

PETERBOROUGH



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 APRIL 2014**

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Casey, Sylvester, Harrington and Lane.

Officers Present: Nick Harding, Head of Development and Construction
John Wilcockson, Landscape Officer
Jim Daley, Principal Built Environment Officer
Steve Winstanley, Team Leader – Planning Research and Information
Hannah Vincent, Planning Lawyer
Karen Dunleavy, Governance Officer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

Apology for absence were received from Councillor Shabbir and Councillor Todd.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meetings held on:

3.1 18 February 2014

The minutes of the meeting held on 18th February 2014 were approved as a correct record.

3.2 4 March 2014

The minutes of the meeting held on 4th March 2014 were approved as a correct record.

3.3 25 March 2014

The minutes of the meetings held on 25th March 2014 were approved as a correct record.

4. Exclusion of the Press and Public

RESOLVED that, in accordance with Standing Orders, agenda item 5.1, D1 - Immediate Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 Restricting Permitted Development Rights, which contained exempt information which revealed that the authority proposed (a) to give under any enactment a notice under of by virtue of which requirements were imposed on a person; or (b) to make an order or direction under any enactment as defined by Paragraph 6 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when the report was discussed.

5. Development Control and Enforcement Matters

5.1 D1 – Immediate Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development Rights) Order 1995 Restricting Permitted Development Rights – Walton Road

The Committee received a report to consider and determine any action required in relation to a planning matter in accordance with section 2.5.1.2 of the Committee's terms of reference in the City Council's Constitution.

RESOLVED: (Unanimous) to authorise the issue of the Direction.

Reasons for the decision:

An Article 4 Direction coming into effect immediately had the clear advantage of removing the threat of the demolition of the building without first obtaining planning permission.

5.2 14/00362/CTR – Section 211 Notice of Intent to Carry out Works to Trees in Longthorpe Conservation Area, 333 Thorpe Road, Peterborough

The application was for a Section 211 Notice submitted by Councillor Marco Cereste, Leader of the Council, of notification to carry out tree work at 333 Thorpe Rd, Peterborough. The work proposed included the reduction of 1 No. Lilac to a similar height to the fence, the removal of the two lowest limbs of 1 No. Acer and the lateral reduction by 2m of the lowest branches of 1 No. Acer.

The main considerations included whether the proposals were in line with sound Arboricultural practice, reasonable and justified having regard to representations received, and whether the trees were worthy of inclusion into a TPO in terms of public visual amenity value, condition and health.

It was officer's recommendation that the works be permitted and no objection was made against the notice.

The Landscape Officer provided an overview of the application and raised the following points:

- The Lilac tree was structurally unsound and not worthy of a TPO.
- Two of the lowest limbs of the Acer tree had entered the adjoining properties garden and neighbours had requested they be removed. The removal of the two tree limbs would not affect the health of the tree.
- The second Acer tree was in poor condition and was not worthy of a TPO. Its removal would allow more light onto the lawn to facilitate growth.

A motion was proposed and seconded to agree that the works be permitted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that the works be permitted and no objection be made against the notice.

Reasons for the decision:

Under a section 211 anyone proposing to cut down or carry out work on a tree in a Conservation Area was required to give the LPA six weeks' prior notice. The purpose of this requirement was to give the LPA an opportunity to consider whether the works were appropriate and if not, consider whether a Tree Preservation Order (TPO) should be made in respect to the tree.

The Lilac was in poor condition and was starting to damage the boundary fence line, it was not considered worthy of a TPO due to its structural condition and low visual amenity value.

The Acer was also in poor structural condition, the main trunk curved by 90 degrees at just above ground level and then ascended thereafter, the proposed works were to improve the condition of the lawn which was largely moss. As the tree was in poor structural condition and as it offered very low visual amenity value, the works were acceptable and the tree was not worthy of a TPO.

The works to the Acacia were considered minor and would not compromise the tree's health nor visual amenity value.

