



**MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL
PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 FEBRUARY 2014**

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Todd, Kreling, Sylvester, Lane, Ash and Shabbir.

Officers Present: Lee Collins, Area Manager Development Management
Amanda McSherry, Principal Development Management Officer
Andy Cundy, Area Manager Development Management
Jez Tuttle, Senior Engineer (Development), Highways
Ruth Lea, Planning & Highways Lawyer
Karen Dunleavy, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Casey and Councillor Harrington.

Councillor Kreling and Councillor Ash were in attendance as substitutes.

2. Declarations of Interest

Councillor Hiller stated that, with regards to item 4.4, he sat on the Internal Drainage Board and was a board member of the Environment Agency's Regional Flood and Coastal Committee who were consultees for the item.

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

Councillor Ash declared an intention to speak on item 4.2.

Councillor Serluca declared an intention to speak on item 4.1.

4. Development Control and Enforcement Matters

At this point, the Chairman left the meeting to speak on item 4.1, the Boro Bar and Councillor Harper took the Chair.

4.1 The Boro Bar, Oundle Road, Woodston, Peterborough

- i) 13/01828/FUL - Installation of new sliding doors, replacement windows and infill of 4no. rear openings;
- ii) 13/01829/FUL - Installation of ATM Unit;
- iii) 13/01830/FUL - Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard;
- iv) 13/01831/FUL - Link extension to rear of the property; and
- v) 13/01832/ADV - Installation of 3No externally illuminated fascia signs, 1No externally illuminated projecting sign and 3No non-illuminated branded panels.

The site was on the corner of Oundle Road and Brewster Avenue. Oundle Road was a main route into and out of the city centre and was of a mixed character, dominated by housing but with a significant amount of small commercial and community uses. Immediately to the east of the application was St Augustine's Church, and at the end of Brewster Avenue (a cul de sac) was the driveway to Primary School. On the opposite corner of Brewster Avenue was a dry-cleaners and a letting agency. Within about 200 metres of the site was a Local Centre, including two convenience stores.

The Boro Bar was previously known as the Boys Head. It was constructed as a public house some decades ago, and had operated over the last several years as a variety of short-lived bars. There were several other pubs in the vicinity.

The building was on the List of Buildings of Local Interest, but it was not statutorily listed. The style of the building was a typically mid-20th century mix of arts and crafts inspired vernacular architecture, with some art deco influence.

The building addressed the street on three frontages. One elevation facing Oundle Road, another facing Brewster Avenue, and a third at 45 degrees facing the corner. Each of these elevations had been designed to be a public face of the building, and the entrance door was on the corner elevation. The main part of the building formed an L, and there was a single storey flat-roofed part to the rear filling in the angle of the L. There was also a small single storey part at the end of the building on Brewster Avenue. To the rear of the site, which read as the side from Brewster Avenue, was a service yard. Part of this had been set in, with a little corner not visible from the street, and it was in this corner that it had been proposed to install the plant.

To the front of the building was an area of hard standing which was used for parking. It had previously been used for parking at school drop-off and pick-up as well as for parking associated with the business on the site. There was no boundary treatment to the street around this parking area and drivers were likely to take a fairly casual approach to getting on and off Oundle Road.

At the back of the service yard was a terrace of three garages. The link extension was proposed to link the main building to these garages, and so once it was built, part of the service yard, including the place where the plant was to be installed, would not be visible from the street.

The proposed changes to the building included new front doors, new windows to the ground floor, and the bricking up of four openings to the rear of the building. Various signs were proposed, including new fascia signs, and an ATM in the small single storey part on the Brewster Avenue end of the building.

The Area Manager Development Management addressed the Committee and provided an overview of the applications, highlighting the following points.

- Between 21 and 24 objections had been raised by residents for each individual application;
- Objections related to: impact on character of the building, loss of privacy on Brewster Avenue, impact on pedestrian and highway safety, parking problems, noise issues, light pollution and impact on local businesses;
- Change of use did not require an application for a planning decision and therefore the purpose of this application was not to consider the merits of the change of use of the Boro Bar, but to consider the individual items applied for;
- The character of the building would not be adversely affected by the sliding doors;
- No new windows were being installed and therefore the privacy concerns relating to the windows were unfounded;

- Officers considered that having a cash machine so close to houses would present a detrimental effect on local amenity and so it was recommended to refuse this part of the application;
- Noise levels with regards to the fan condenser units would be mitigated;
- The design of the extension would not negatively impact the character of the building and the recommendation was to grant;
- With regards to the illuminated signs; as the sign pointing to the cash machine would be irrelevant since the ATM was recommended for refusal, the sign for the ATM was recommended for refusal. The lettering on the garage doors were also recommended for refusal as they were close to residential areas. The three fascia signs were recommended subject to concerns regarding illumination being mitigated; and
- The ATM and the sign pointing to its location could not be considered by the Committee as one item due to separate pieces of legislation that applied.

Councillor Thulbourn and Councillor Serluca, Ward Councillors, addressed the Committee and responded to questions. In summary the points raised and responses to questions included:

- The building was iconic – whilst it wasn't listed, it was a culturally significant building which had driven the character of the area and should remain the same;
- Hundreds of people had signed petitions on the issue. Only one person around the area who Councillor Thulbourn had met, was in favour of the application;
- The character of the building should be maintained and replacement doors and windows should therefore be refused;
- The ATM would cause widespread disruption to the area and should be refused;
- The air conditioning located at the back of the building was too close to a church and had potential to cause a significant amount of noise, which may distract worshippers;
- The extension would present an impact on how the building was serviced, such as the non-collection of refuse, which may present a detrimental impact on the area;
- Signs should not be lit due to the levels of traffic in the area;
- Councillor Thulbourn had undertaken some independent predicted sound testing of the proposed air conditioning units, which had shown results of potential to cause significant noise impact for the area. It had been felt that installing quieter systems would be more expensive to the applicant, which may be an option they would not elect to take; and
- There were already ATMs in the local area and so a further one would merely cause disruption.

