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MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 7 JANUARY 2014

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Todd, Simons, Shabbir, Harrington and Lane

Officers Present: Nick Harding, Group Manager Development Management
Julie Smith, Highway Control Manager
Jez Tuttle, Senior Engineer (Development, Highway Control)
Ruth Lea, Lawyer
Hannah Vincent, Planning and Highways Lawyer
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Sylvester.

2. Declarations of Interest

Councillor Simons declared an interest in item 5.6 - 13/01585/WCPP - Removal of condition C1 (temporary permission for two years) of planning permission 11/00950/FUL - Proposed change of use from agricultural to Battlefield Live Outdoor Activity - Battlefield Live, French Drove, Thorney, Peterborough and stated that he would not take part in the debate or vote on the item.

Councillor Hiller declared an interest in item 5.5 13/01485/HHFUL – 11 Barnard Way, Bretton, Peterborough, PE3 9YZ, in the he was acquainted with the applicant, however, this would in no way affect his decision.

Councillor Todd declared that she knew Mr Hoppe, a speaker for item 5.3 13/01539/FUL – 15-17 High Street, Glington, Peterborough, PE6 7LS, however, this would in no way affect her decision.

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

There were no declarations of intention to make representation as Ward Councillor.

4. Minutes of the Meetings held on:

4.1 19 November 2013

The minutes of the meeting held on 19 November 2013 were agreed as a true and accurate record.

4.2 3 December 2013

The minutes of the meeting held on 3 December 2013 were agreed as a true and accurate record.

5. Development Control and Enforcement Matters

It was agreed by the Committee that items 5.1 Manor Drive Phase 4 and 5.2 Manor Drive Phase 6 would be discussed together with the decisions being reached separately on each item.

5.1 13/00927/FUL - Construction of 46 dwellings and associated works - Phase 4 - Land At, Manor Drive, Gunthorpe, Peterborough

The above planning application together with the application planning reference 13/00928/FUL were deferred by the Planning and Environmental Protection Committee on 8 October 2013, so that a scheme for the provision of a play area could be devised and be subject to public consultation.

To address the issue of lack of play space, the applicant proposed a revised layout on Phase 6 planning reference 13/00928/FUL with an area of open space in the south west corner of the site. The residents considered that the area proposed was too small, and there was limited natural surveillance.

Therefore a meeting had been held with the applicant and a group of residents on 29 October 2013. Following the meeting a larger repositioned green space area was proposed on Phase 6 (13/00928/FUL) adjacent to Beadle Way, together with associated changes to the house tenure mix and design of the dwellings.

It was agreed between a working group of residents and Cross Keys that a single area of open space should be provided centrally on Phase 6, and that no additional open space was to be created on Phase 4 13/00927/FUL (this application site), as there was concern about children crossing Manor Drive, which had to become a primary access route in future, into the adjacent Paston Reserve land.

Therefore the proposal for the phase remained unchanged from the scheme considered and deferred by the Committee on 8 October 2013.

The application site covered an area of approximately 1.19 hectares. The site was mainly overgrown grassland which was unused, and enclosed by temporary fencing. The site was bounded to the north by Car Dyke, to the east by unused land that would be part of the future Paston Reserve urban expansion, the south by Manor Drive and the residential properties beyond, and to the west by Phase five residential development, which had been currently under construction.

Planning permission was sought for the erection of 46 affordable houses, 23 would be affordable rented and 23 would be affordable shared ownership. The development was to comprise 23 two bedroom, 21 three bedroom and two four bedroom properties, 44 of which were two storeys and two of which were 2.5 storeys in height. The houses were a mixture of semi-detached and terraced properties. Vehicle access to the site was from Manor Drive.

The Group Manager Development Management provided an overview of the application and summarised the contents of the additional information report. An additional representation had been received from a local resident in relation to the provision of open space and it was felt the 30 metre green buffer allocation would be insufficient.

The officer's recommendation was to grant the application subject to the imposition of relevant conditions.

Mr Foster, the applicant, addressed the Committee and highlighted key points relating to the application. In summary, the key points highlighted included:

- Two meetings had been held with residents from Beadle Way in order to consult further and to address any outstanding issues;
- There had been difficulty in communicating with Manor Drive residents. A letter inviting them to a second meeting was distributed, however, despite the communication efforts, there had only been email and phone correspondence received from one resident;
- The new open space area to be allocated was just over 650 square metres;
- The developers appreciated the need for open space, which had been implemented at a detrimental cost to the company and the Committee was asked to note the number of reduced housing to 71 instead of 86;
- There had been a 30 metre wide meadow running the length of car dyke, which was to be crossed by the green wheel, with this in mind, the applicant felt that there had been a substantial area of green space provision within the proposal. Although not part of the open area allocation, the green wheel was a protected area of open space, which residents of Phase four would benefit from; and
- The applicant had a vested interest in working with the local residents in order to build a decent community.

Following the applicant's address, Members debated the application and commented that Cross Keys developments had delivered homes in the past that were of good quality, good design and held a good relationship with tenants. In addition, Members commented that Cross Keys should be congratulated for consulting with residents in order to reach compromises, which on this occasion had resulted in them losing income in order to create a larger green space.

A motion was put forward and seconded to grant the application subject to the imposition of relevant conditions. The motion was carried by 7 votes and 1 abstention.

RESOLVED: (7 For, 1 Abstention) to grant the application, as per officer recommendation subject to:

1. Conditions numbered C1 to C26 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, which included weight against relevant policies of the development plan and specifically:

- Planning permission had previously been granted planning for housing under planning reference 11/011981/FUL and the site was allocated for redevelopment in the Site Allocations document, therefore the principle of residential use was acceptable and in accordance with Policies CS2 of the Core Strategy and SA1 of the Site Allocations DPD;
- The development provided an acceptable safe vehicle access to the site, together with sufficient car parking. Therefore, the proposal would not cause any adverse impact upon highway safety. This was in accordance with Policy PP12 of the adopted Planning Policies DPD;
- The proposal would not cause any unacceptable adverse impact upon the amenities of existing neighbouring properties and therefore was in accordance with policy PP3 of the adopted Planning Policies DPD;
- The design and layout of the development is considered to be acceptable with no adverse visual impact on the surrounding area. The proposal was therefore in accordance with Policies CS16 of the Core Strategy, and PP02 of the Planning Policies DPD.

