



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

Members Present: Councillors Harper (Chair), Serluca (Vice-Chair), Casey, Hiller, North, Stokes, Sylvester, Harrington and Ash.

Officers Present: Nick Harding, Head of Development and Construction
Simon Ireland, Principal Engineer (Highway Control)
Ruth Lea, Planning and Highways Lawyer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Martin.

2. Declarations of Interest

Councillor Harrington declared his intention to withdraw from the Committee during agenda item 5.1 14/01558/WCPP – Milton Builders and Groundworks, Werrington Bridge Road, Milking Nook, Peterborough, as he considered himself to be pre-determined.

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

Councillor Casey declared his intention to make a representation as Ward Councillor on agenda item 5.2 14/01631/FUL – Herlington House, Benyon Grove, Orton Malborne, Peterborough.

4. Minutes of the Meetings held on 21 October 2014

The minutes of the meeting held on 21 October 2014 were approved as a correct record.

5. Development Control and Enforcement Matters

The Committee agreed to consider agenda item 5.2 14/01631/FUL – Herlington House, Benyon Grove, Orton Malborne, Peterborough first, as the only item on the agenda with members of the public wishing to speak.

5.1 14/01631/FUL – Herlington House, Benyon Grove, Orton Malborne, Peterborough

Councillor Casey retired from the Committee.

The planning application was for construction of an office building and associated external works at Herlington House, Benyon Grove. The application also included alterations to windows and doors at Herlington House and associated external works (relating to the change of use to flats).

The main considerations were:

- Principal of development
- Site History
- Access and Parking
- Design

- Impact on nearby residents
- Security
- Bin Store
- Sustainability
- Section 106

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- The existing building had planning permission for the change of use to residential flats. The current application sought permission for the physical changes in relation to this use.
- Also included in the application was a proposal for a single storey office building within the existing car park, which included a pathway to the existing building.
- The access to the car park would be narrowed, however would remain wide enough for two vehicles to park. The access was six metres on either side.
- A bin store was proposed to service the office and flats.
- High levels of representation had been received in objection to the application. These were namely in relation to the proposed access, which was shared with the church.
- No objection had been received from Highways and the access width, storage and design of the proposal was considered satisfactory.
- A letter had been received from the church advising that they would be contacting the application regarding their access rights.

Councillor North declared a non-pecuniary interest in the item, as he was acquainted with parishioners of the church next to the application site. He had not expressed an opinion on this application and did not consider himself to be pre-determined.

Councillor Casey, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The principal of development was not objected to.
- The proposal would improve the visual amenity of the area and was expected to aid in reducing the level of crime experience in the locality.
- Many of the objections raised were non-material planning considerations.
- The Councillor previous had concerns regarding the appropriateness of the proposals siting, however these had been addressed within the officer's report.
- It was considered that the development would have an unacceptable impact on the amenity of the neighbours, i.e. the church.
- It was perceived that larger vehicles would no longer be able to access the church, including coaches. It was asked whether Highways officers could confirm if coaches and collection vehicles could access the church and, if not, if the bus stop lay-by could be used for coaches.
- The access for the coach needed to be addressed, whether this be access through the car park or a nearby drop off area.
- There were regular coach trips from the church, which departed from the entrance.

Councillor Okonkowski, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The car park in question should be used by everybody and it was wrong for the Council to sell the facility.
- The church's access would be affected. Any vehicle could use the car park at the moment, the proposal would restrict this use.

- The part of the proposal relating the flats within the existing building was acceptable.
- The number of spaces provided in the car park was insufficient.
- The applicant sent a letter to the church stating that they would restrict the use of the car park.
- The open nature of the building could attract problems, more than already experienced. There was current issues on the site with BMX's. The CCTV units did not prevent this.
- Development should not take place on the car park.
- The bin store had been placed in an inappropriate position.
- The local priest was not happy with the access and thought the officer should be the same width as the current curb.
- The church did have disabled individuals dropped off by coach at the entrance of the church. This was a regular occurrence.

Bill Wilcock, local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Wilcock described recent problems encountered in the vicinity with vandalism.
- Mr Wilcock had been president of a charity associated with the church.
- 52 seat capacity coaches were used to collect disabled people from the church.
- Benyon Grove was a narrow, winding cul-de-sac.
- The car park was very small and meant that there was competition for spaces. The number of spaces should not be reduced further.
- The additional housing proposed by the development was welcomed.
- The applicant had sent a letter stating that church users would not be able to use the car park.
- The footpath from the bus stop lay-by through to the church was not appropriate for disabled individuals.