Mrs Audrey Chalmers and Miss Thulbourn addressed the Committee and responded to questions. In summary the points raised and responses to questions included:

- Consideration should be given by Committee regarding road safety;
- The vicar and parishioners of the local church were not properly consulted;
- The timing of the application was during the Christmas period and it was felt that the applicant should have considered applying at another time, in order to attract a greater response to the consultation;
- Whilst competition was not a consideration for Committee, it was felt that the application may cause a detrimental impact on the local business economy;
- Restrictions should be placed on the timings of deliveries to avoid times when children were coming and going to and from school;
- The present entrance door was wood and in keeping with the wooden entrance gate to the church and therefore the sliding doors proposed were inappropriate;
- Illuminated signs would be unsightly and may cause a detrimental impact to the character of the local area. They could also distract cyclists and drivers;
- All-day access to the ATM may cause potential disruption at all hours of the day and potentially increase crime in the area;

- The proposed plant equipment would be placed next to a memorial ground and the noise from the equipment would impact quiet reflection time;
- The proposed extension to the back of the building would take up space for servicing vehicles. Fire engines would be unable to turn in the street; and
- The highways department should be consulted again regarding the traffic in the area and the impact on servicing vehicles.

The agents Mr James Dempster, Mr Bryn Woodward and John Munby, addressed the Committee and responded to questions. In summary the points raised and responses to questions included:

- The building was currently unused and it was felt by the applicant that this proposal would reinvigorate the building;
- More people would be able to shop locally, which would also help other local businesses grow;
- A delivery risk assessment had been carried out and lorries were able to arrive outside times such as hours in which children would arrive and leave school;
- Externally illuminated signage was more discreet than other forms;
- The designs proposed had been formulated so as to maintain the historical character of the building with an eye towards functionality;
- No impact on privacy was anticipated as nothing new had been applied for;
- The ATM could potentially be closed outside public hours, there were no objections to this from the architectural liaison officer;
- The development was in keeping with national planning policy;
- The doors were being changed due to accessibility reasons and therefore automatic doors were necessary;
- The proposed air condition units were of a standard design and was often used close to residential properties. The units would be in a closed area and it had not been anticipated that there would be a noise impact to visitors of the nearby church;
- The application had to be considered in conjunction with officers;
- It was intended that the placement of the ATM was to offer best access to users;
- Placement of the air conditioning units had been proposed after a long consultation regarding disruption to worshippers and residents;
- Local residents had been consulted via a letter regarding the proposals;
- There would be CCTV positioned to capture activity around the ATM at all times. There could also be security guards at the ATMs if it was deemed necessary following an assessment;
- The plant was comprised of three air conditioning units, which would be turned off overnight. The condenser unit would run overnight and would run at a lower rate. The noise consultants had not considered that the noise levels were excessive; and
- There would be no illumination of the signage in Brewster Avenue.

The Legal Officer advised the Committee that issues raised regarding the building's change of use was not a consideration for this application. The Committee was also advised that Highways Officers had considered road safety and had commented accordingly regarding the application.

Members debated the planning applications and raised the following points regarding the proposals:

- The air conditioning units had potential to cause disruption to residents in the immediately surrounding area and the church;
- The ground floor windows were of a poor design, but there was nonetheless a need for the applicant to maximize window space; and
- The proposed ATM was poorly placed, unwanted in the area and should be refused.

The Area Manager Development Management responded to a number of points raised. In summary responses included:

- The important features of the building were being maintained;
- The proposed windows, whilst different to the original design, were not significantly so such as to warrant recommended refusal of the application;
- The signage proposed was a subtle proposal which was acceptable and would not to create light pollution; and
- The church, according to records, had been consulted, however the officer expressed an intention to explore this in further detail at a later date.

Following debate, a motion was put forward and seconded relating to each individual application:

i) 13/01828/FUL - Installation of new sliding doors, replacement windows and infill of 4no. rear openings:

To refuse the application, contrary to officer recommendation. Following a vote, the motion was carried unanimously.

RESOLVED: (Unanimously) to refuse the application, contrary to officer recommendation.

Reasons for the decision:

Members were of the opinion that the recommendations were not in congruence with the fabric of the building and its heritage.

ii) 13/01829/FUL - Installation of ATM Unit

To refuse the application, as per officer recommendation. Following a vote, the motion was carried unanimously.

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

Reasons for the decision:

The installation of an ATM in this location would be likely to have a significant impact on neighbour amenity, especially at night. The site proposed for the ATM was on the part of the building closest to housing, where Brewster Avenue had the character of a residential street rather than a junction with a main road. An ATM would be likely to attract people at all times of the day and night, and while during the day this would be absorbed into normal activity, at night the increase in people and traffic movements would be noticeable and significant. The increase in movements would be likely to have a detrimental impact on the amenity of nearby residents, contrary to Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

iii) 13/01830/FUL - Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard

To grant the application, as per officer recommendation, subject to the imposition of conditions C1 to C4. Following a vote the motion was carried (6 for, 3 against).

RESOLVED:

(6 for, 3 against) to grant the application, as per officer recommendation subject to the imposition of the relevant conditions C1 to C4.