6. The Longthorpe Conservation Area Appraisal

The Committee received a report which provided an update on the outcome of the public consultation on the Draft Longthorpe Conservation Area Appraisal and Management Plan.

It was officer's recommendation that the Committee notes the outcome of the public consultation on the Longthorpe Conservation Appraisal, recommends that the Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement considers and approves the proposed conservation area boundary change and that the Committee supports the adoption of the of the Longthorpe Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Longthorpe Conservation Area.

The Principal Built Environment Officer provided an overview of the application and raised the following points:

- The consultation had included the expansion of the Conservation Area boundary along the Longthorpe Green and to the plots of 216 to 224 Thorpe Road.
- The consultation had attracted objections from four out of the five residents in these properties.
- As such, the expansion of the Conservation Area boundary had been limited to the frontages of the plots of 216 to 224 Thorpe Road.
- The area close to Longthorpe Green would be protected with the use of TPO's.
- A management plan had been proposed. Part of that plan included the production of a conservation strategy with Sue Ryder to protect the future of Thorpe Hall for the next five to ten years.

Comments and responses to questions raised by the Committee were as follows:

- It was considered appropriate to extend the Conservation Area boundary to the frontages of properties, rather than the properties themselves as the properties were not readily visible from the road and were not considered 'sufficiently special'.
- Extending the boundary to the properties would place an extra burden on the householders, however no burden would be placed on them if only the frontages were included in the Conservation Area.

RESOLVED that:

1. The outcome of the public consultation on the Longthorpe Conservation Area Appraisal be noted;
2. It be recommended that the Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement considers and approves the proposed conservation area boundary change; and
3. The adoption of the Longthorpe Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Longthorpe Conservation Area be supported.

Reasons for the decision:

Adoption of the Longthorpe Conservation Area Appraisal as the Council's planning guidance and strategy for the Area would:

- Fulfil the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to prepare and publish proposals for the preservation and enhancement of Conservation Areas.
- Provide specific Conservation Area advice which would be used as local design guidance and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.
- Have a positive impact on the enhancement of the Conservation Area by ensuring that new development in the historic environment was both appropriate to its context and of demonstrable quality.

7. The Marholm Conservation Area Appraisal

The Committee received a report which provided an update on the outcome of the public consultation on the Draft Marholm Conservation Area Appraisal and Management Plan.

It was officer's recommendation that the Committee notes the outcome of the public consultation on the Marholm Conservation Appraisal and supports the adoption of the of the Marholm Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Marholm Conservation Area.

The Principal Built Environment Officer provided an overview of the application and raised the following points:

- The entire village was included in the Conservation Area, excluding the 20th Century Council estate properties.
- The consultation attracted three responses, although work had been undertaken with the Parish Council prior and during the consultation process.

RESOLVED that:

1. The outcome of the public consultation on the Marholm Conservation Area Appraisal be noted;
2. The adoption of the Marholm Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Marholm Conservation Area be supported.

Reasons for the decision:

Adoption of the Longthorpe Conservation Area Appraisal as the Council's planning guidance and strategy for the Area would:

- Fulfil the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to prepare and publish proposals for the preservation and enhancement of Conservation Areas.
- Provide specific Conservation Area advice which would be used as local design guidance and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.

- Have a positive impact on the enhancement of the Conservation Area by ensuring that new development in the historic environment was both appropriate to its context and of demonstrable quality.

8. The Bainton Conservation Area Appraisal

The Committee received a report which provided an update on the outcome of the public consultation on the Draft Bainton Conservation Area Appraisal and Management Plan.

It was officer's recommendation that the Committee notes the outcome of the public consultation on the Bainton Conservation Appraisal, recommends that the Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement considers and approves the proposed conservation area boundary change and that the Committee supports the adoption of the of the Bainton Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Bainton Conservation Area.

