



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 13 OCTOBER 2015**

Members Present: Councillors Harper (Chair), Serluca (Vice Chair) Hiller, North, Stokes, Martin, Sylvester, Harrington, Okonkowski, Lane.

Officers Present: Alan Jones, Senior Officer Minerals and Waste (Item 4.1)
Louise Lovegrove, Senior Development Management Officer
Lee Collins, Development Management Manager
Bryan Clary, Tree Officer (Item 4.7)
Simon Ireland, Principal Engineer (Highway Control)
Rick Bean, Senior Engineer (Implementation)
Hannah Vincent, Planning Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

No apologies for absence were received.

2. Declarations of Interest

Councillor Serluca declared that she had been approached by the applicant of item 4.2 '15/01086/R4FUL – Sports Ground, Fulbridge Road, Peterborough' and had provided advice on the planning process. She was not, however, predetermined on the application.

Councillor Okonkowski declared that he knew the agent for item 4.6 '15/01402/FUL – 24 St Davids Square, Fengate, Peterborough, PE1 5QA', however was not predetermined. Councillor Okonkowski further declared that he would be withdrawing from Committee during discussion of item 4.4 '15/01198/FUL – 500 Oundle Road, Orton Longueville, Peterborough, PE2 7DF'.

Councillor Sylvester advised that she had received emails in relation to item 4.2 '15/01086/R4FUL – Sports Ground, Fulbridge Road, Peterborough'. It was noted that all Members had received emails regarding this application, though were not predetermined.

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

Councillor North declared his intention to make representation as Ward Councillor for item 4.4 '15/01198/FUL – 500 Oundle Road, Orton Longueville, Peterborough, PE2 7DF'.

4. Development Control and Enforcement Matters

4.1 15/01059/WCMM – Eyebury Quarry, Eyebury Road, Eye, Peterborough

The planning application was for the variation of conditions C1, C10 and C21 of planning permission 11/02052/WCMM, variation of conditions 1, 19, 21 and 31 of planning permission 08/01562/WCMM to allow the acceptance of asbestos in dedicated cells at Eyebury Quarry, Eyebury Road, Eye, and to increase the catchment area for asbestos.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Senior Officer Minerals and Waste provided an overview of the application and highlighted a number of key issues within the report.

The Committee were reassured that officers were happy with the operation of the site currently, and in relation to proposals for the future.

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

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

Reasons for the decision

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accorded with the development plan without delay. The principle of development was in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS2.

The proposal was demonstrably sustainable and the Environment Agency had no objections to the relocation of SNRHW cells or the amended phase ordering resulting in waste materials in cells 4 and 5 remaining in situ longer than expected. The proposals ensured the optimal use of the wildlife corridor and minimised the potential for habitat to be recreated in cells 6-8 prior to infilling. The previous conditions had been assessed for their suitability and updated as required. No issues had been raised by statutory consultees, and no representations received. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compensation Act.

4.2 15/01086/R4FUL – Sports Ground, Fulbridge Road, Peterborough

The planning application was for the creation of a new external sports pitch (3G Artificial Grass Pitch) at Sports Ground, Fulbridge Road, Peterborough, with perimeter ball-stop fencing, floodlights (artificial lighting), access and outdoor storage for maintenance equipment and onsite vehicular parking.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Senior Development Management Officer provided an overview of the application and highlighted a number of key issues within the report.

Councillors Fower and Davidson, Ward Councillors, and Councillor Hedges, Werrington Neighbourhood Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Councillor Fower was unimpressed by the lack of alternative proposals put forward and the limited consultation undertaken by the applicant.
- Sports practices could be encouraged via other means. This development was not considered practical on the proposed location.
- The proposed entrance and egress could not be practically delivered and there was considered to be limited provision for those with disabilities.
- Councillor Fower did not believe that the need for sports facilities in the area outweighed the loss of green space. The proposal was not considered to benefit the community.
- Further consultation with the local residents was needed.
- Councillor Davidson expressed reservation over the practicality of the proposal, taking into account the risk of flooding. The site was in a flood risk zone.
- The Councillor appreciated the benefits of the development, however believed that the impact of the traffic on congestion and parking would be significant.