Reasons for the decision:

- The plant would not be visible from the public realm;
- Noise likely to affect neighbours can be adequately controlled; and
- The proposal was in keeping with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP2 of the Peterborough Planning Policies DPD.

iv) 13/01831/FUL - Link extension to rear of the property

To grant the application, as per officer recommendation, subject to the imposition of conditions C1 and C2. Following a vote the motion was carried (8 for, 1 against).

RESOLVED:

(8 for, 1 against) to grant the application, as per officer recommendation, subject to the imposition of the relevant conditions.

Reasons for the decision:

- The design of the alterations would not harm the character of the building;
- There would be no detrimental impact on neighbour amenity; and
- The proposal is in keeping with Policies CS16 and CS17 of the Peterborough Core Strategy DPD, and Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD.

v) 13/01832/ADV - Installation of 3No externally illuminated fascia signs, 1No externally illuminated projecting sign and 3No non-illuminated branded panels

To support the officer's split recommendations:

- i) To grant the advertisement consent for the three fascia signs, two of which were to be illuminated, and for the two small signs to each side of the entrance door, subject to the imposition of the relevant conditions including C6; and
- ii) To refuse advertisement consent for the projecting sign drawing attention to the ATM and the sign on the garage door.

Following a vote the motion was carried (7 for and 2 against).

RESOLVED: (7 for, 2 against) to grant officer's split recommendation subject to the imposition of relevant conditions:

1. No advertisement was to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
2. No advertisement shall be sited or displayed so as to:
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or;
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements; shall be maintained in a condition that does not impair the visual amenity of the site;
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public;
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity;
and
6. C6

Reasons for the decision:

In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or as subsequently amended.

In the interests of Highway safety in accordance with Policy CS14 of the Peterborough Core Strategy DPD and Policy PP12 of the Peterborough Planning Policies DPD.

The projecting ATM sign would draw the attention of customers to a part of the site that was better related to the residential part of the street, and which customers should not need to visit. The sign on the garage door was even closer to housing. The garage block was in terms of the streetscene more closely related to the adjacent housing than to the shop entrance, of the public face of the shop. It had been considered that these two advertisements would have a detrimental impact on the character of the residential part of Brewster Avenue, contrary to the provisions of paragraph 67 of the National Planning Policy Framework, and Policy PP11(a) of the Peterborough Planning Policies DPD.

The Committee agreed that item 4.3, Heron Public House would be discussed next.

4.2 13/01604/FUL - The Heron, Southfields Drive, Stanground, Peterborough

Planning permission was sought for erection of 12 two bedroom and five one bedroom apartments with ancillary parking area (22 car parking spaces), two underground bins and communal landscaped amenity areas. The applicant proposed five additional parking spaces within a new on street parking bay on Southfields Drive.

The building was a mix of two, two and half and three storeys with ridge heights varying from 8.95 metres, 9.85 metres and 10.2 metres.

The existing close boarded fencing to the north and east was to be retained with landscape/planting to be added to. To the east and south of the site, the boundary (which currently fronted onto the public roads) would be finished with vertical steel railings. The development was to be constructed using traditional materials, including buff facing bricks, white render, orange pantile roofs at high level and plain tile roofs at low level.

The applicant had confirmed that the development would be in accordance with code three for sustainable homes.

The Area Manager Development Management provided an overview of the application and the update report and raise points, which in summary included:

- The main issues were the layout of the area, access and parking;
- The proposal would negatively impact the streetscene of the area;
- There were also issues with a lack of car parking and potential to cause traffic problems; and
- The officer's recommendation was therefore to refuse the application.

Councillor Rush, Ward Councillor, addressed the Committee and responded to questions raised by Members. In summary, points raised and responses to questions included:

- The proposal would have a detrimental effect on the character of the area;
- There would also be a loss of light for many elderly residents in the vicinity of the proposed development;
- The application included no community facilities, including inadequate parking which would lead to people parking on the grass verges and damaging the grassy area; and
- Many elderly residents in particular had approached Councillor Rush with comments regarding the development, relaying that they were all against the application.

Mr and Mrs Cole, Mrs Preston, Mrs Butler and Mrs Panton addressed the Committee and responded to questions raised by Members. In summary, points raised and responses to questions included:

- A smaller dwelling would not be objected to, but the design of the current proposal was overdeveloped and cramped;
- The proposed building was not in keeping with local amenities;
- The building would therefore have a detrimental effect on the character of surrounding properties;
- The development would cause loss of light to surrounding home;
- There had not been enough parking proposed for the development, which would therefore create a high amount of congestion;
- The development was in a busy area where a high number of road traffic incidents had occurred and as there was a potential for more roadside parking it was felt that the proposal presented a higher highways risk;
- The area had been affected by crime, drugs and anti-social behavior and the proposal would affect the local residents who were elderly and vulnerable;
- There were no electric vehicle charging points and therefore the development was environmentally unfriendly; and
- There were no objections to the development of the site per se, but only to such a large development.

Mr Sharman, the agent for the proposal, addressed the Committee and responded to questions raised by Members. In summary, points raised and responses to questions included:

- There had been extra parallel parking bays which had been added and more could be added which would be adequate for the number of flats, but short of three visitor parking spaces;
- There were many amenities around the area which would benefit residents of the proposed development;
- The development provided the adequate amount of amenity space;
- The building would become a prominent, landmark building; and
- Despite the parking concerns raised the area had not been considered an accident black spot.

Members debated the application and raised a number of points:

- the proposal was overdevelopment and would cause too much congestion to the area;
- Relying on off-road parking would be disastrous;
- The building would be an eyesore and would ruin the atmosphere of the area;
- Whilst design was a subjective thing, the development was too large; and

- Such a large building would need to fit in with the neighborhood.

