enclosed by a large conifer hedge at the southern boundary and a mix of fencing and shrubbery for other site boundaries. The dwelling sat within a generous plot and there was parking for at least two vehicles to the front of the property.

Permission was sought for the erection of two storey side and rear extensions and a single storey extension. The two storey side extension would measure 4.25 metres wide by 8.4 metres deep, with a dual pitch roof measuring 2.5 metres above ground level at the eaves and 6.3 metres at the apex. The two storey rear extension would project beyond the rear wall of the existing dwelling by 3.75 metres, matching the 7 metre height of the existing dwelling. The single storey rear extension would measure

4.05 metres deep by 2.5 metres wide and would be located to the side of the proposed two storey rear extension.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. The main issues for consideration were highlighted, these included the impact of the development upon the character of Etton Conservation Area, the impact upon the amenity of the occupiers of neighbouring dwellings and the impact upon wildlife. The recommendation was to grant the application subject to the imposition of relevant conditions.

The conifer hedge enclosing the site was proposed for removal and this point was of main concern to the objectors. It was highlighted that permission was not required for its removal. If the hedge was to be removed, the Applicant had indicated that they would be happy to accept a condition requesting a more traditional hedge to be planted in its place.

Councillor Peter Hiller, Ward Councillor, addressed the Committee on behalf of a local resident and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The extensions were clearly two storey extensions and would more than double the size of the current property;
- The application would be detrimental to the local resident's quality of life and also to the village of Etton's Conservation Area and the adjacent listed cottage;
- The properties either side were modest, one being similar to the property in question and one a small, listed cottage;
- The Conservation Officer's report was clear and stated that the property would be extremely dominant once it had been more than doubled in size. The Conservation Officer also had reservations with regards to the removal of the hedge;
- The property would dwarf its neighbours and alter the street scene irrevocably;
- The properties together would have far more impact on the street scene than had been suggested within the Planning Officer's comments contained within the committee report. They would also be seen together from many different positions;
- The Officer's comments with regards to the impact upon the amenity of the occupiers of the neighbouring dwelling, particularly in relation to the overshadowing of their conservatory and rear amenity space during the winter months, were somewhat disingenuous;
- Did the proposal accord with Policies CS16, CS17, PP1 and PP2?

Mr Martin Brook, a local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Mr Brook lived in a neighbouring property and had moved to Etton to enjoy the countryside views;
- Mr Brook had carried out alterations to his property but these had not exceeded the limits of those already in place both in terms of footprint and height;
- The proposed main rear extension was in fact a two storey extension, with the ridge line being maintained seven metres above ground level. This was the main cause of objection;
- The proposed projection of the rear extension would extend further than Mr Brooks' conservatory. This would cause significant overshadowing and loss of light. It would reduce light into the first floor bedroom window, kitchen window, lounge window, conservatory, family room and rear garden. This would cause a

- significant reduction in quality of life, surroundings and loss of private amenities;
- The Officer's report acknowledged that access to direct light would be lost for a minimum of six months per year, due to the extent of the proposed extension;
- The proposal was contrary to planning considerations for both privacy and daylight;
- The change in the street scene to Main Road was also a cause for concern, especially the impact on the listed building;
- The increase in the size would dominate the currently well proportioned streetscene view;
- The Officer acknowledged that within a Conservation Area, trees with a diameter of 75mm, and 1 ½ metres high, were in fact protected. Had a survey therefore been undertaken on the hedgerow?
- There was no objection to the extension in principle, as long as it maintained the overall height and footprint already present.

Following questions to the speakers, Members debated the application and commented that it would have been of benefit if the Agent or Applicant had been present to outline the proposal.

It was further commented that the application would be overbearing and the impact on the neighbouring dwelling, including the loss of light, which would be experienced for a large portion of the year, would be unacceptable. If the hedge currently in place was removed the imposition of a new hedge could not be confirmed, the loss of this hedge and the impact of the proposal would have a negative impact on the streetscene and on the listed building.

Following debate, a motion was put forward and seconded to refuse the application, contrary to Officer recommendation, due to the overdevelopment of the site, its overbearing impact on the neighbouring dwelling leading to a loss of light and also the impact on the character of the Conservation Area with regards to the scale of the extension and the adverse impact on the streetscene and the listed building. Policies CS16, CS17, PP1 and PP2 were cited. The motion was carried by 8 votes, with 1 voting against and 1 abstaining.