- Biodiversity enhancements were to be secured by way of a planning condition, in accordance with Policies PP16 of the adopted Planning Policies DPD and CS21 of the adopted Core Strategy DPD;
- Subject to the imposition of conditions to deal with surface water drainage the proposal was in accordance with Policy CS22 of the adopted Core Strategy DPD; and
- A financial contribution would be secured by way of a legal agreement, for the infrastructure needs of the development, in accordance with Policy CS13 of the Peterborough Core Strategy.

5.2 13/00928/FUL - Construction of 25 dwellings and associated works - Phase 6 - Land At, Manor Drive, Gunthorpe, Peterborough

The above planning application together with the application planning reference 13/00927/FUL were deferred by the Planning and Environmental Protection Committee on 8 October 2013, so that a scheme for the provision of a play area could be sought from the applicant and if the applicant was minded to make such provision, publish the proposal for public consultation.

The applicant initially agreed to make revisions to the layout to facilitate the provision of open space in the south west corner of the site. A residents group considered this but concluded that the area proposed was too small, and that there had been limited natural surveillance.

Therefore a meeting was held with the applicant and a group of residents on 29 October 2013. Following this meeting a larger repositioned green space area had been proposed on the site adjacent to Beadle Way, together with associated changes to the house tenure mix and design of the dwellings.

It was agreed between a working group of residents and Cross Keys that a single area of open space should be provided centrally on this Phase 6 site, and that no additional open space was to be created on Phase 4 13/00927/FUL, as there had been concerns raised about children crossing Manor Drive, which was to become a primary access route in future, into the adjacent Paston Reserve land.

Therefore the proposal was revised with the following main changes:-

- Provision of open space area (657.5 square metres);
- Reduction in total number of dwellings from 27 to 25;
- Removal of all 2.5 storey dwellings, now all properties proposed are two storey;
- Proposed insertion of collapsible bollards on road between site and Brickenden Road, to prevent through vehicle traffic; and
- Layout changes and house types changes. All properties were still to include two parking spaces each.

At the time of writing the report a further public consultation was being undertaken with local residents in respect of the proposed changes. The expiry date of the consultation was after the publication of the report.

The application site covered an area of approximately 0.54 hectares. The site was mainly overgrown grassland which was unused, and enclosed by heras fencing. There had been however, part of the site, adjacent to Manor Drive, which was cut grass with some landscaping. The site was bounded to the east by Beadle Way road and the residential properties beyond, to south by the residential properties on Brickenden Road, to the west by the Baker Perkins site and car parking, and to the north by Manor Drive and the Phase five residential development, which was currently under construction.

Planning permission was sought for the erection of 25 affordable houses, rather than the 27 previously proposed. Twelve properties would be affordable rented rather than the 14 previously proposed and 13 would be shared ownership. It was proposed that the development was to comprise of 18 two bedroom (previously 20), and 7 three bedroom (previously five) with all the four bedroom properties to be deleted (two previously proposed). The houses were a mixture of semi-detached and terraced properties. Vehicle access to the site was from Manor Drive and Beadle Way.

The Group Manager Development Management provided an overview of the application and summarised the contents of the additional information provided within the update report. In summary the update included:

- There had been a number of representations in regards to the efficiency of the 30 metre green buffer and it had been generally felt that a more solid arrangement should be considered to block access as emergency vehicles would be able to gain access from the main roads sufficiently;
- The site should be retained for shop or community use rather than housing;
- The proximity of the car parking spaces within the bend of the road was felt unsafe by residents; and
- The positioning of housing and consideration should be given to the two houses that may block the light for other properties. However, officers felt that as the light loss would be to the east and in the morning, the impact would be minimal.

The officer's recommendation was to grant the application subject to the imposition of relevant conditions, as detailed within the report. In addition, due to the reduction in the total amount of properties, the Committee was asked to consider permitting officers to renegotiate the S106 contribution arrangements on Members behalf.

Mr Foster, the applicant, addressed the Committee and highlighted key points relating to the application. In summary, the key points highlighted included:

- A discussion would need to be held with local residents in order to meet a resolve the difference in opinion regarding the provision of play equipment as some residents wished for it to be provided and some did not;
- The applicant was agnostic regarding the concerns raised by residents over the provision of bollards at the bottom of Brickenden Road, as there were advantages for the emergency services to be able to gain access through the proposed route, however, the applicant had no objections if Committee thought otherwise.

Following the applicants address, Members debated the application and commented that Cross Keys developments were planned and finished to a high standard.

A motion was put forward and seconded to grant the application subject to the imposition of relevant conditions and to delegate the responsibility to officers regarding the renegotiation of the S106 contributions. The motion was carried by 7 votes and 1 abstention.

RESOLVED: (7 For, 1 Abstention) to grant the application, as per officer recommendation subject to:

1. Conditions numbered C1 to C24 as detailed in the committee report; and
2. Officer's renegotiation of the S106 funding.