A motion was put forward and seconded to refuse the application, as per officer's recommendations. Following a vote, the motion was carried unanimously.

RESOLVED: (unanimous) to refuse the application, as per officer recommendation.

Reasons for the decision:

Taking all matters into consideration it was concluded that the proposal would harm the character and appearance of the area contrary to Core Strategy Policy CS16 and would increase the likelihood of vehicle to vehicle and vehicle to pedestrian conflict contrary to Core Strategy Policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD (2012)

At this point Councillor Ash left the table to speak on item 13/01505/FUL – Change of Use from Dwelling to Day Nursery D1 and Rear Extension, 144 Elmfield Road, Dogsthorpe, Peterborough, PE1 4HB

4.3 13/01505/FUL - 144 Elmfield Road, Dogsthorpe, Peterborough, PE1 4HB

The application sought permission for the change of use of the dwelling to a day nursery. The hours of use would be 0800 to 1800, Monday to Friday. It was proposed that there would be 32 nursery spaces and three full time and one part time staff. Access would be via the existing access off Dogsthorpe Road. The garage was to be demolished to allow entrance into the rear garden. Two alternative parking proposals had been put forward for consideration. Drg no. P1_a proposes parking for up to 10 vehicles to the rear of the site with one disabled parking space to the site frontage; Drg no. P1A proposed parking for up to 10 vehicles to the rear, including one disabled parking bay.

As part of the application permission was sought for a single storey rear extension. The extension would be 'L' shaped formed by the footprint of the existing building and would project approximately 5 metres from the rear building line and would extend the full width of the property (8.3 metres). The extension would have a flat roof for half its width to a height of 2.8 metres and then a dual pitched roof to a height of 4.2 metres. The extension would be used for a play area.

This was a resubmission of a previous scheme which sought permission for the change of use of the dwelling to a day nursery providing up to 24 spaces (10/00840/FUL) which was refused due to highway safety issues and noise and disturbance to neighbouring occupiers.

The scheme now included visibility splays within the site, additional on-site parking to the rear of the site and a parking survey had been undertaken to assess the availability of on street parking near to the site. The number of places has increased to 32.

The Area Development Manager provided an overview of the application and raised the following points:

- The main issues were the impact on highway safety and the impact on residential amenity;
- The site would not be able to provide an adequate number of drop-off and pick-up spaces; and
- The officer's recommendation was to refuse the application.

Councillor Ash and Councillor Saltmarsh, Ward Councillors, addressed the Committee and responded to questions raised by Members. In summary the points raised and responses to questions included:

- The site was in the midst of residential properties and was not an appropriate site for a nursery;
- The area had a high level of traffic already and the nursery would cause congestion;
- There would be issues with noise both relating to the amount of children in the nursery but also relating to traffic; and
- There had been no guarantee that the nursery would be in future run by people as competent as the applicants.

Mr Akhtar, the applicant, addressed the Committee and responded to questions raised by Members. In summary the points raised and responses to questions included:

- The application had support from the local Early years Development and Childcare Partnership;
- Most people using the site would be local people within walking distance. The majority of those using cars would only be for drop-off and pick-up, rather than parking. The requirement for extra parking spaces was unnecessary; and
- The nursery would be of great benefit to the local area and without it parents would have to travel a significant distance to access a similar service.
- The fencing on the site was soundproofed which would eliminate noise problems; and
- The application had increased from 24 to 32, following advice received from officers, however was flexible regarding the consideration.

A submission from Councillor Swift was read which raised the following points:

- Eight new classrooms had been made for Fulbridge School, and people in houses around it could hear the children, as well as other developments. Councillor Swift therefore felt that in this instance the applicant was being treated unfairly.

Members debated the application and the following points were raised:

- Dropping off and picking up children had potential to create traffic congestion;
- Drop-off and pick-up times would increase as parents try and access the nursery at earlier times;
- The pollution control team had stated that the soundproofed fencing was unlikely to make much difference; and
- There had only been one objection on noise grounds after consultation.

Following clarification sought by Members, the Highways officer advised that the drop-off and pick-up point would create congestion through cars trying to turn and leave, and would be forced to back up onto the highway, which would cause parents to drop off elsewhere, creating further congestion in other areas.

A motion was put forward and seconded to refuse the application, as per officer's recommendations. The motion was carried by 5 votes in favour, 2 against and 1 abstention. The application was refused.

RESOLVED: (5 for, 2 against) to refuse the application, as per officer recommendation.

Reasons for the decision:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan including the following reasons:

- i) The application site would not be able to provide an appropriate number of drop off/pick up facilities for 32 children and notwithstanding the on street car parking survey which has demonstrated some capacity for on street parking provision, there would be insufficient on street parking capacity near to the site. As a result vehicles would park on yellow lines or on the wide grassed/paved area to the site frontage which would be detrimental to highway safety given the proximity of the site to the junctions. Hence the proposal was contrary to policy PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.
- ii) The proposed play area, by virtue of its proximity to the shared boundary with the neighbouring property at number 142 Elmfield Road, would result in an unacceptable level of noise and disturbance which would be harmful to the amenity of the occupiers of that property. Hence the proposal was contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.
- iii) The proposal would result in vehicles parking and turning in the rear garden of the property. The use of the site as a day nursery for up to 32 children had the potential for significant numbers of vehicular movements in and out of the site. The noise and disturbance likely to be generated by the vehicles of both clients and staff would alter, significantly, the domestic character of the property to the detriment of the occupiers of the neighbouring dwellings. Hence the proposal was contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

Whilst some restrictions could be placed on the use through planning conditions, in this instance the site was not in an appropriate location for use as a day nursery due to lack of parking and subsequent highway implications and the detrimental impact on the amenity of occupiers of neighbouring dwellings. The proposal was recommended for refusal.