- Councillor Hedges suggested that the idea of a fall-back position of unrestricted people numbers and hours of use was a fallacy. In real terms the use would increase significantly.
- It was believed that the development would result in light pollution, noise pollution, loss of peace and loss of view.
- Councillor Hedges was of the opinion that spectators would stand on the proposed noise attenuation bunds, resulting in a loss of privacy for residents.

Stephen Critchley addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Critchley spoke on behalf of local residents. He believed that over 80% of residents that abutted the site objected to the development.
- It was considered that the proposals were detrimental to residential amenity in terms of light, noise and traffic.
- The facility would be open for seven days a week and it was suggested that such facilities elsewhere had attracted complaints.
- The flood lighting would dramatically alter the appearance of the area.
- The proposed noise attenuation bunds would result in overlooking, it was suggested, as planting would not prevent spectators from standing on the bunds in the long term.
- The area was not well served by public transport. The site was considered too small to meet demand.
- It was asked that the Committee consider alternative sites for the development.

Wendy Newey, Peterborough and District Football League, Mark Norman, Voyager Academy, and Tom Betts, Surfacing Standards, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mark Norman advised the Committee that the site was currently not used and in need of repair. A regenerated site would be used for the community and partnered with the Peterborough and District Football League.
- It was proposed that local residents would be involved and represented within the running of the site.
- Wendy Newey explained that the applicants wished to work with the locality to bring the site back into use. Concerns raised with regards to language, traffic, car parking and bunding had been taken into consideration and the applicant has tried to address these in their proposals.
- Teams would be asked to agree to appropriate terms and conditions in relation to behaviour, planting would be incorporated into the bunding, and stewards would be used to regulate parking at the Voyager Academy during the evenings.
- The applicants would operate an 'open door' policy for community involvement.
- Tom Betts considered that the proposals were in line with national and local policy.
- Acoustic barriers would be put in place where needed.
- French drains were to be incorporated into the site in order to mitigate against any flood risks.
- In response to questions regarding spectators on the bunding, it was advised that staff on site would police where spectators could stand to ensure the designated hard standing was used, not the bunding.
- Wendy Newey provided reassurance that the facilities would be available for community use.
- Consultation had been undertaken within the community, including meetings to which residents were invited and a further meeting with local Ward Councillors.

The Principal Engineer (Highway Control) advised that, in comparison to the fall back position, there would be no intensification of the volume of traffic. There would, however,

be extended hours of usage with the installation of floodlights. It was considered that the proposals would formalise the entrance and car parking arrangements.

The Development Management Manager advised that the applicant had no duty to investigate alternative locations and that Committee were required to consider the application in front of them. The applicant was not obliged to mitigate pre-existing problems. As such, the French Drains proposed for inclusion were considered sufficient. Matters of noise and light could be addressed via condition.

The Committee discussed the application and considered that the hours of operation proposed were excessive. The Committee was reassured that restriction in terms of spectators on the noise attenuation bunding would be enforced. Members of the Committee were pleased to hear that the site would be available for use by the community. It was noted that the proposals may have an impact on residential amenity, however the Committee considered that, as the site had potential for intensive use currently, this impact was not significant.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to:

- The amendment of the hours of pitch use to:
 - Monday to Friday – 09:00 to 19:30
 - Saturday / Sunday / Public or Bank Holidays – 10:00 to 19:00;
- The hours of external lighting use to:
 - Monday to Friday – 09:00 to 20:00
 - Saturday / Sunday / Public or Bank Holidays – 10:00 to 19:30; and
- Delegated authority to the Corporate Director Growth and Regeneration to refuse the application if Sport England object to the revised condition, or to refer the application to the Secretary of State.