**RESOLVED:** (8 For, 1 Against, 1 Abstention) to refuse the application, contrary to Officer recommendation.

**Reasons for decision:**

The proposed side extension was of a significant size and scale and of a design which did not preserve or enhance the Eton Conservation Area and which was detrimental to views of the nearby Listed Cottage. The proposal was therefore contrary to Policy CS17 of the Peterborough Core Strategy DPD 2011 which stated that 'all new development must respect and enhance the local character and distinctiveness of the area'. The proposal was also contrary to emerging Policy PP1 of the Peterborough Planning Policies DPD (2012) which stated that new developments should 'make a positive contribution to the quality of the built environment (in terms of its location, size, scale, massing, proportions)' and 'would not have a detrimental effect on the character of any immediately adjoining properties'.

The rear extension, including the extension to form the utility, would be detrimental to the amenity of the neighbouring property as it would be overbearing and cause significant shading and loss of light. The proposal was therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD 2011 which stated that 'new development should not result in unacceptable impact on the amenities of occupiers of any nearby properties. The proposal was also contrary to emerging Policy PP2 of the Peterborough Planning Policies DPD (2012) which stated that new developments

should not result in unacceptable loss of 'light to and / or overshadowing of nearby properties' or have an 'overbearing impact'.

The meeting was adjourned for ten minutes.

**5.3 12/00758/NONMAT – Non-material amendment to planning permission 06/01257/FUL – Erection of single storey dwelling and detached single garage, 9 Williams Close, Newborough, Peterborough, PE6 7RZ**

The application site was located within the limited growth village of Newborough. Williams Close was a residential cul-de-sac consisting of a mixture of single storey and two storey residential properties. The application site was formerly part of the garden of No.9, which was a single storey detached dwelling. The application site was located at the end of the street set back from the road in a corner position.

The properties on Hawthorn Close to the east of the application site were chalet bungalow style residential properties.

Planning permission had been refused under planning reference 06/01257/FUL for a single storey dwelling and detached single garage on the site. This decision had been overturned at appeal and planning permission had been allowed.

A non material amendment was being sought to planning permission 06/01257/FUL to position the bungalow closer to the eastern boundary of the site. The foundations had been installed on site and it had been found that the distance between the bungalow and the boundary varied between 1.5 metres and 1.9 metres due to the irregularity of the boundary line. The approved position under planning permission 06/01257/FUL was 2.4 metres, the plans did not show the irregular nature of the boundary correctly. Therefore the property had moved between 0.5 metres and 0.9 metres closer to the eastern boundary.

The application was therefore to consider the change to the building position on site only and if approved by the Committee, all of the conditions and drawings would remain as they were previously.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. It was advised that due to the irregularity of the boundary, the property being positioned slightly closer than originally approved would not be of detrimental impact to the neighbour, it was therefore advised that the recommendation was for the amendment to be considered as a non-material amendment to 06/01257/FUL.

Members' attention was drawn to additional information contained within the update report. A number of objector's comments had been received, a number of which were in relation to the piles being placed in different positions.

Councillor David Harrington, Ward Councillor, addressed the Committee on behalf of residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The application had been going on for a long time and had originally been refused due to it being overbearing on the neighbouring properties;
- Many objections had been raised against the application previously, however the application had been granted at appeal;
- It was to be noted that the Planning Inspector had granted the application at appeal after having been provided the dimensions which had since been proven to be incorrect;



- The incorrect dimensions made the proposal site smaller and therefore the original objections were still relevant;
- Peterborough currently had no statutory criteria as to what a non-material amendment was, however guidance from other Local Authorities stated that any change to the red line outline of a site would not be considered under a non-material amendment. Therefore should this application be considered as non-material?;
- Although there was considerable screening to the boundary, if this was removed, what replacement landscaping could be implemented that would survive in such close proximity to the proposed building?;
- If the application was approved, how would this affect the boundary plans i.e. for the proposed patio? Would this be of further detriment to the neighbouring properties considering the implementation of a patio was to mitigate against headlight dazzle;
- The application should stand on its own merits as a new application.

Mr Colin Noble, a local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The Planning Inspector had visited the site in October 2007 and all of the neighbours had been present;
- There were a number of reasons highlighted against the validity of the non-material amendment;
- The Applicant's original measurements had been inaccurate, therefore they were requesting to re-site the building nearer to the boundary of Hawthorn Close. Due to the plot being so small, any changes would have major significance;
- The proximity of the property to the eastern boundary was contrary to the Appeals Inspector's decision;
- Perhaps on a larger plot, differently positioned, the requested change to 1.5 metres would be acceptable, however in these circumstances it was nearly a 50% reduction in a key boundary;
- Peterborough City Council did not include on their website any guidance as to what could be included as non-material amendments. Many other councils did;
- The revised plan included a reduced construction width which was not in line with the approved appealed construction width;
- Building piles had been implemented without approval;
- It was requested that the Inspector's decision be adhered to.