4.4 13/01627/OUT - Unit 2, 61 Station Road, Thorney, Peterborough

The proposal was an outline planning application for the erection of 14 'live-work' dwellings which meant each dwelling having a room that could be used for employment purposes. Such employment uses could be expected to include uses within class B1 (offices and light industrial uses) of the Town and Country Planning (Use Classes) Order 2010.

The details of the layout, scale, access, landscaping and appearance of the development, i.e. the reserved matters, were not for consideration at this stage. An indicative housing layout had been submitted.

The residential development would be partly upon land that was allocated for employment use as well as land currently in commercial use with the remaining housing located on a grassed area within the southernmost part of the site.

The existing vehicular access to the site, from Station Road, would serve the proposed development, although access to the site was a reserved matter.

The site was located towards the north of the village of Thorney within a site that had been principally in commercial use for a number of years. There was one two storey building located in the north-western area of the site which had been used wholly for employment purposes that included a business that specialised in providing stages for public events. This business involved the use of long heavy goods vehicles that were parked within the site when not in use. A large part of the site comprised a turning area for the HGV's. The vehicle

access to the site was off Station Road to the north-west. This access road ran parallel with the access road to a development, which comprised a terrace of six one and a half/two storey industrial units located to north of the site, four of which were occupied. At least four of these buildings are in general industrial use. The larger of the buildings, located at the western end of the row, was occupied by a metal engineering company that had undertaken shot blasting work. Noise from that occupier was audible over the entire application site. All of the buildings had tall and wide openings in their south facing elevations which faced towards the application site.

To the south of the application site was a substantially sized detached dwelling set back from the site boundary. There had been a two storey high light industrial unit just beyond the south east of the site, which was used as a vehicle access route through the application site to Station Road. This light industrial business was owned by one of the two applicants. To the west, the boundary of the site was shared with the rear garden fences of the residential properties on the east side of Station Road. To the east of the site lay open countryside and allotments.

The Area Manager Development Management provided an overview of the application and advised Members that the officer's recommendation was to refuse due to the issues highlighted within report that the whole site area fell within a Flood Zone 3 of the Environment Agency Maps and had failed the relevant sequential tests and was contrary to the site allocations document DPD.

In addition, the Area Manager Development Management outlined comments received from Councillor Sanders, which had not been included within the update report. In summary the comments submitted included:

- Councillor Sanders' recommendation was one of approval;
- One letter of objection had been received from a neighbour expressing concern that they would be overlooked and that the application site was regularly flooded;
- There had been no complaints from constituents or Thorney Parish Council; and
- The application was also supported by the Local Member of Parliament and the Ward Councillor.

The Area Development Manager also outlined issues relating to areas of concern, including:

- The proposal was contrary to the land use allocation in the development plan. There were no material considerations that would allow the LPA to hold a different view;
- With regards to flooding, there was a medium risk (1-3%) chance of flooding every year and therefore development should not be permitted as there were other suitable sites around Thorney at a lower risk of flooding;
- In terms of the live-work units, whilst live-work was ostensibly more sustainable than living areas, there had been no guarantee that the site would not become a purely living-in area in the future and therefore the live-work element did not make the proposed development acceptable; and
- Regarding neighbouring land uses, the application should be refused on noise grounds and there were further concerns regarding highway safety.

Councillor Sanders, Ward Councillor, addressed the Committee and responded to questions raised by Members. In summary the points raised and responses to questions included:

- The Director of Growth and Development had stated that he would not let policy get in the way of a good idea and this development was a particularly good idea;
- Housing developments within Thorney had typically been met with controversy, however, the residents in this case were in favour of the development;
- There had been only one objection from a resident of Thorney village;

- The application of planning policies conflicted with the intent of the national planning policy framework and the City's growth agenda;
- It was felt that the development allocation site was not a material consideration;
- The site had been allocated for employment use in the LDF. There had been no employment development prospects since 1991;
- The site was not commercially viable and the rent did not cover the cost of rates;
- It was felt that PCC had no planning policy that sought to protect employment land;
- The Environment Agency were the experts in flood risk and had agreed that the site could be used for housing subject to raising the floor levels;
- The reduction in the impermeable areas would present a lower flood risk;
- It was felt that installation of large earth mounds may provide a noise barrier and would be something that the Committee may wish to consider;
- The sequential test approach would demonstrate whether the areas were suitable due to its characteristics;
- Regarding flood risks – the area was not a flood zone and the Environment Agency supported the development;
- The report stated that there had been no need for housing land because sufficient land had already been allocated;
- The Council's recent report regarding housing allocation shows a shortage especially in Band H;
- The report stated that some land would be released from employment allocation to accommodate houses; and
- The development was right for Thorney at the right time without much objection and supported PCC's growth objectives;
- The North level drainage board had contributed to the area not being flooded;
- It had been felt that flood warnings were a scare factor as the area was already a commercial site, which had experienced no flooding and that further research needed to be carried out; and
- One reason for officer refusal was that the current factories would impact on new builds, however complaint issues from new residents regarding noise levels could not be envisaged.

The agent, Mr Dickie, addressed the Committee and responded to questions raised by Members. In summary the points raised and responses to questions included:

- Appropriate flood mitigation measures could be implemented on the site;
- The site had no realistic future for employment, so housing should be considered for a future land use; and
- The proposal did not conflict with any policies local or national and if it did, then it was felt that those policies were seriously flawed.