Neil Armstrong, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Armstrong was the Director of Quest Site Services, which was not in any financial difficulty. The site in question had been purchased several years ago for US partners. However, this partnership was no longer in existence and the building was too large.
- The application in front of the Committee was for the material changes to the building for residential use, including defined walkways.
- The company was small and a new building on the existing site was considered to be the best way forward.
- The money saved from using the car park was put towards improving the security of the site.
- The car park provided three more spaces than necessary.
- Meetings had been carried out with the church and the police, and requests such as the relocation of the bin store had been acted on.
- The design of the development was sympathetic to the existing buildings.
- Access was considered during the design stage and it was noted that the entrance to the Herlington Centre was narrower with more bends than the proposed access of the car park.
- There was no proposed change to the access rights of the church. Models had been undertaken with a coach and no problems had been encountered.
- A maximum of approximately 3 spaces would be used by employees, as the majority cycled to work.
- There were very few deliveries associated with the company. This would usually be through courier, no large delivery vehicles.

The Head of Development and Construction advised that neither the occupation or not of the current buildings, or previous ownership of the land were relevant to the Committee's decision. There had been no objection from the Police Architectural Liaison Officer regarding anti-social behaviour. From discussion with the church it was noted that the current coach access to the car park was tight. It needed to be established whether a coach could effectively use the car park currently and if it could, whether the proposal would affect this use.

The Principal Engineer (Highway Control) advised that the required width of a state road was 5.5 metres. As such, the manoeuvring space of the proposal was considered acceptable. The bin store was located near to the public highway to allow for easier access. Coach access was not considered when new churches were developed and it was believed that the existing coach access was a struggle.

The Committee discussed the application. Several Committee Members noted that the design and location of the proposed office building was incongruous. Concern was expressed regarding the access to the site. The Committee were reluctant to make a decision on the application with first examining tracking information for coaches on the site. It was further considered that more information was required regarding the use of the bus stop lay-by and disabled access.

The Planning and Highways Lawyer advised that if the Committee were minded to defer the application, it would need to clearly outline the reasons for deferral as it would be considered to accept all other matters within the application. It was also explained that all impact would need to be examined in relation to the existing situation.

A motion was proposed and seconded to defer the application to further investigate accessibility for hearses and fire engines, and whether access for disabled individuals was possible on coach via existing arrangement or from the bus stop lay-by. The motion was carried, six voting in favour, one voting against and one abstaining from voting.

RESOLVED: (six voted in favour, one voted against, one abstained from voting) that the application be **DEFERRED** to further investigate accessibility for hearses and fire engines, and whether access for disabled individuals was possible on coach via existing arrangement or from the bus stop lay-by.

Reasons for the decision

For officers to investigate accessibility for hearses and fire engines, and whether access for disabled individuals was possible on coach via existing arrangement or from the bus stop lay-by.

5.2 14/01558/WCPP – Milton Builders and Groundwork's, Werrington Bridge Road, Milking Nook, Peterborough

Councillor Casey re-joined the Committee and Councillor Harrington retired.

The planning application was for the variation of condition C6 on Planning Permission 12/01154/WCPP – Change of use from builders yard to mixed use builders yard and plant hire at Milton Builders and Groundwork's, Werrington Bridge Road, Milking Nook. Also included in the application was the removal of five free standing storage containers from the existing building and groundwork's compound, construction of a steel clad building and the siting of two Portakabins.

The main considerations were:

- Parking and highway implications
- Neighbour amenity

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- The site had been previously granted permission by the Committee for the application, and a variation of condition had been sought.
- The area of the site in question currently had permission for storage of shipping containers and plant and machinery for hire.
- It was proposed that this area now hold three goods vehicles.
- The existing items stored in the area in question would be moved elsewhere on site, which already had all the necessary permissions for storage.
- The proposal was of a small scale and would not result in any harm.

The Committee discussed whether this application should have returned to the Committee, or have been delegated to officers. Several Members of the Committee stated that it was proper for the Committee to consider the application.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision

Subject to the imposition of the attached 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 proposed variation would not result in any undue impact upon the safety of the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- The proposal would not result in any unacceptable impact upon the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

The Committee agreed to consider agenda item 5.3 – Enforcement Action in Stanground Central Ward after agenda item 8 – Planning Compliance Quarterly report on Activity and Performance July to September 2014.

6. 157-161 Fletton Avenue (Palace Gardens), Fletton, Peterborough, Local Government Ombudsman Case

Councillor Harrington re-joined the Committee.