Mr Anthony Nelder, the Applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The issue had arisen out of a poor site assessment;
- A new surveyor was now involved with new drawings completed from scratch;
- The boundary was not a straight line and there had been a mis-measurement at one end of the site;
- The appeal had taken into account the impact on Hawthorne Close;
- The boundary, being the leylandii hedge, was 25 metres from the back of the properties along Hawthorne Close. The hedge was on the neighbours side of the fence;
- Along this boundary, there would be one small window, which would be frosted;
- The issue needed to be rectified as it had been ongoing since 2006;
- The dimensions of the piles were exactly as they should be for the planning permission that had been granted, the error had occurred due to the wrong

measurements of the plot.

Following comments from the speakers, the Group Manager Development Management advised that prior to making a decision, Planning Inspectors always visited sites prior to consideration at appeal. It was further advised that the type of application before the Committee was of no significance and should be treated as any other application, Members were simply being requested to determine what impact the changed siting would have upon the neighbours.

Members commented that there were a number of issues to be considered and there were arguments both for and against the application. The original application had been refused by the Authority due to the proximity of the property at 2 ½ metres. The Inspector had been satisfied with this proximity, however if measurements had been submitted with the property being nearer to the boundary, the Inspector may not have been in approval.

Members further commented that although the issue had been ongoing for a period of time and did need resolution, the amendment was a fundamental change.

Following debate, a motion was put forward and seconded to approve the application to permit the amendment sought to be considered a non-material amendment. The vote was tied with 5 voting against and 5 voting for, the Chairman exercised her casting vote and the motion was defeated with 6 votes against and 5 voting for.

A second motion was put forward and seconded to refuse the application, contrary to Officer recommendation, due to the overbearing impact of the proposal on the neighbour's amenity and the proximity of the property to the neighbour's land. The vote was tied with 5 voting for and 5 voting against, the Chairman exercised her casting vote and the motion was carried by 6 votes, with 5 voting against,

**RESOLVED:** (6 For, 5 Against, with the Chairman exercising her casting vote in favour) to refuse the application, contrary to Officer recommendation.

**Reasons for the decision:**

The siting of the bungalow closer to the boundary with the adjacent dwellings in Hawthorn Close, would be detrimental to their amenity as it would be overbearing.

The proposal was therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD 2011 which stated that 'new development should not result in unacceptable impact on the amenities of occupiers of any nearby properties. The proposal was also contrary to emerging Policy PP2 of the Peterborough Planning Policies DPD (2012) which stated that new developments should not result in an 'overbearing impact'.

**5.4 12/00717/R3FUL – Refurbishment and development of the former Hereward School buildings and site to create the new City of Peterborough Academy, works consist of refurbishment of the existing buildings including construction of a new two storey link block, two additional classrooms and a small extension to the changing rooms, demolition of existing plant room and a new single storey Special Education Needs (SEN) school for 90 pupils to also be constructed on the site. City of Peterborough Academy, Former Hereward Community College, Reeves Way, Eastfield, Peterborough**

The application site was the former Hereward Community College site. The site had not been used as a school since 2007; however Peterborough City Council had recently been using the buildings on a small scale informal basis for meetings, training space etc.

The site covered an area of 6.32 hectares, and was comprised of a mainly flat site, with school buildings, playing fields, car parking and landscaped areas.

The surrounding land uses were residential to the north and west, St John Fisher School to the south and Frank Perkins Parkway dual carriageway to the east.