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:

- Planning permission had previously been granted planning for housing under planning reference 10/01357/FUL and the site was allocated for redevelopment in the Site Allocations document, therefore the principle of residential use was acceptable and in accordance with Policies CS2 of the Core Strategy and SA1 of the Site Allocations DPD;
- The development provided an acceptable safe vehicle access to the site, together with sufficient car parking. Therefore, the proposal would not cause any adverse impact upon highway safety. This had been in accordance with Policy PP12 of the adopted Planning Policies DPD;
- The proposal would not cause any unacceptable adverse impact upon the amenities of existing neighbouring properties and therefore was in accordance with policy PP3 of the adopted Planning Policies DPD;
- The design and layout of the development was considered to be acceptable with no adverse visual impact on the surrounding area. The proposal was therefore in accordance with Policies CS16 of the Core Strategy, and PP02 of the Planning Policies DPD;
- Biodiversity enhancements were to be secured by way of a planning condition, in accordance with Policies PP16 of the adopted Planning Policies DPD and CS21 of the adopted Core Strategy DPD;
- Subject to the imposition of conditions to deal with surface water drainage the proposal was in accordance with Policy CS22 of the adopted Core Strategy DPD; and
- A financial contribution would be secured by way of a legal agreement, for the infrastructure needs of the development, in accordance with Policy CS13 of the Peterborough Core Strategy.

It was agreed by the Committee that Mrs Lowe - Lauri and Mrs Prestige would be permitted to speak on the next item 5.3 13/01539/FUL Glinton Post Office change of use. In addition, the Committee agreed that Mr Hoppe would retain a full five minute speaking time and that the agent would be permitted an extra five minutes speaking time.

5.3 13/01539/FUL - Change of use from retail and residential to retail only including extension and internal rearrangement of existing post office and convenience store - 15 - 17 High Street, Glinton, Peterborough, PE6 7LS

The site was host to a detached chalet bungalow that had currently in joint residential and Post Office cum Village Shop use. At the first floor there was a bedroom and en-suite. The property was constructed circa 1960's with dual pitch gabled roofs covered with interlocking concrete tiles, light brown brick elevations, white UPVC windows and doors. To the front of the shop was a forecourt with two dropped kerbs which typically created an in/out informal parking area.

The proposal under this application was for change of use from joint retail and residential use to retail use only. The existing first floor level would be used as a store accessed by way of a loft ladder. The proposal also included:

- A rear flat roof single storey extension was proposed (2.4 metre eaves height). This would increase the gross internal floor area from 169 square metres to 249 square metres (an increase of 80 square metres);

- The blocking up of windows to the east elevation;
- Relocating the front entrance to the front facing gable with four security bollards to the front;
- Extending the shop front window to incorporate the space that was the current front entrance to the shop/ post office;
- Rendering part of the front elevation and sides and rear of the shop; and
- The installation of three condenser units to the rear for air-conditioning and refrigeration.

There was space on the forecourt for six cars to park. Daily deliveries by one 26 tonne rigid truck would take place with other deliveries being by van.

The proposal represented a summary of the scheme as revised from what was originally submitted which then had five condenser units, an ATM, full height shop front windows and 13 security bollards to the forecourt amongst other things.

The Group Manager Development Management provided an overview of the application and summarised the contents of the additional information provided within the update report. In summary the update included:

- There was unanimous support from Glington Parish Council (PC), Glington Friendship Group, the Women's Institute and some residents;
- The PC was in favour of the officers car parking recommendations in regards to the formalisation of access, exit and marked out spaces for the area;
- The PC was in favour of the conditions to mitigate any noise to neighbours arising from conditioning units;
- The PC wished for a limestone colouring to be applied to the render of the building;
- In letters of objection some residents sought assurances that there would be a key holder on or close to the site to manage any alarm issues;
- Assurances were from some residents sought over the mitigation of amenity impact for neighbouring properties; and
- Some residents also felt that the proposal may cause additional obstructions on the existing highway, an increase in burglaries due to the loss of residential presence at night and noise pollution at night.

The Officer's recommendation was to grant the application subject to the imposition of relevant conditions.

Councillor Holdich, Councillor Lamb and Parish Councillor Johnson, addressed the Committee and responded to questions raised by Members. In summary points within the address and responses to questions included:

- A village shop was the heart and soul of any village;
- In the past the village had lost two general stores, which had included a butcher's shop;
- The villagers were grateful to the current proprietor for taking on the shop extension, in order to meet the future needs of the village;
- The parking and noise issues had been addressed within the proposed recommended conditions;
- The application complied with CS14 and CS15;
- Many community groups including the Civic Society had no objections to the proposals;
- Village residents welcomed a good school, good pub and a good shop and it was felt that a shop expansion would not devalue properties;
- There had been a number of objections raised at a PC meeting however, in

the main; a large number of attendees were in favour.

- Assurances had been provided by PCC over the noise levels that may omit from the conditioning units and that if an issue occurred in the future, consideration should be given to placing covers to mitigate any noise impact;
- Consideration should be given by the applicant to replacing the side gates with a decorative construction instead of an industrial design;
- The extension would help strengthen the case to retain the Post Office for Ginton, in the event of a forthcoming review by Post Office Counters Ltd;
- The reasons behind the larger doors were acceptable due to ease of access for the disabled;
- The premises was within a 20 mile per hour speed limit;
- If refused the proposed may present a detrimental effect on the community;
- The Friendship Club members were of the older generation, which had, like other elderly residents, benefited from a delivery service offered by the shop owner;
- The shopping trend would change in nature and customers would be in a position to buy products at competitive prices;
- Currently children would lay their bikes across the designated parking area in front of the shop forcing cars to park on the road. The installation of a bike rack and regular monitoring of CCTV equipment by the shop staff, was intended to manage the situation in an effective manner.