The motion was carried eight voting in favour, two voting against.

RESOLVED: (8 voted in favour, 2 voted against) that planning permission is **GRANTED** subject to the conditions set out in the report, subject to:

- 1) The amendment of condition 4 to read:

“The use of the all-weather sports pitch hereby permitted shall not take place outside the following hours:

Monday to Friday – 09:00 to 19:30
Saturday / Sunday / Public or Bank Holidays – 10:00 to 19:00

All external lighting within the site shall not be used outside the following hours:

Monday to Friday – 09:00 to 20:00
Saturday / Sunday / Public or Bank Holidays – 10:00 to 19:30”

- 2) Delegated authority to the Corporate Director Growth and Regeneration to refuse the application if Sport England object to the revised condition, or to refer the application to the Secretary of State.

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 proposal would give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the opportunity for usage throughout the year, in accordance with paragraphs 70 and 74 of the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- the all-weather pitch and associated facilities would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal floodlighting would not result in any unacceptable light intrusion to neighbouring properties however it was acknowledged that some increased noise and disturbance would result to residents. It was considered that this harm was outweighed by the public benefit arising from the improved facilities on the site;
- the proposal provided adequate on-site parking to meet the needs of the development and would not result in any harm to the safety of the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- subject to appropriate mitigation the proposal would not result in any unacceptably harmful impact to ecology present within and surrounding the site, in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012);
- the proposal, subject to further details being provided, would ensure that surface water run-off was effectively managed and does not increase flood risk elsewhere, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);
- adequate archaeological evaluation has taken place to demonstrate that the proposal would not pose a risk to undiscovered buried heritage assets, in accordance with paragraph 128 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not pose any unacceptable risk to established trees and shrubs surrounding the site, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

4.3 15/01129/FUL – Cranford Drive Boiler House, Hartwell Court, Westwood, Peterborough

The planning application was for the erection of a House in Multiple Occupation (HMO) at Cranford Drive Boiler House, Hartwell Court, Westwood, providing 6 bedsitting rooms with shared kitchen and dining facilities.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report.

Mr Kendall and Mr Bye addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Residents were concerned that the Hartwell Court car park would be used as a walk through to the proposed development.
- Mr Kendall advised that many of the elderly residents in the area were nervous about the development's impact on their amenity in the early evenings.

- Mr Bye explained the residents of the Court were upset that there had not been clearer notification of an application being made in the area.
- Mr Kendall did not believe the proposal would improve the public realm or address vulnerability to crime. He believed that it would have an impact on residential amenity.

Paul Sharman, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The design of the proposals conformed to national and local planning policy.
- No objections had been raised from official consultees, including the Police Architectural Liaison Officer.
- It was intended to keep as many trees as possible on the site.
- Many HMO's were converted from residential properties. This development, however, would be purpose built with all the necessary amenities.
- The applicants were private landlords who were experienced in the provision of HMO's and would enforce specific criteria for residents.
- The development would be self-contained and managed professionally.

The Committee discussed the report and concerns were raised regarding the increase in the number of people living in the area and how this could impact on residential amenity.

A motion was proposed and seconded to agree that permission be refused, contrary to officer recommendation, for the reason of intensification of use. The motion was carried five voting in favour, four voting against and one abstaining from voting.

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out below.

Reasons for the decision

It was considered that the proposed application would represent an unacceptable intensification of use in the area and would have a negative impact on residential amenity.

4.4 15/01198/FUL – 500 Oundle Road, Orton Longueville, Peterborough, PE2 7DF

Councillor North and Councillor Okonkowski left the Committee at this point.

The planning application was for the change of use of 500 Oundle Road, Orton Longueville, Peterborough, from C3(a) (dwellinghouse) to C2 (residential institution).

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report.

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

- The concerns in relation to this particular application were from those residents particularly effected.
- It was anticipated that there would be noise from the site which would disturb residents. Some residents also feared that there would be instances of crime and disorder following the development.
- Concern was raised over the number of carers on site at any one time and whether they would be suitably qualified.
- It was noted that residents were aware of previous proposals to use the site as care for autistic individuals. Residents had no objection to this.