The proposal was:

- To construct a new single storey Special Educational Needs School (SEN) of 2,414 square metres to accommodate 90 pupils;
- To refurbish and re-open the existing school buildings for the new City of Peterborough Academy;
- Three extensions to the main school building:
  1. undercroft classrooms (200 square metres gross internal area (g.i.a)) extension in Block 1;
  2. a two storey link block between existing buildings (687 square metres g.i.a); and
  3. an extension to the sports changing rooms (19 square metres g.i.a)
- New internal vehicle access road, car parking and cycle parking. A total of 143 car parking spaces were proposed and 136 cycle spaces with room for future expansion of the cycle parking facilities;
- Resurfacing of the existing tennis courts;
- Improvements to the existing grass pitches on the site;
- Replacement of the existing disused multi use games area (MUGA) with a third generation (3G) surface;
- Refurbishment of the existing pavilion changing block for school and community use;
- Re-location of wildlife area;
- New elevation screen structures to the east and west elevations;
- New pedestrian and cycle access to site from Viney Close;
- Widening of the access road from Reeves Way to school;
- Upgrading of two nearest bus stops to the site; and
- Landscaping

The Principal Development Management Officer addressed the Committee and gave an overview of the proposal. The main issues for consideration were the siting, design and layout of the new development, the impact on neighbours, ecology, trees, Sport England issues in relation to the loss of the former playing field, energy efficiency and drainage. The recommendation was to grant the application subject to the imposition of relevant conditions.

The Committee was advised that the access from Viney Close would be for emergency and maintenance vehicles only and the imposition of a pedestrian access into the site was also proposed. Residents had expressed concern at this aspect of the proposal stating that they believed that Viney Close would be used as a drop off point, however it was a narrow road and the turning capabilities at the end of the road were poor, it was therefore in Officer's opinion that the road would not be used as a drop off point.

The issue of surface water drainage was an issue that was yet to be resolved. The Environment Agency had looked at the Floodrisk Assessment and had advised that a different data source should have been used for the basis of the calculations. The Committee was therefore requested, should it be minded to approve the application, to allow the Head of Transport Planning and Engineering to issue planning permission once this Environment issue had been overcome.

Members' attention was drawn to additional information contained within the update report. The Landscape Officer had confirmed that the additional tree information requested had been received and was acceptable. Anglian Water had also raised no objection subject to the imposition of a condition that there should be no permanent occupation of the site until the Surface Water Strategy had been carried out. Members were also advised that an addendum to the Flood Risk Assessment had been sent to the Environment Agency and their comments were awaited.

Councillor Marion Todd, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Councillor Todd had had a large amount of involvement with the site and this would be a welcome addition to the educational system;
- Comments contained within the committee report, highlighting that no public consultation responses had been received, were inaccurate;
- Many residents had been concerned with regards to the pedestrian access from Viney Close. This would encourage parents to drive their children to the area and it would get extremely congested. Members were therefore asked to consider this access;
- There were already issues with the other schools in the area with regards to congestion.

Councillor Todd left the meeting for the remaining duration of the item.

Following comments from Councillor Todd, the Principal Development Management Officer advised that the comments contained within the committee report were only those received in relation to the planning application. It was also in the Officer's opinion that the pedestrian access from Viney Close would be beneficial as it would ensure that those children who lived within the vicinity of the access would not have a considerable distance to walk, and it would therefore decrease the likelihood of their parents taking them by car.

If Members were minded to approve the application without the pedestrian access gate, this would be acceptable to the Applicant.

Following debate, Members commented that Viney Road was extremely narrow and many vehicles using it would cause extreme disruption and congestion to the area, a trialling system for the pedestrian access had been mentioned however it was felt that this would be of no real benefit. Sustainable transport was encouraged in the city and therefore only having one entrance into the site would be the preferred option. With regards to the school itself, the facility would be a great addition to the city and was greatly needed. A motion was put forward and seconded to grant the application, subject to the access from Viney Road being restricted to emergency and maintenance vehicles only and the resolution of the surface water objection from the Environment Agency and the addition of any required conditions. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, as per Officer recommendation, subject to:

1. The resolution of the surface water objection from the Environment Agency and the addition of any required conditions;
2. A condition ensuring that the access from Viney Close be restricted to emergency and maintenance vehicles only; and
3. The conditions numbered C1 to C28 as detailed in the committee report.

### **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 siting, scale and design of the extensions and external alterations and the proposed new school building were considered to be appropriate and a visual enhancement to the site. This was in accordance with Policy CS16 of the Core Strategy DPD 2011;
- The proposed buildings and layout of the site, including the widened access road and new car parking, were not considered to unacceptably impact on the amenities of neighbouring sites. This was in accordance with Policy CS16 of the Core Strategy DPD 2011;
- The proposed car parking and access road arrangements were considered to be sufficient for the school. The increased cycle parking and bus stop improvements were acceptable to encourage the increased use of more sustainable travel modes. This was in accordance with Policy CS14 of the Core Strategy DPD 2011; and
- The impact on existing trees and ecology was considered to be acceptable, and replacement trees and biodiversity/landscaping improvements were proposed. This was in accordance with Policies LNE9 and LNE10 of the adopted Peterborough Local Plan (First Replacement) 2005 and Policy CS21 of the Core Strategy DPD 2011.