Mr Oldrich Hoppe, an objector speaking on behalf of residents neighbouring the shop, addressed the Committee and responded to questions raised by Members. In summary points within the address and responses to questions included:

- Some neighbouring residents had lived in their property between 2 to 30 years;
- The shop had present parking problems to neighbours;
- Most objections had been made in writing over concerns the consequences a large shop expansion may generate;
- Most of the neighbouring residents were elderly and did not deserve to be unnecessarily aggravated by cars parking in their driveways;
- At busy times there had been a lot of cars, that encumbered the area;
- The concerns over traffic and noise pollution seemed to be resolved through conditions, however there would be a loss of amenity of a conservation area, due to the installation of the proposed large glass doors. The installation of smaller doors, as suggested by the Conservation Officers report, would be welcomed by neighbouring residents;
- There had been no Highways report submitted by the applicant, which was required by the Local Highways Authority as standard and the Planning Department had not placed any importance in receiving one. It was felt that such a report was detrimental to the case, as the traffic may potentially increase threefold and the Committee was requested to be mindful of this fact;
- The applicants were commend for their efforts towards improving the facilities for the area, however, careful consideration should be given to the impact of neighbouring residents;
- The parking difficulties were created by the shop, and over busy periods, neighbouring residents were forced to drive further into the road in order to exit their property;

Mrs Lowe-Lauri and Ms Prestige, objectors that neighboured the shop addressed the Committee and responded to questions raised by Members. In summary points within the address and responses included:

- There was no objection towards the presence of the shop and a modest

- increase would be supported;
- The application was contrary to CS16 of the policy – an unacceptable impact on neighbouring properties;
- The shop may be at risk of closure if the owners was unable to meet the expected financial turnover and return on their investment;
- The view from the dining area of number 13 Glington High Street would be significantly impacted if the application was to be approved; and
- Shrubs or climbing plants to act as a barrier from noise and to improve the aesthetics of the extension would be welcomed by the residents at number 13 Glington High Street.

Mr Keshwara, the applicant and Mr Turnock the agent addressed the Committee and responded to questions raised by Members. In summary key points within the address and responses to questions included:

- The owners were a small, but growing family run business;
- The current shop was insufficient to meet the needs of Glington villagers, forcing residents to shop outside of the village, which created traffic pressure on the highway and diverted investment away from the village;
- The proposed shop expansion was intended to create a sustainable business, retain the post office and create job opportunities;
- There were investment opportunities for the community resulting from the sale of selected products, which would trigger a donation to the Making a Difference Locally Fund (MaDLF). As an example, other community areas had benefited from a £5k donation from the MaDLF towards local causes;
- The proposed shop expansion would offer extended opening hours, locally sourced products, a larger range of products and free to use of a cash machine;
- The shop owners wished to retain a good relationship with villagers;
- The shop was proposed to be extended by 80 square metres on the current size of 169 metres, which did not present a threefold increase as stated within some objecting representations;
- The installation of the proposed doorway to the front of the shop would present an effective supervision opportunity and was only a 6 inch increase compared to the existing window;
- The comments raised regarding the application of a limestone colour for the rendering was welcomed;
- PCC Highway Officers had undertaken a lengthy survey of traffic movements surrounding the shop area;
- PCC Highway Officers recommendation regarding demarcation and in/out signage was welcomed and would define the parking area from the footpath;
- The proposal also intended to enhance the appearance of the out dated design of the current building;
- There would be a staff member local to the shop that would be on hand to deal with any alarm issues, which may occur at times when the shop was not open;
- The applicant would welcome conditions regarding the design of the side gate and the landscaping request regarding enhancement of the appearance that the shop extension may present for number 13 Glington High Street, if the Committee deemed them appropriate;
- The air conditioning units included within the proposal functioned effectively and quietly without any surrounding cover;
- The rating of 35 DB was deemed acceptable by the Council's Environmental Officer and enforcement action was an option if noise pollution was created by the shop's air conditioning units;
- Within the extension there would be a stock room and staff room;

- The hours of trading had not been decided however, following sufficient research of the villagers needs, the hours may increase slightly; and
- Deliveries of stock had been anticipated to occur once a day during the week, including once on a Saturday.

Following comments and questions raised regarding the application, the Group Manager Development Management advised that Committee was unable to condition the design of the gate or the size of the door, due to the requests not being a planning consideration.

In addition, The Group Manager Development Management advised that an application could not be refused as a result of omission of a traffic survey submission by the applicant and the Planning Department would be required to justify why it had refused the application due to traffic issues.

The Group Manager Development Management also advised that the opening hours approved for the shop's original planning application held no opening hour's restrictions, therefore it was not permissible to retrofit such a condition to the proposal.

The Highway Control Manager advised that an assessment utilising the Department for Transport guidance had been undertaken to assess the transport implications regarding the shop expansion. The ground floor assessment had marginally exceed the 250 metre threshold, which was why the Highways Department had requested a traffic assessment. However, the Planning Department was not in a position to request the report from the applicant due to the timings of the receipt of application.

The Highway Control Manger also advised that it was difficult to quantify that the traffic increase would reach threefold as there were busy times of the day that had included a traffic increase around school drop off times. However, condition C5 within the report was intended to mitigate parking issues that may arise from the proposed expansion.

Following questions to the speakers, Members debated the application and commented that the current owner's intentions were to create a community shop, which was beneficial to the village. Members were encouraged by the support for the application, which had been shown by the PC and local community groups. In addition, Members commented that the current building was tired and out dated; furthermore the proposed improvements would be a welcome enhancement to the conservation area.

Members debated further and sought clarification over the times undertaken for the traffic survey from the Highway Control Manager. In response, it was confirmed that observations were conducted over three visits, which had included the school run times. It was further advised that, although there had been a large number of vehicles travelling in the area at busy periods, the traffic movements were calm. It was also confirmed that the area benefited from a 20 mile per hour speed limit and the Highway Control Team's condition C5 would also benefit the traffic flow in the area.

Members continued to debate and commented that they were confident that the shop owners would engage with the PC and villagers in order to resolve any issues that may arise. In addition Members commented, although the design of the gates could not be conditioned, consideration should be given by the shop owners to take on board the comments.

A motion was put forward and seconded to grant the application as per officer recommendations subject to the imposition of relevant conditions. The motion was carried unanimously.