The Development Management Manager advised that Committee were required to consider the use of the site and not those who would receive care. The qualifications of those employed at the site were not planning matters, though, for information, any manager of such a site was required by regulation to be qualified.

Christine Kirby, CPK Architect, and Colins Usada, Semi Independent House, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The applicant had eight years' experience in this area. The development would care for boys between the 10 and 16 years of age, and would be secure but close to a natural home.
- The site would be supervised at all times, with a typical one on one staff to resident ratio. This ratio, at its lowest, would be one to five.
- A similar sites was active in Whittlesey, which was considered effective and had improved the attitudes of neighbours.
- It was anticipated that there would be low anti-social behaviour and instances of crime, due to the high staff levels.
- It was proposed to widen the entrance to allow for suitable visibility splays.
- Staff would be on site at all times, including during school hours.

The Committee were happy with the proposals and it was considered that there were no reasons to refuse the development. Members of the Committee noted that, as Corporate Parents, they were pleased to see such applications being submitted.

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 use, external changes and parking provision would not result in an adverse impact on the visual amenity or character of the area, nor result in an increase in crime, and the proposal accords with Policy CS16 of the Peterborough Core Strategy DPD (2012) and PP2 of the Peterborough Policies DPD (2012);
- the proposed use would not unacceptably harm the amenity of adjoining neighbours by reason of noise or disruption, and therefore accords with Policy CS16 of the Peterborough Core Strategy DPD (2012) and PP3 of the Peterborough Policies DPD (2012); and
- the proposal would provide satisfactory car and cycle parking to serve the use, as well as a satisfactory access; therefore the proposal would not constitute an adverse highway safety hazard and would accord with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

4.5 15/01200/FUL – 241 Park Road, Peterborough, PE1 2UT

Councillor North and Councillor Okonkowski re-joined the Committee at this point.

The planning application was for a single story extension at 241 Park Road, Peterborough, to provide additional childcare spaces with restricted hours of operation from 9:30am to 4:30pm. This application was a resubmission.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Senior Development Management Officer provided an overview of the application and highlighted a number of key issues within the report.

Andrew Brown addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Brown was a resident of the property immediately adjacent to the proposal site.
- It was highlighted that the Committee had refused this application last year and that the reasons for refusal had not been sufficiently addressed in this application.
- The applicants still intended an intensification of use, which would have multiple implications including traffic and amenity space.
- The physical extensions was still considered to be overdevelopment and overbearing. It was believed that this would have a negative impact on residential amenity and could lead to further external lighting.
- There was little room for cars to turn in the site and there had been a growing lunch time peak for collection of children.
- A recent Early Years Report identified that there would be a decrease in funding in the region.

The Senior Development Management Officer advised that the Early Years Report had factored in the provision of this development already. The number of additional children resulting from the application would be 24.

John Dadge, Agent, and Mohammed Yonnis, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Dadge explained that following the refusal by Committee of the previous scheme, the hours of proposed operation had been altered and were no outside of peak times.
- During off peak hours there was little traffic on the surrounding roads.
- In order to achieve the desired Ofsted results, the site would have to operate within the proposed hours of operation, or they would not be compliant.
- It was considered that the proposals would not have any effect on the character of the area, as they would not be visible from the street.
- Mr Dadge suggested that under permitted development, a residential outbuilding could be comparable in height. As such, the same principle should be applied.

The Committee expressed concern over the intensification of use on the site, which would bring the total number of children on site up to 76. The Committee did not doubt that the site was well run, however did not believe that the previous reasons for refusal had been sufficiently addressed.

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

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out below.

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 set out in the report.

4.6 15/01402/FUL – 24 St David’s Square, Fengate, Peterborough, PE1 5QA

The planning application was for the retrospective change of use of 24 St David’s Square, Fengate, Peterborough, from B1 Industrial to Cash and Carry and Retail (A1).