Councillor Todd re-joined the meeting.

### **5.5 12/00983/CTR – Section 211 Notice, Conservation Area Application: Removal of all Norway Spruce trees apart from 1 row closest to the eastern boundary at 14 Russell Hill, Thornhaugh, PE8 6HL**

In line with Section 211 of the Town & Country Planning Act, a Notice to fell Norway Spruce trees protected by Thornhaugh Conservation Area had been submitted.

The main considerations were:

- Were the works arboriculturally appropriate, and if not, were the trees worthy of protection by way of inclusion into a TPO?

There were in excess of 20 Norway Spruce trees located within the garden of 14 Russell Hill, Thornhaugh on the eastern strip between the side of the house and the neighbouring garden of Montagu House. This strip was approximately 10 metres wide by 30 metres long. Although the house was built in a cul-de-sac, the trees could be seen from both Russell Hill in Thornhaugh and the A47 heading west. It was advised that the recommendation was to raise no objection to the works.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. As the trees fell within the Conservation Area, this meant that consent was required to fell or undertake works on the trees. If the works were rejected, a Tree Preservation Order needed to be served for which supporting reasons would need to be provided for by the Committee. The trees were in extremely poor condition and it was in the opinion of Officers that the trees did not warrant preservation.

A motion was put forward and seconded to raise no objections to the Section 211 Notice and therefore to allow the trees to be felled. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to raise no objections to the Section 211 Notice and therefore allow the trees to be felled, as per Officer recommendation.

**Reasons for the decision:**

It was the opinion of the Case Officer that no objections should be raised to the Section 211 Notice for the following reasons:-

- The trees were not worthy of a TPO due to their poor condition and the fact that they had an estimated life expectancy of less than 20 years;
- If a TPO was served and the owner thereafter applied to fell, and the application was duly refused, it was the Case Officer's opinion that due to the condition of the trees; the Planning Service would lose on appeal; and
- The trees were too close to the building and could not remain in that location without pruning works, which would reduce their visual amenity value.

**5.6 T.P.O 7\_11 – Provisional Tree Preservation Order 7\_11 at 34 School Road, Newborough, Peterborough**

A provisional Tree Preservation Order (TPO) 7\_11 at 34 School Road, Newborough had been served following concerns from a member of the public that the tree was about to be felled. The provisional TPO had been the subject of public consultation and as an objection was received, the Committee was required to determine the application in accordance with paragraph 2.6.2.1 of the Council's Constitution.

The main considerations were:

- Were the trees worthy of inclusion into a TPO in terms of public visual amenity value?; and
- Were the proposals reasonable and justified having regard to the letters of objections raised?

The tree was a mature Ash (*Fraxinus Excelsior*) growing within the front garden of 34 School Road, Newborough, and the property was a brick built semi. The tree was approximately 20 metres high and had a crown spread of approximately 5 metres from centre point. The main trunk of the tree was located approximately 8 metres north west of the property and was growing within a gravel driveway adjacent to the neighbour's boundary and the adopted footway to the front of the dwelling.

The tree was one of only a handful of mature trees within the street and was visible when approached from both the east and west.

It was considered that the tree provided positive landscape value along School Road which was an area largely lacking in trees.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. Historically, extensive pruning works had been undertaken on the tree and at the time the tree had not met the criteria for it to be considered worthy of a TPO. The tree had since recovered well and it contributed considerably to the streetscene. The owner of the tree had objected to the TPO for a number of reasons including the risk to persons and property, drainage damage and the lifting of pavements and driveways. These points had all been responded to by Officers. There were no objections to pruning or deadwooding of the tree. The recommendation was that the TPO be confirmed.

Following debate, Members highlighted that the loss of the tree would be detrimental to both the streetscene and the area. Local residents were in objection to the loss and

there was a lack of mature trees in the area. A motion was put forward and seconded to confirm the TPO. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to confirm the TPO, as per Officer recommendation.

**Reasons for the decision:**

It was the opinion of the Case Officer that the TPO should be confirmed for the following reasons:-

- The tree offered public visual amenity value and it was considered that the loss would be of detriment to the greater public and the landscape in this location; and
- It was the opinion of the Case Officer that tree appeared to be in good health and could provide 20 years plus visual amenity value based on its current condition.