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

1. Conditions numbered C1 to C6 as detailed in the committee report; and
2. Informatives numbered INF53 and INF54 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, which included weight against relevant policies of the development plan and specifically:

- The proposal was deemed to accord with Policy PP01 of the Peterborough Planning Policies DPD 2012 which ensured that development was sustainable for now and the future;
- The amended proposals were not deemed to be detrimental to the character and appearance of the host property or that of the Ginton Village Conservation Area or nearby Listed Buildings in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012;
- The proposals were not deemed to significantly increase the impact on the amenity by way of noise, loss of light/overshadowing or by way of being overbearing in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012;
- The proposal would not result in a level of additional vehicle traffic which would significantly be detrimental to highway safety in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- The proposal was unlikely to result in an increase in the risk of crime and disorder in accordance with Policy CS16 Of the Peterborough City Council Core Strategy 2011.

The Committee adjourned for a five minute break.

The Committee agreed that Mr Smith be permitted to speak regarding item 5.4.

5.4 13/00951/OUT Residential development comprising up to 80 units with all matters reserved apart from access - Land to The South Of Woburn Drive, Thorney, Peterborough.

The site formed an elongated rectangular shape and covered an area of approximately 3.41 hectares. The site lay within the village of Thorney approximately 6.5 miles north east of the centre of Peterborough. More specifically the site was situated to the south edge of the village on land to the south of Woburn Drive. The site was currently in use as agriculture and used for arable farming.

The site was bounded to the north by the side and rear gardens to existing residences at St Mary's Close, St Peter's Way St Botolph's Way and Woburn Drive, to the south, east and west by large agricultural fields in arable use. The eastern boundary was defined by a significant established hedgerow interspersed with trees.

The site was identified as an allocated housing site (for approximately 77 dwellings) within the Adopted Site Allocations Development Plan Document (2012) as site SA5.8 and was located within the Thorney Village Settlement boundary. The site was not within a designated conservation area.

Outline planning permission was sought for residential development. Up to 80 units were proposed including the provision for 30 percent affordable housing and not less than 2400 square metres of onsite open space provision. The average density of the proposed development was approximately 23.5 dwellings per hectare. Pedestrian and cycle access was proposed from Woburn Drive, St Botolph's Way and St Peter's Way. Vehicular access would be from Woburn Drive only.

Matters relating to the design of the buildings, scale, layout and landscaping were not for consideration as part of the application and these would be dealt with by way of a reserved matters application if outline planning permission was granted.

The Group Manager Development Management provided an overview of the application and summarised the contents of the additional information provided within the update report. In summary the update included:

- Comments had been received from Anglian Water over the foul sewerage in that the site had sufficient capacity to deal with the flow;
- Environment Agency and PCC were of the opinion that surface water could be dealt with effectively and that there was adequate drainage; and
- The site was located near existing local services and there had been no representation received to state how the site would affect them.

In addition, the Group Manager Development Management and the Senior Engineer (Development, Highway Control) responded to suggested conditions received from Councillor Bartlett. In summary the response included:

- Following a suggestion regarding implementation of a condition to deal with water drainage through the construction period it was advised that Anglian Water should monitor water level and foul sewerage flow and report as appropriate if there was a risk, however, the activity was not something that Committee was able to condition;
- Consideration could be given to provision of an alternative access road if it was available; and
- Provision was made for the developer to produce a construction management plan in order to ensure that the highway was not damaged by muddy construction vehicles, however it was possible for Committee to impose a condition if felt appropriate.

The Officer's recommendation was to grant the application subject to the imposition of relevant conditions.

Councillor Bartlett, speaking on behalf of Thorney Parish Council, addressed the Committee and responded to comments and questions raised. In summary key points raised and response to questions included:

- The PC's main concerns were in relation to vehicle access through Woburn Drive to the site;
- Consideration should be given to providing road access off Wisbech Road which was located to the east of the site; and
- Concerns raised over the pressure that an 80 house development would impose on foul water disposal.

Mr Smith, resident of Thorney village, addressed the Committee and raised points regarding the application and responded to questions. In summary the key points raised and responses to questions included:

- The development might be beneficial to Thorney as many shops and banks had been lost;
- The main objection was against the use of Woburn Drive;
- Some residents of Woburn Road were unaware of the application;
- It had been highlighted in a recent Bidwells survey that there would be provision of a new road network off the A47 and consideration should be given to this piece of work being conducted before the site development commenced.

Mr Nugent the agent, addressed the Committee and responded to comments and questions raised. In summary points raised and response to questions included:

- The site development had been allocated under SA5.8 of the Adopted Site Allocation Document 2012;
- The document identified that the site was able to accommodate 77 dwellings;
- A Parish Council meeting was attended in February 2013 as part of the public consultation. Leaflets were also hand delivered to each house in Thorney village;
- Comments from the consultation were included into the indicative master plan and planning statement;
- Consultation comments had also been utilised to inform the planning statement in regards to the provision of open space and S106 contributions;
- Following PCC Highway Officers assessment of site access it had been concluded that Woburn Drive was adequate to accommodate the provision;
- A significant amount of work had be undertaken to evaluate the service water drainage and further work would be undertaken to ensure that the site specific needs were met;
- The application had set out the best fit for the area and the open space and which would provide PCC housing requirement;
- A professional company had been commissioned to undertake the leaflet distribution in relation to the site proposals, however there was no personal guarantee from the agent that each property affected had received a leaflet; and
- No further comment could be offered regarding the provision of road access, which was outside of land allocated within the application.

The Group Manager Development Management advised that the queries regarding access off the old A47 on the eastern side that a piece of work was being undertaken by the Council Strategic Property service, however this was in relation to potential development and was intended for post 2025 and would involve current land owners. The Committee was being asked to consider the application site through the existing road network and that there would be no grounds for refusal on a highways perspective and was deemed adequate for the 80 dwelling development.