Members debated the proposal and raised the following points:

- Members had not seen anything at the site to suggest there was a particularly serious flood risk;
- Current proposals going through Parliament would keep the insurance levels manageable;
- It was unusual to have a situation where residents were supportive of a development but Officers were not;
- Careful consideration needed to be given to the flooding risk and mitigation needed to be engaged with;
- Having employment local to Thorney was a positive thing;
- Legislation mentioned by Councillor Sanders applied to buildings prior to 2009, however the legal officer stated that it was not material consideration to the current application;

- Fengate was a floodplain area but flooding had not been a major issue in the area; and
- A development would revitalise the area as it was currently desolate.

The Area Manager Development Management responded to a number of points raised. In summary the responses included:

- Support for the development was acknowledged;
- Guidance on flooding was very clear and must be adhered to when allocating sites. The lowest risk sites should be prioritised and therefore lower risk sites should be used for housing development;
- A precedent may be created for other sites in the zone, which might enable developers to come forward with housing development; and
- Noise mitigation was recommended, but would need to be substantial and would therefore impact on the amenity of the residence.

A motion was put forward and seconded to grant the application, contrary to officer recommendation subject to the resolution of reserve matters. Following a vote the motion was carried (6 in favour, 4 against).

RESOLVED: (6 in favour, 4 against) to grant the application, contrary to officer recommendation subject to the resolution of reserve matters.

Reasons for the decision:

Members were of the opinion that the development was acceptable for the following reasons:

- There were examples of combined industrial with residential estates currently established within the City;
- There were other examples of floodplain areas within the City that had not incurred a detrimental impact from flooding; and
- The site was currently desolate and such a development was welcomed and supported by neighbouring residents.

4.5 13/01722/WCPP - Peterborough Garden Park, Peterborough Road, Eye, Peterborough

The site was located on the edge of Peterborough, positioned between Dogsthorpe and Parnwell to the south, and Eye village to the north east.

The site was bounded to the north by the landfill site, and to the south the Paston Parkway dual carriageway and Junction 8 roundabout. The existing Garden Park retail development was located to the west and the petrol filling station, KFC restaurant to the east. The site was accessed via the Garden Park vehicle access from Eye Road.

The site covered an area of 4.32 hectare, and currently forms part of the adjacent Garden Park retail development. The site was made up of car parking, wooded area and some unused land.

On the 21st February 2013 outline planning application ref: 12/00290/OUT for construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping was granted permission by members of the Planning and Environmental Protection Committee. As part of the planning permission there were conditions limiting the amount of gross floor space and a limit on the amount of convenience/comparison.

The revised scheme before Committee had been devised to facilitate the specific requirements of a foodstore operator with whom the developer was in advanced negotiation. The Section 73 application sought to vary Conditions 5 and 34. Specifically the current application sought to make the following changes to the outline planning permission:

- Relocation of the proposed store to a position away from the end of the existing retail terrace, so that it was closer to the existing Petrol Station on Eye Road – the relocation would take place within the original application site boundary;
- An increase in the gross floor area of the food store from the consented upper limit of 6,040sq metres to 7,060 sq metres (the increase in gross floor area relates solely to an increase in the 'back of house' storage area); and
- Net sales area to remain at 4,227 square metres, albeit the total floor space given over to the sale of comparison retail goods would increase from 25% (as capped by the extant planning permission) to 41% of the total retail floor area.

The remainder of the scheme was unchanged from the existing scheme.

The Area Development Manager Addressed the Committee with an overview of the application and made the following points:

- The proposal as revised could not be accommodated in the City Centre or District Centres in the short to medium term; and
- The application for the proposed scheme should be granted.

Mr Gordon Eddington, Chairman of Peterborough Garden Park, addressed the Committee and responded questions raised by Members. In summary points raised and responses to questions included:

- Peterborough Garden Park had had ongoing issues with not enough people visiting;
- All supermarket operators previously had said they would not be interested in investing in the business unless planning permission was granted;
- Only one supermarket operator has expressed interest subject to planning consent; and
- The proposal would increase jobs and invigorate the area.

Members raised the following questions and comments:

- Members asked if the car boot sale currently on the site would continue after the building of the food store. The Chairman of Peterborough Garden Park responded that the car boot sale was a measure aimed to bring trade to the area and he could not see it continuing after a food store was built;
- Concern was expressed that the location was unsustainable;
- There had been poor access to the area from public transport and by foot;
- Policy CS14 stated that the Council should support proposals which developed and enhanced the City Centre and District Centres and reduce the need to travel by car;
- The development encouraged travel by car;
- The people of Parnwell were happy with the proposal and it was within local walking distance;
- Only the warehouse was being enlarged so concerns regarding the size of the development are disproportionate; and
- The site was currently unused and offered no benefit for the City or the local area.

The Senior Engineer (Development) Highways advised Members that the traffic was likely to stay the same as in the previously approved scheme, as the sales area was not increasing.

A motion was put forward and seconded to grant the application, as per officer recommendation, subject to the imposition of conditions C1 to C36. Following a vote the motion was carried unanimously.

RESOLVED: (unanimous) to grant the application, as per officer recommendation subject to the imposition of conditions C1 to C36.