The Committee received a report which provided information on the report of the Local Government Ombudsman (LGO) that investigated a complaint regarding the enforcement of landscaping conditions at the development at 157-161 Fletton Avenue (Palace Gardens).

It was officer's recommendation that the Committee note the Ombudsman's report and the actions proposed to address the Ombudsman's report.

The Head of Development and Construction provided an overview of the report and raised the following key points:

- A complaint was received regarding the absence of soft landscaping on the 157-161 Fletton Avenue development.
- The response from the Council highlighted that the layout plan showed low level planting, however the wording of the condition required, not that soft landscaping must be provided, but that any soft landscaping on the site should be submitted to the Council.
- The complaint was referred to the Local Government Ombudsman, who concluded that a breach of condition had occurred and that the condition in question was poorly worded.
- This conclusion had been accepted by the Council and action was being taken to ensure that conditions attached to planning permission were fit for purpose, only used if the application would otherwise be unacceptable and that consideration was given to the expected success of prosecution if a condition was not complied with.
- It would be made clear in any decision notice that, if landscaping was not considered critical, it would not be required. This would prevent any mismatch between conditions and lay out plans.

The Committee discussed the report and suggested that the issue should have been brought back to Committee sooner. The Committee were reassured that officers had learnt a lesson from this experience and appropriate action was now being taken.

RESOLVED that:

1. the Ombudsman's report be noted; and
2. the actions proposed to address Ombudsman's report be noted.

Reasons for the decision

The development had a history of legal challenges and complains and therefore it was appropriate for the matter to be brought to the notice of the Committee.

7. Adoption of the Model Council Members Planning Code or Protocol

The Committee received a report which provided a Model Code to ensure best practice in the conduct of decision making by members of the Planning and Environmental Protection Committee, and to assist all members in dealing with planning matters.

It was officer's recommendation that the Model Council Members Planning Code or Protocol be adopted by the Committee.

The Planning and Highways Lawyer provided an overview of the report and emphasised that the Model Code was a national code and was considered to be the best practice approach.

RESOLVED: that the Committee adopted the Model Council Members Planning Code or Protocol and thereby replaced the relevant paragraphs in the Constitution, which shall be renumbered accordingly.

Reasons for the decision

The Model Code provided best practice for members at all times when involving themselves in the planning process.

8. Planning Compliance Quarterly report on Activity and Performance July to September 2014

The Committee received a report which provided an overview of the Planning Service's planning compliance performance and activity, and identified if there were any lesson to be learnt from the actions taken.

It was officer's recommendation that the Committee note past performance and outcomes.

The Head of Development and Construction provided an overview of the report and raised the following key points:

- The number of complaints received, 156, was not considered out of the ordinary.
- The balance of complaints resolved, 140, was considered appropriate.
- Five enforcement notices had been served and four of these had been complied with.
- One prosecution, in relation to R & P Meats, was to be heard by the courts on 19 November. The Committee would receive an update as to the result of this.

In response to a question, the Head of Development and Construction explained that the 10% decrease in cases closed within 8 weeks if no breach was found, was due to several high profile cases demanding officer time and was not expected to be a long term trend.

A Member of the Committee suggested that the Cumulative Compliance Performance target should be set at 90% rather than 80%, which was noted by the Head of Development and Construction.

RESOLVED: that past performance and outcomes be noted.

Reasons for the decision

To help inform future decisions and potentially reduce costs.

9. Exclusion of the Press and Public

In response to a question from a Member of the Committee, the Planning and Highways Lawyer advised that the agenda item 5.3 - Enforcement Action in Stanground Central Ward report contained information that could later be used in court.

RESOLVED: that agenda item 5.3 - Enforcement Action in Stanground Central Ward, which contained exempt information like to identify an individual or company where prosecution was being considered, as defined by Paragraphs 1, 2 and 3 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 this item was discussed and that the public interest in maintaining the exemption outweighed the public interest in disclosing this information.

10. Development Control and Enforcement Matters

10.1 Enforcement Action in Stanground Central Ward

As agreed the meeting moved into exempt session.

The Committee was asked to consider enforcement action in relation to development that had not taken place in accordance with planning conditions, under Part 3 Section 2.5.4.3 of the Constitution.

It was officer's recommendation that no enforcement action be taken. The Head of Development and Construction provided an overview of the report.

The Committee discussed the report and future use of planning conditions.

A motion was proposed and seconded to agree that no enforcement action be taken, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that no enforcement action be taken.

Chairman
1.30pm – 3:25pm