Following questions to speakers Members debated the application and commented that the site was viable as it had been included within the Council's Site Allocations Document and that the Highways Officer had confirmed that the access was acceptable. In addition, Woburn Road was accessed by vehicles to a number of off roads and could provide access for further development.

A motion was put forward and seconded to grant officers recommendation to approve the outline application, subject to the imposition relevant conditions. The motion was carried unanimously.

RESOLVED: (Unanimously) to grant the outline application, as per officer recommendation subject to:

1. Conditions C1 to C27 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 weighing against relevant policies of the development plan and specifically:

- The site was allocated for housing and would provide housing to support the City Council's growth agenda;
- The proposal provides for lifetime and wheelchair housing;
- The development would not cause any significant adverse impact upon highway safety and safe access from the adopted Highway would be provided;
- The development would be accommodated within the site without any significant adverse impact upon the amenities of the neighbouring properties;
- The development would be accommodated without any significant adverse impact upon existing landscaping;
- The impact of the proposed development upon ecology of the site was considered to be acceptable;
- The development would allow for the provision of Public Open Space;
- The proposal would mitigate against impact on archaeology;
- The site would be adequately drained;
- The proposal made satisfactory provision for affordable housing within the site; and
- The proposal made a contribution towards the social and physical infrastructure demands that it would place on the area.

The proposal was therefore in accordance with Policy CS1, CS2, CS8, CS10, CS11, CS13, CS14, CS16, CS17, CS19, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies SA4 and SA5 of Peterborough Site Allocations DPD (2012), policies PP01, PP02, PP03, PP12, PP13, PP14, PP16, PP17 and PP19 of the Peterborough Planning Policies DPD (2012) and Sections 4, 6, 10 and 11 of the National Planning Policy Framework (2012)

5.5 13/01485/HHFUL – 11 Barnard Way, Bretton, Peterborough, PE3 9YZ - Erection of a cat enclosure in rear garden - retrospective

The application site was a detached bungalow with a rear conservatory that linked to a single garage that had been converted to habitable space. The conversion works did not require planning permission. The rear garden was surrounded by a 1.8 metre close board fence and the property had off street parking for at least three vehicles to side.

The applicant was invited to make an application for the erection of a cat enclosure following a report to the Planning service about the unauthorised structure. The structure had been constructed out of timber and wire mesh and stood at 2.4 metres to the eaves and 3.4 metres to the ridge and covered the whole rear garden area of the property which was all hard landscaped.

It was understood that the enclosure was for the benefit of the current owner's pet cats and had been incidental to the enjoyment of the dwelling house. No commercial enterprise was being operated from the site.

The Group Manager Development Management outlined the points made regarding the structure contained within the Committee report. The Officer's recommendation was to grant the application subject to the imposition of relevant conditions.

Mr Homer- Ward the applicant addressed the Committee and responded to questions. In summary key points raised and responses to questions included:

- The construction was situated in part of the back garden and was intended for personal use;
- The construction was erected for the safeguarding of the applicants cats, with the being to avoid them straying into other residents property or onto busy roads;
- Previous management of the cats had involved keeping the windows and doors in the property closed, which would become unbearably hot in the summer;
- A professional carpentry company was commissioned to undertake a professional installation;
- The applicant was in agreement of the conditions put forward to remove after;
- A letter demonstrated that Bretton Parish Council had no objections to the enclosure;
- Only two premises had replied to the consultation, one in favour and the second in objection;
- The structure was fully supported on its own and did not rely on the neighbours fence;
- A resident neighbouring the property had been invited to assess the construction to demonstrate that there was no pressure to the fence, however, the opportunity had not been taken up;
- The cats were of a Bengal breed and were three and four years in age;
- The garden was enjoyed by the family as well as the cats.
- Smaller enclosure constructions were trailed in the past to accommodate the cats, however, these were too small and caused them to fight;

Following questions, Members debated the application and commented that the applicant had demonstrated a caring and thoughtful nature towards their pets. In addition, it was commented that the applicant had also shown consideration to their neighbours by preventing the cats' toileting in their gardens. It was also commented that the construction was currently a popular option for pet owners and was of a good construction and not a 'monstrosity' as described within the planning referral.

Members continued to debate and sought clarification from the Group Manager Development Management over the reasons for condition C1 to replace the structure in 2019. The Committee was advised that it was likely that a wooden construction of this type would deteriorate over time despite regular maintenance. In addition, it was advised that an application could be sought after 2019 to install a replacement enclosure.

A motion was put forward and seconded to delete condition C1 and to grant the application as per officer recommendation. The motion was carried by 7 votes and 1 abstention.

RESOLVED: (7 For, 1 Abstention) to grant the application, as per officer recommendation, subject to:

1. The deletion of condition C1.

Reasons for the decision

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

- The design of the structure did not result in an unacceptably adverse impact on the appearance of the host building or visual amenity of the area;
- The design and juxtaposition of the structure did not result in an unacceptably adverse impact on neighbouring amenity; and
- The proposal did not result in a highway safety hazard.

Hence the proposal accorded with Policy CS16 of the Peterborough Core Strategy (2011), the NPPF (2012) and Policies PP1, PP2, PP3 and PP13 of the Peterborough Policies DPD (2012).

5.6 13/01585/WCPP - Removal of condition C1 (temporary permission for two years) of planning permission 11/00950/FUL - Proposed change of use from agricultural to Battlefield Live Outdoor Activity - Battlefield Live, French Drove, Thorney, Peterborough

The site area was approximately 1.68 hectare and was a paddock area enclosed by a timber post and rail fence. The site was located within Old Hall Farm to the south of French Drove. The site was accessed via an existing private access road off French Drove. Directly to the west of the site were two barns which had been recently converted to dwellings; one was occupied by the applicant and there was a large agricultural building to the rear of these dwellings. There were neighbouring residential properties to the north approximately 130 metres from the site (Oak Lodge) and to the west approximately 520 metres from the site (Old Hall Farm Cottages) which front French Drove; and to the east on Bell Drove approximately 300 metres from the site (Bluebell Farm House and Bluebell Cottage), otherwise the site was surrounded by flat, open agricultural land.