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 proposal:

- a) Could not be reasonably accommodated within the City Centre (more specifically within the central retail area) or District Centres within the short to medium term;
- b) Would not result in a significant material impact on the City Centre or Districts Centres as a consequence of trade draw either individually or in conjunction with other recent developments, planning approvals or schemes under construction;
- c) Any impact caused to the City Centre would be offset via a S106 obligation, with monies towards Strategic Infrastructure and Public Realm Improvements in the City Centre;
- d) Is located on the edge of an existing retail park so there was likely to be link trips to the other units within the retail park;
- e) Would not result in an unacceptable impact on the local road network or compromise highway safety;
- f) Could be controlled by condition in respect of design and layout, crime and disorder, environment capital/renewable energy, infrastructure / infrastructure provision, transport, biodiversity, flood risk and archaeology;
- g) Would not result in a detrimental impact on protected species or related habitat; and
- h) Represents significant investment and employment creation.

And it was therefore considered to be in accordance with Core Strategy Policies CS4, CS10, CS11, CS12, CS13, CS14, CS15, CS16, CS21, CS22, with Peterborough Planning Policies PP01, PP03, PP09, PP12, PP13, PP16, PP19, PP20, Minerals & Waste Core Strategy Policies CS28 and CS30 and the Peterborough Planning Obligations Implementation Strategy SPD,

Following a request for a change of speakers, Mr John Ashley Web, would be replaced by Mr James Armstrong.

4.6 13/01849/FUL - Former Royal Mail Sorting Office, Bourges Boulevard, Peterborough, PE1 1AE

The application site was located within the City Centre boundary and Railway Station Opportunity Area as defined by saved policies of the Local Plan, and the emerging City Centre DPD. The site was adjacent to, but not within the central retail core retail as defined by the Local Plan and the emerging City Centre DPD. The Bourges Boulevard public transport corridor ran along the eastern boundary of the site, together with part of the cycle route network.

The existing Great Northern Hotel site was positioned to the south of the site, to the north was railway station land that was used for car parking and the fire station site, and to the west of the site were the railway platforms and tracks. Beyond Bourges Boulevard to the east

of the site was the North Westgate Opportunity Area and the City Centre multi storey car parks associated with the Queensgate shopping centre.

The application site covered an area of approximately 1.3 hectares, and was currently in use as a temporary Railway Station car park, with space for 496 cars. The site was formerly used as the Royal Mail sorting office site, however this use was relocated and the building subsequently demolished.

Planning permission was sought for a new supermarket, with a gross internal area of 3,762 square metre and 2,537 square metre net sales area plus café. The proposed retail floor space would be split into 75% for convenience goods, and 25% for comparison. It was proposed that this would be a Waitrose supermarket and it would replace the existing Waitrose store within the Queensgate shopping centre.

There had been 246 car parking spaces proposed, including disabled and mother and toddler spaces, and 28 cycle spaces. Vehicle access to the site would be taken from Mayor's Walk.

The Principal Development Management Officer provided an overview of the application and raised the following points:

- Comments had been received expressing concern that the relocation of the Waitrose store would make it less accessible from the bus station. Whilst this was true, there would be a new pedestrian crossing and the site would therefore be within walking distance. It was therefore not necessary to approve new bus routes or redirect existing ones;
- Councillor Sandford had expressed concern that there should be diversion of buses to the site; and
- The officer recommended approval subject to conditions C1 to C25 and legal agreement.

The Branch Manager of Waitrose addressed the Committee and responded to raised by Members. In summary the points raised and responses to questions included:

- Food retail attitudes had changed over the years and the size of the current store made it uncompetitive;
- The proposal kept the Waitrose store close to the City Centre;
- The design complimented the existing proposals to reinvigorate Bourges Boulevard;
- An additional 40 jobs were anticipated.
- There would be a minimum spend for the car park and two hours free parking, which was anticipated to mitigate the potential for people to use the car park in lieu of the railway station car park; and
- There was a dialogue between officers relating to layout and the appearance of the building to enable the store to fit into the environmental aims of the Council. All electricity on the site would be derived from renewable sources. There had also been consideration of employing a dedicated environmental "Green Champion" whose responsibility would be to ensure Waitrose was meeting its environmental obligations.

Councillor Sandford addressed the Committee and made the following points:

- A large percentage of people using the store were likely use public transport and relocation would make access less convenient;
- Elderly people and those with mobility issues were likely to be put in an awkward situation; and
- The Committee should recognise the impact on public transport and provide some financial contribution to ensure that the area had public transport access.

Members debated the issues and sought clarification from officers regarding potential for vehicles which had not cancelled indicating to cause traffic disruption. The Senior Engineer (Development), Highways Officer advised that speeding around the corner was unlikely to be an issue in peak hours because traffic was likely to be heavy. Members were also advised that an additional option would be to place road signs to remind people to turn off their indicators.

A motion was put forward and seconded to support officer's recommendations and grant the application, subject to the imposition of conditions C1 to C25. Following a vote the motion was carried unanimously.

RESOLVED: (Unanimous) to grant the application, as per officer's recommendations subject to the imposition of conditions C1 to C25.

Reasons for the decision:

Subject to the imposition of 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 siting, scale and design of the supermarket proposal was considered to be acceptable with no unacceptable adverse visual impact on the surrounding area;
- The site's 'edge of centre' location meets the criteria of the retail sequential test, in that there were no other available sites for the supermarket higher in the retail hierarchy;
- The retail proposal would not result any significant detrimental impact on the City Centre or District Centres as a consequence of trade draw either individually or in conjunction with other recent developments, planning approvals or schemes under construction;
- Whilst a Mixed use development would have been preferable, the single retail supermarket use would provide enhanced redevelopment benefits for the site and the wider area with the provision of a new pedestrian crossing and enhanced pedestrian routes to the City Centre;
- The development did not compromise the development of any other parts of the Railway Station Opportunity Area coming forward;
- The proposal would not be detrimental to any protected Cathedral views;
- The proposal would not result in an unacceptable impact on the local road network or compromise highway safety or the implementation of the Primary Public Transport Corridor;
- There would be no adverse impact on any neighbouring sites; and
- The proposal was therefore considered to be in accordance with Policies CS4, CS13, CS14, CS15, CS16 of the Core Strategy, Policies PP01, PP02, PP03, PP9, PP12, and PP16 of the Planning Policies DPD, Policy CC12 of the Local Plan and Policies CC2, CC4 and CC11 of the emerging City Centre Plan.