**5.7 06/00892/OUT – Revisions to the signed Section 106 agreement, Arborfield Mill, Helpston, Peterborough**

The Legal Officer addressed the Committee and advised that the report contained exempt appendices and if the Committee wished to discuss any information contained within these appendices, it should be considered whether the press and public should be excluded from the meeting.

At its meeting in June 2012, the Committee resolved to defer the consideration of a proposed revision of the S106 agreement to allow for further information that supported the sales values that formed a key part of the viability assessment to be submitted in order to evidence the need to reduce the S106 burden.

Outline planning permission had been granted in April 2006 for residential dwellings and associated development (with approval of reserve matters 07/01462/REM being given for 42 dwellings in January 2008). The outline permission was subject to a S106 planning agreement which required the development to make provision for the following:

- A bus stop;
- 13 affordable dwellings;
- £105,511.98 contribution towards school places;
- £189,511.98 contribution towards community facilities; and
- £20,000.00 contribution towards the Clare Trust

A start had been made on the development, however no dwellings had been completed or sold. With the change in the housing economy, the developer had found that the development was uneconomic to build with all the S106 provisions in place. The developer had therefore come to the City Council to renegotiate the S106 agreement. Policy CS10 of the adopted Peterborough City Council Core Strategy recognised that S106 agreements should be negotiated on a site by site basis and Government had issued statements to the effect that Council's should renegotiate S106 agreements where developments had been found to be unviable as a result of changing market conditions.

Initially, the developer had requested that due to the poor viability of the scheme, there should be no S106 obligations at all. To support this request, an economic appraisal of the development costs had been submitted to the Local Planning Authority. Officers of the Council had looked at the appraisal and were satisfied that the costs and returns were representative. The conclusion of the appraisal was that even with there being no S106 agreement in place, the development would make a loss for the developer.

The Parish Council had been asked for its view on there being no S106 obligation agreement in 2011, and it responded by saying that this would be unacceptable.

Since this time, the City Council had considered a similar case at Newborough (Guntons Road). In that case, the PEP Committee had rejected a proposal to reduce the development's S106 contributions to zero and secured a contribution of £5000 towards Parish facilities. Using the principle that the PEP Committee would not accept a zero S106 contribution, Officers had re-entered into negotiations with Linden Homes. The results of these negotiations were:

- a) 6 No affordable housing units;
- b) £105,511.98 towards the provision of primary and secondary school places; and
- c) £15,000 towards the provision of new or improved, sport, recreation, play or social facilities within Helpston Parish.

The bus stop provision from the existing agreement was to be retained.

Linden Homes was prepared to go forward with the development on the specified basis even though it would result in a financial loss. This was because it was important for the operation to have turnover (for turnovers sake) in the business. Linden Homes had stated that if the scheme was not progressed, this would increase the risk that staff in the locally based firm and external contractors may have to be made redundant.

Following the deferment at the previous Committee meeting, Linden Homes had submitted a report that had looked into actual sales values in comparison to those estimated in the viability report. The conclusion of these reports was that:

- a) The estimated values were appropriate; and
- b) That even with a 19% increase in sales values, the development would only break even.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. The recommendation was to permit the S106 Agreement to be varied.

Following debate, Members commented that adequate justification had been given by the developer for the figures outlined, however it was to be noted that the lack of provision of S106 contributions going forward, particularly in rural areas, was to be monitored. The sums were substantial and contributions towards infrastructure and community facilities would be lost leading to bigger issues. A motion was put forward and seconded to permit the S106 Agreement to be varied. The motion was carried by 7 votes, with 3 voting against.

**RESOLVED:** (7 For, 3 Against) to permit the S106 Agreement to be varied, as per Officer recommendation.

The existing S106 agreement to be varied as follows:

1. Delete (with the exception of the construction of a bus stop) the provisions of the current S106 with B to D below;
2. 6 No. affordable housing units;
3. £105,511.98 towards the provision of primary and secondary school places; and
4. £15,000 towards the provision of new or improved sport, recreation, play or social facilities with Helpston Parish.



**Reasons for the decision:**

It had been demonstrated that the approved development was not viable and the current S106 agreement worsened that situation. A revised S106 agreement had been negotiated which delivered local benefits and new development albeit at a financial loss for the developer. Whilst the proposed revised S106 did not provide as many benefits as desired by the Parish Council, it was considered by Officers that a satisfactory position had been negotiated.

1.30pm – 16.55pm  
Chairman

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