The application sought permission to remove condition C1 of planning consent reference: 11/00950/FUL for a change of an outdoor activity use for simulated warfare games, referred to as 'Battlefield Live'.

Condition C1 granted a temporary consent for a two year period and the application sought a permanent consent.

The proposal would include the permanent positioning of low level structures constructed from timber and painted in green/brown and covered with camouflage netting including:

- Gated entrance: A recycled timber constructed gateway with sign above; Width of gate 2.4 metres. Side panels at side of gate 1.2 metres by 2.4 metres;
- Octagon Defensive pill box: Overall dimensions covering an area of 4 metres by 4 metres. Height from floor to roof 3 metres. Materials recycled timber posts with recycled timber slatted sides. Roof material camouflage netting;
- Timber painted in camouflage green and brown external walls covered by camouflage tarpaulin;
- Timber shed structures numbering 8: Dimensions of each building 4 metres long by 2.4 metres wide. Height 2.4 metres. Materials recycled timber panels with openings depicting windows and doorways. Recycled timber painted in camouflage green and brown with camouflage netting to roofs;
- Timber shed structure: Basic wooden shed style structure. Open at sides with

top and front covered in camouflage tarpaulin. Dimensions 3 metres by 3 metres by 2 metres high;

- Wooden barricades numbering 20: constructed in simple reclaimed timber post and trunk construction in natural materials. Dimensions 2 metres wide by 1 metres high. Painted green/brown with grass allowed to grow around;
- Spectator viewing area: Next to car park. Consists of fenced area covered in green netting with one side timber panels depicting windows and doors. Timber painted green with camouflage netting above. Overall dimensions 15 metres by 15 metres.

The activity operated primarily on Saturdays and Sundays and school holidays between 10.00 am and 5.00 pm. There were two sessions per day, one session starting at 10.00 am and then another at 1.30 pm. Each session would last approximately 90 minutes. The maximum number of participants for each session would be 30.

Since the submission of the application a revised traffic assessment and noise statement had been submitted by the applicant along with details of the structures used in the gaming. All neighbouring properties and objectors had been re-consulted on the updated information.

The Group Manager Development Management provided an overview of the application and summarised the contents of the additional information provided within the update report. In summary the update included:

- Noise complaints received in relation to pyrotechnics;
- Reports that the activities had operated beyond the agreed operating time;
- Use of one of the farm building that had not been authorised in relation to the games;
- The applicant had requested that on 10 events in one year they would be permitted to exceed the 30 person limit, however, Officers felt that such a condition would be difficult to enforce;
- A neighbour had highlighted a number of complaints in relation to noise and pyrotechnics affecting properties neighbouring the site, however, Officers felt that given the distance between the application site and the properties, it would be difficult to prove that the noise had caused a significant impact as stated; and
- A condition had been put forward over the structures at the end of game playing be removed from site. Officers did not believe that the structures had caused any visual harm that would warrant structures to be removed at the end of each game play day.

The Officer's recommendation was to grant the application subject to the imposition of relevant conditions.

The Committee agreed that Councillor Sanders would be permitted to speak on the item.

At this point Councillor Simons left the meeting due to an earlier declaration of interest on the item.

Councillor Sanders and Parish Councillor Bartlett addressed the Committee and highlighted points within the application. In summary key points within the address included:

- Thorney Parish Council had objected to the application;
- There had been an uncertainty over why residents had not raised their

- concerns with Thorney PC before today's meeting;
- The Committee report stated that the operating hours were the only way to resolve the noise issues raised;
- Condition C1, temporary operating hours, however the applicant had booked ahead of the application expiry date;
- A member of public had been informed by the Planning Department that they had relied on the public to raise when temporary conditions had become out of date;
- There had been a breach against the condition over the structures constructed;
- Condition C4 regarding pyrotechnics had been ignored. A video that was loaded by Battlefield onto YouTube had shown the use of pyrotechnics and was sent to the Council;
- A neighbour had complained to the Council regarding a breach of conditions C4 and C5 by the applicant, however, had been told that the operator held a private party;
- A traffic survey had been submitted by the applicant, however, there had been no reference to the Arthur Mellows school bus;
- There had been evidence on the website that forty players could be accommodated for games and lasted 120 minutes and not 90 minutes as conditioned;
- Trip Advisor had also shown that the use of the facility allowed for increase in operating times and number of players permitted;
- Neighbours felt that there were inconsistencies with the noise survey undertaken;
- A resident next to Oldhall Cottages had objected to the application;
- Local residents neighbouring the immediate area had attended a Thorney PC and raise objections to the application. Thorney PC then made an objection on residents' behalf.

The Lawyer advised Members that there had been a number of enforcement issues raised within the report and through representations, however, the Committee was asked to consider that application on its own merit.

Ms Helen Godber and Mrs Julie Turner, local residents speaking in objection to the application, addressed the Committee and responded to questions. In summary the key points highlighted in their address and responses included:

- Local residents were informed that there would be no disturbance to them as a result of the Battlefield activities, as it was a laser sport;
- Local residents were unable to enjoy peace and quiet in their gardens as the games created a noise similar to a football game with screaming and shouting;
- The number of people included in the games had exceeded the 30 player limit, however, residents had been informed by PCC that nothing could be resolved about this issue until the two year operation condition was due for review by Planning application; .
- The number of complaints submitted by residents had not truly reflected the impact on residents;
- There was little faith in residents of the applicant abiding by the conditions as there had been breaches by the Battlefield events particularly in relation to conditions C1 and C3;
- The trees planted will take time to grow and combat noise disturbance from the games and smoke from the pyrotechnics;
- Residents would welcome any barrier that would provide an effective solution to mitigate noise disturbance; and
- The applicant had been approached by the applicant who had promised he would explore solutions, however, the applicant has not implemented any

improvements.