4.7 13/01874/R4FUL - Land Rear of 77 Russell Street, Millfield, Peterborough, PE1 2BJ

The application site comprised an area of designated Public Open Space, located to the northern side of Bright Street. There was a significant area of hardstanding with shrub borders adjacent to the public footway and to the rear of residential properties along Russell Street and Cromwell Road. The site was bound to the south by public footway and to the north and west by 1.8 and 2 metre high fencing and brick walls. There were a number of mature shrubs within the site and a semi-mature Cherry tree.

The application sought planning permission to extend the garden land associated with No.77 Russell Street by approximately 4.5 metres to the rear and to the rear of the neighbouring dwelling No.79. It was proposed for the fence to stand at 1.8 metres in height with an access gate along the rear boundary.

The application currently under consideration was identical to the scheme which had already been refused planning permission under delegated powers (reference 13/01085/R4FUL).

The Principal Development Management Officer provided an overview of the application and made the following points:

- The area had suffered from littering and anti-social behaviour and there had also been problems in previous years with rough sleepers, drugs, public urination, though there had been no recent problems in the last three years;
- There would be a loss of open space in an area where there was already a deficiency;
- There would be a detrimental impact on visual amenity;
- There were objections from residents to loss of open space in the area; and
- The officer's recommendation was to refuse the application.

Mr Ahmed, the applicant, addressed the Committee and responded to questions raised by Members. In summary points raised and responses to questions included:

- The land had over the past 10 years been requested to be sorted out as there was a great deal of anti-social behavior on the land;
- The Council had made promises which it had not kept;
- Request for sale had not been granted for various reasons. A lease had been offered but refused by the applicant;
- Head of City Services had visited the site and the decision was taken to purchase the land;
- The application was submitted in March 2011, before the Council's adoption of the open space policy;
- The policy had been introduced after a series of delays, which had made the applicant unable to submit his application before the policy had been implemented;
- The reduction in crime was not in the specific area – there may be an overall reduction in crime in central ward, but crime had actually gone up in the area to which the applicant was requesting planning permission,
- There were syringes and condoms found in resident's gardens around the area; and
- There had been no preservation order on the tree and it was located outside the conservation area.
- Since the removal of the benches Police crime data had been submitted prior to the application, which had indicated a great deal of crime, however since the application was submitted, residents had stopped reporting the crime;
- If the purchase was permitted the area would be fenced off and cleaned. This would allow residents to take ownership of the issues highlighted;
- The proposed fencing to be installed in the area was featheredge. The proposed internal fenced area would be made into a garden rather than the hub for drug use, which it was currently being used for;
- It was proposed to remove the trees within the application; and
- The issues highlighted would not just be moved along as the area only needed a slight change to act as a deterrent to people frequenting there.

Members debated the application and the following points were raised:

- There was no difficulty in the applicant acquiring the land;
- The loss of the trees would be regrettable as it was an urbanized area;

- The applicant had however not been treated well, but there was no obligation to sell the land;
- Boxing the area in would not necessarily alter any of the issues cited. There had been no complaints over the last two years;
- The application would only move the issues somewhere else.
- Consideration should be given to placing a tree preservation order should it become private land;
- The applicant should work through Local Councillors and the police;
- If approved this application would set a precedent in which open spaces were sold off and would create a significant lack of open space in the City;
- The area was open space in an urban area and there was potential to make it a better place to stop by;
- The area of open space was not in itself visually appealing, whilst the trees themselves were; and
- The area was not just a slab of concrete, there were shrubs and mature trees around it.

A motion was put forward and seconded to refuse the application, as per officer recommendation. Following a vote the motion was carried 7 votes in favour, 2 against.

RESOLVED: (7 for, 2 against) to refuse the application, as per officer recommendation.

Reasons for the decision:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons including:

- The proposed garden extension would result in the loss of existing Public Open Space within Central Ward which already had a significant deficit in provision. The proposed use of the land was not ancillary to the use of the site as open space and nor has the scheme proposed alternative provision within the surrounding area. Accordingly, the proposal would result in the unacceptable loss of important existing open space, contrary to Policy CS19 of the Peterborough Core Strategy DPD (2011); and
- The application scheme would result in the loss of valuable soft landscape features within the streetscene along Bright Street and the replacement with a hard boundary fence which would appear stark in contrast. Overall, the proposal would result in an unacceptably negative impact upon the character, appearance and visual amenity of the surrounding area, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

5. Planning Compliance Quarterly Report on Activity and Performance - October to December 2013

The Area Manager Development Manager introduced a report to Committee which had set out the performance of the compliance team. The report was intended to detail all planning activity and identify if there were any lessons to be learnt from the actions taken in order to inform future decisions and potentially reduce costs.

- Members requested an email be sent out after the meeting detailing the costs to the Council.

RESOLVED:

The Committee noted the past performance and outcomes.

6. Planning Three Month Appeal Performance Report

The Committee received a three month report, which outlined the Planning Services' performance at appeals and identify if there were any lessons to be learnt in terms of appeal outcomes. It was also intended for the report to inform future decisions and potentially reduce costs.

RESOLVED:

The Committee noted the past performance and outcomes.

CHAIRMAN
1.30 - 6.30 pm