It was officer’s recommendation that planning permission be refused, for the reasons set out in the report. The Senior Development Management Officer provided an overview of the application and highlighted a number of key issues within the report.

Phil Branston, Agent, and Mr Kiminiene addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The applicant was seeking an appropriate location to provide wholesale products to the Latvian community.
- Mr Branston had looked to other local centres in order to establish whether there were any suitable locations available, however none were forthcoming.
- It was emphasised that it was the intention of the applicants to operate a wholesale, bulk buying facility.
- The proximity of customers was not considered to be an issue, as a wholesale business would attract customers from across the Peterborough area and there was no particular location for the Latvian community in the district.
- There was sufficient parking at the site with 8 spaces outside the unit and a further 20 nearby.
- In response to questions from the Committee as to whether the proposal was for a convenience store or a wholesale store, Mr Branston clarified that the unit currently operated as a convenience store, but would evolve into a wholesale store in the future.
- Mr Branston clarified that he had undertaken a retrospective sequential test. However, the Senior Development Management Officer explained that the document submitted did not conform to the standard required for sequential tests.

The Senior Development Management Officer advised that the application was for retrospective permission to change the use of the site to ‘Cash and Carry and Retail (A1)’. It was advised that it was not considered that the activity on the site was covered under this use.

The Committee discussed the application and raised the concern that any permission would set a precedent for convenience stores in other industrial units. It was also considered that the application in front of them was not an accurate portrayal of what was being undertaken on the site.

The Committee requested that officers work with the applicant in order to find a more suitable local for their business.

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

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out below.

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 set out in the report.

4.7 Tree Preservation Order 01_2015 – 367 Eastfield Road, Peterborough

The application was to confirm the provisional Tree Preservation Order (TPO) at 367 Eastfield Road, Eastfield, Peterborough.

It was officer's recommendation that the TPO be confirmed. The Tree Officer provided an overview of the report and highlighted a number of key issues within.

Mrs Hilary Gallop addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mrs Gallop was in attendance on behalf of Mr Ebrahim, resident of 367 Eastfield Road.
- The site opened onto the road and was considered a Health and Safety risk.
- Mr Ebrahim wished to maintain his freedom to managed and maintain the site and the adjacent fence and gate.
- Mr Ebrahim had a history of a willingness to co-operate with the Council.
- The footpath next to the tree was cracked and raised, and damage had been inflicted to the pipework underneath.
- Concern was raised in relation to the possibility of falling branches causing pedestrians to veer into the road.
- It was considered that the assessment criteria for the TPO was not fulfilled and the tree was not in danger of being felled.
- The works in question were to alter the boundary of the site and advice sought on accommodating the trees requirements.

Councillor Harrington left the Committee at this point.

The Tree Officer advised that the tree had first been drawn to his attention by Mr Ebrahim himself, who sought advice in relation to the boundary work he was intending to carry out. It was explained that a tree did not necessarily have to be at risk in order for a TPO to be made.

The Committee discussed the application and considered that the tree was an impressive feature and worthy of protection, not just in relation the current site owner, but those that may come in the future. A Member of the Committee believed that placing a TPO on the tree would be excessive, as there was no risk of the tree being removed.

A motion was proposed and seconded to agree that the TPO be confirmed, as per officer recommendation. The motion was carried seven voting in favour, two voting against.

RESOLVED: (seven voted in favour, two voted against) that Tree Preservation Order 15/00001/TPO be confirmed.

Reasons for the decision

T1 Horse Chestnut Tree was a mature and attractive tree. It was in good health and conservatively had 20-40 years lifespan. The tree made a positive contribution to the amenity value of the area.

Whilst being in close proximity to the footpath and road of Eastfield Road this was not considered to be a significant constraint and actually increased the prominence of the tree in the street scene.

Chairman
1.30pm – 5:42pm