Mr Simons, brother of the applicant, addressed the Committee and responded to questions raised. In summary the key points of the address and responses included:

- The game times advertised had included a set up and safety briefing session at the start, with a 45 minute break and a de-kit session, which would take 15 – 20 minutes;
- The advertisement times and game playing times had lead to confusion over the amount of game play undertaken;
- The game play would entail 90 minutes;
- The pyrotechnics used would not omit a loud bang, only smoke and colour would travel for a short distance;
- The applicant had held a charity event that had operated beyond 5pm on one occasion;
- The equipment was of an infrared format, which created little noise. After 20 minutes of game play a score would be announced, which result in cheering from players;
- The applicant had planted 200 shrubs and trees as per the condition imposed;
- There would be no objection from the applicant to install a fence in order to mitigate any sound issues or any further conditions the Committee felt appropriate;
- The applicant was mindful that there had been a number of issues raised regarding the silent smoke pyrotechnics, however, would revisit the use going forward;
- The structures in place had provided a good idea of the facility available;
- Shrubs planted as a barrier had been destroyed by the wildlife, however, the applicant would improve the issue going forward;
- The applicant had visited a neighbouring property whilst a session of game play was underway and was unable to hear any noise disturbance other than a lawnmower;
- A staggered planting regime and the installation of a 6ft high barrier to the main French Drove had been constructed, there was also a 400 metre field that had separated the space between Bell Drove, therefore it was felt by the applicant that the noise impact should be reduced.

The Group Manager Development Management advised the Committee that originally planning permission had been granted on a temporary consent and that no landscaping condition was applied. In addition, it was advised that the smoke pyrotechnics used would not cause noise pollution. Condition C2 regarding the start and finish time in the original application had stated when the session should start and end and this had included a maximum of two games per day.

The Planning and Highways Lawyer advised the Committee that number of enforcement issues raised were not for consideration and that it was up to the Committee to consider that planning application on its own merit.

Following questions to speakers Members debated the application and commented that aside from the number of condition breaches the applicant had not ensured that sufficient mitigating measures had been introduced to address the noise intrusion that residents had highlighted to him.

Members continued to debate and sought clarification from the Group Manager Development Management over whether consideration could be given to mitigating the noise impact. In response it was advised that consideration could be given to impose a condition in order to install fencing or bunds and that such a request would be

determined by an acoustic assessment to ensure that it was necessary. The Committee was also advised that they would be unable to refuse the application over noise enforcement issues.

Members continued to debate and commented that it was evident that the quality of neighbouring residents lives had been impacted by the Battlefield operation and that the applicant should have been mindful of this in order to maintain a good relationship with them.

A motion was proposed and seconded to refuse the application under the Peterborough City Council's Planning Policy DPD 2012, Core Strategy 2011 and the National Planning Policy, due to the application placing an unacceptable impact on quality of life to residents. The motion was carried by 6 votes with 1 abstention.

RESOLVED: (6 For, 1 Abstention) to refuse the application, contrary to officer recommendation,

Reasons for the decision:

The site was located in a flat, open and sparsely vegetated open countryside location where there were background noise levels. The proposal had during its temporary period of operation resulted in noise levels that had caused unacceptable disturbance to nearby residents and which were of a nature which was not compatible with the open countryside character of the area. No reasonable way of mitigating the noise had been identified. The proposal was therefore contrary to the provisions of: Paragraphs 122 and 123 of the NPPF, Policy CS18 of the Peterborough City Council Core Strategy 2011 and Policy PP3 and PP8 of the Peterborough City Council Planning Policies DPD 2012.

The site was located in a flat, open and sparsely vegetated open countryside location. The game play structures were in place and were unsightly and could be clearly seen from a wide area to the detriment of the visual amenity of the area. Whilst landscaping had been an option to provide mitigation, this would take many years to become established and it would not guarantee to be maintained at a height where the game play buildings were suitably hidden from view. The proposal was therefore contrary to the provisions of: para 109 of the NPPF, Policy CS20 of the Peterborough City Council Core Strategy 2011 Policy PP2, Policy PP8 of the Peterborough City Council Planning Policies DPD 2012

Councillor Simons re-joined the meeting.

5.7 To confirm the immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 made by Planning and Environmental Protection Committee on 9 July 2013 restricting permitted development rights at 270 Eastfield Road, Peterborough to make the demolition of the building subject to planning permission - 270 Eastfield Road, Peterborough, PE1 4BE

Planning and Environmental Protection Committee made an immediate Article 4 Direction Order under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to withdraw the 'permitted development' right of development within Class A of Part 31 of Schedule 2 to the Order applying to number 270 Eastfield Road, Peterborough.

The purpose of this was to make the demolition of 270 Eastfield Road the subject to obtaining planning permission as the building was considered to be of sufficient heritage value and to be included on the Councils list of 'Buildings of Local Importance'

(the 'local list'). The 'local list' was a 'non-statutory' designation and had not provided any statutory protection. Designation as a Building of Local Importance was a material consideration when considering applications for permission to alter or demolish such a building.

The immediate Article 4 Direction Order lapses six months after making, unless it was confirmed by the local planning authority. No direct public responses had been received in response to the publication of the Notice.

The threat of demolition remains and it had been considered appropriate to require that planning permission was required for the demolition of the building.

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

RESOLVED: (Unanimous) to approve the application, as per officer recommendation.

Reasons for the decision:

It was considered that the demolition of number 270 Eastfield Road which had significant heritage value without the usual planning considerations would be prejudicial to the proper planning of the area. An Article 4 Direction had the advantage of removing the threat of the demolition of the building without first obtaining planning permission.

Chairman
1.30pm – 5.10pm

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