The Principal Built Environment Officer provided an overview of the application and raised the following points:

- Work had been undertaken with the Parish Council throughout the consultation procedure.
- The consultation had attracted 13 comments, most of which were positive.
- The consultation had included an extension to the Conservation Area to the land at the north-western boundary, to include the whole of the original parkland, land at the southern boundary, the medieval manor house and Ufford Road.
- Residents of Ufford Road raised objections to its proposed inclusion in the Conservation Area. As such, the road was removed from the Conservation Area expansion.
- Ufford Road would be protected with the use of TPO's.

Members commented that the presentation to them, on all three of the Conservation Area Appraisals, had been very well crafted.

RESOLVED that:

1. The outcome of the public consultation on the Bainton Conservation Area Appraisal be noted;
2. It be recommended that the Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement considers and approves the proposed conservation area boundary change; and
3. The adoption of the Bainton Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Bainton Conservation Area be supported.

Reasons for the decision:

Adoption of the Bainton Conservation Area Appraisal as the Council's planning guidance and strategy for the Area would:

- Fulfil the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to prepare and publish proposals for the preservation and enhancement of Conservation Areas.

- Provide specific Conservation Area advice which would be used as local design guidance and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.
- Have a positive impact on the enhancement of the Conservation Area by ensuring that new development in the historic environment was both appropriate to its context and of demonstrable quality.

9. Peterborough Community Infrastructure Levy (CIL) – Draft Charging Schedule (DCS) and Draft Planning Contributions Supplementary Planning Document (SPD) Update

The Committee received a report which outlined changes to the way local authorities could collect and distribute developer contributions. These changes were being driven by legislative and statutory changes at a national level.

The Committee was invited to make comment in relation to the proposals set out in the report, most notably the proposed Draft Charging Schedule and charge rates, prior to consideration by Cabinet and Council in June and July respectively.

The Principal Built Environment Officer provided an overview of the application and raised the following points:

- The CIL would work in a similar manner to the POIS, which would become unlawful from April 2015.
- The first round of consultation had already been undertaken in November / December 2012 and feedback had suggested rates for commercial and retail developments were too high and the rate for residential developments needed to be more flexible.
- Within this round of consultation three different levels of rates had been identified; low, medium and high.
- A lower CIL would be required from developments that had affordable housing requirements or were considered strategic sites. There was a NIL rate for non-retail commercial developments.
- The spending of CIL funds would not come under the examination process. 15% of funds from a development would be allocated to the Parish Council. Those parishes with Adopted Neighbourhood Plans would receive 20% of the funds from developments in their area.
- The remaining funds would be allocated to projects falling into the themes prioritised by Cabinet.
- As of April 2015 a maximum of five Section 106 agreement funds could be combined.

Comments and responses to questions raised by the Committee were as follows:

- Garages would be included in floor space calculations if attached to dwellings. This would be checked by the Principal Built Environment Officer.
- The combined floor space of flats were used in calculations, excluding any communal floor space.
- The landowner was ultimately liable for the CIL. Developers would take on board the liability through a notice. If the land was sold on to another developer, this liability would have to be transferred.
- Funds from an existing POIS could be used alongside CIL funds.
- If a development transferred its requirement for affordable housing to a different site, the original development would be charged at full capacity and a legal agreement would be undertaken regarding the affordable housing and charging on the new site.
- Regarding the allocation of central CIL funds, this would be distributed along the

themes prioritised by Cabinet and would go to projects prioritised under these themes. Geographical location would not be considered under the CIL process.

- The charges would be reviewed every three years as standard. There were certain triggers that had also been put into place that would prompt a review of the charges.
- There was no appeal mechanism for developers, however a clause in the regulations allowed for the waiver of the CIL in exceptional circumstances.

RESOLVED that:

The Committee commented on the proposals as set out in the report, most notably the proposed Draft Charging Schedule and charge rates, prior to consideration by Cabinet and Council in June and July 2014 respectively.

Chairman
1.30pm – 2.38pm