

PETERBOROUGH



MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 22 MARCH 2016

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

Officers Present: Lee Collins, Development Management Manager
Amanda McSherry, Principal Development Management Officer
Janet MacLennan, Senior Development Management Officer (Item 5.2)
Jim Daley, Principal Built Environment Officer (Archaeology and Building Conservation) (Item 6)
Simon Ireland, Principal Engineer (Highways)
Ruth Lea, Planning and Highways Lawyer
Amanda Nauth, Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Serluca.

2. Declarations of Interest

Councillor Harrington, in relation to agenda item 5.2 'Battlefield Live, French Drove, Thorney, Peterborough', declared that he was acquainted with some of the parties through the Newborough Landscape Protection Group. He was not, however, predetermined.

Councillor Hiller, in relation to agenda item 5.2 'Battlefield Live, French Drove, Thorney, Peterborough', declared that he had been previously involved with this application. As such, he would leave the room during the consideration of this item.

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

No Member declarations of intention to make representations as Ward Councillor were received.

4. Minutes of the Meeting Held on 9 February 2016

The minutes of the meeting held on 9 February 2016 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 15/01840/OUT – Land to the West of Uffington Road, Barnack, Stamford

The planning application was for outline permission for up to 80 residential dwellings (including up to 30% affordable) on land to the west of Uffington Road, Barnack. The application also included the introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road, and associated ancillary works. All matters were to be reserved, with the exception of the main site access.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Principal Development Management Officer provided an overview

of the application and highlighted a number of key issues within the report and update report.

Councillor Over, Ward Councillor, and Councillor Bloom, Barnack Parish Council, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Councillor Bloom did not believe that the development would benefit local residents, and objected to the proposals on a number of grounds;
- The development would exceed the strategic housing requirement for the area, when considered in conjunction with the Paynesfield development;
- It was believed that the proposal would negatively impact the conservation area;
- Development outside of the village envelope was contrary to Council policy and the Village Statement;
- There was not considered to be any need for affordable housing in the village;
- It was considered that an adverse impact would be had on the views of the area, and that the speeding problems in the vicinity would increase;
- The infrastructure in the village was not thought to be sufficient;
- The proposal represented a threat to the local Badger population;
- Councillor Over believed that the development was unsuitable for the village;
- There had been no development outside the village envelope before, and it was not believed that there was any need to do so now; and
- It was suggested that existing housing was already available and that the poor public transport links in the area made it unsuitable for affordable housing.

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

- The applicant had lived in Barnack all her life;
- Mrs Woollard advised that she was not against gradual development within the village boundary, however the proposal represented significant development on agricultural land outside the village;
- It was believed that the proposal was out of proportion with the size of the village and included a footpath that was not popular within the village;
- The facilities in the village were limited, with no bus service in the early morning or after 6:00pm;
- It was believed that there were no spaces available in the local school and that the Doctor's Surgery could not sustain additional residents;
- Mrs Woollard suggested that the development would negatively impact an important conservation area, and 'Barnack Hills and Holes';
- Concern was raised around the proposed widening of the road and whether this would destroy unique verges; and
- It was not believed that there was any housing need in the locality.

In response to questions from the Committee, the Principal Development Management Officer advised that there were no specific figures available in relation to how many additional school places would be required. The Governors of the local school had not raised any concerns and no objection had been made by Education Officers.

The Committee discussed the application and noted that a considerable amount of objection had been received from residents, Parish and Ward Councillors, and the MP. The Committee considered that the application was not appropriate in the proposed location.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation, for the reasons set out in the report. 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 given in the report.

5.2 15/02104/FUL – Battlefield Live, French Drove, Thorney, Peterborough

Councillor Hiller left the meeting at this point.

The planning application was for the change of use for part of an existing agricultural barn and paddock at Battlefield Live, French Drove, Thorney to a Laser Tag activity area.

It was officer's recommendation that planning permission be refused, for the reasons 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 and update report.

Councillor Bartlett, Thorney Parish Council, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application was first discussed by the Parish Council in 2011, prior to Mr Simons becoming a Parish Councillor;
- No complaints had been received during the temporary permission;
- It was suggested that objections had evolved into personal attacks;
- The Parish Council wished for the application to be heard by the City Council Committee straight away, however the Parish Council did hear the current application;
- During the deliberation, Mr Simons and one other Parish Councillor left the room. The application was supported by a majority vote, and the Parish Council referred the application to the Committee; and
- It was believed that the application had resulted in bitterness within the community.

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

- Councillor Sanders explained that he had visited near the application site after the planning inspector's decision, while the site was still in operation, to establish the noise levels;
- It was considered that Councillor Sanders would not wish to live with the level of noise he experience while at the site;
- The Battlefield Live experience was fun, however it was not believed to be appropriate in the proposed location, as people who lived in the countryside expected a certain level of peace and quiet;
- Councillor Sanders believed that the application was substantially the same as the previous application, which had been refused by the Committee;
- Noise complaints had been received during the operation of the business, and Councillor Sanders had referred these to the Enforcement Team;
- The noise was likened to that of a children's football match, and it was noted that sound tended to travel long distances in the countryside; and
- The Development Management Manager confirmed that Sparrow Barn and Oak Lodge residents had objected. No objection had been received from Bluebell Cottage.

Mrs Jose, Clare Cottage resident, and Helen Godber, Old Hall Farm Cottage resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mrs Jose had been a resident for 28 years;
- It was believed that the application was driven purely by the applicant's desire to use his family's land for the proposed business, and not what was appropriate for the site;
- It appeared to be that the applicant was under the impression that residences were distant and scattered. However. Mrs Jose advised that this was not the case and that a strong sense of community existed in the area;
- The Battlefield Live franchise could be facilitated at any location, the applicant's did not necessarily have to pursue it in the proposed location;
- It was suggested that the noise not only affected the nearby residents, but those people who walked in the local area as well;
- Ms Godber explained that the noise in question did not come from the equipment, but from the screaming and shouting of the participants;
- The surrounding land was open and flat, as such noise carried significant distances;
- Peace and quiet was considered at key factor of countryside living; and
- It was believed that the application was significantly the same as the previous submission, and would course the same level of distress.

Gareth Edwards, Swann Edwards Architecture, Sean Sullivan, Acoustic Associates, and Graham Simons and Nigel Simons, applicants, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Nigel Simons advised that, following the refusal of the previous application, the applicants had worked with officers. As such the current proposal had moved and acoustic fencing had been added;
- Graham Simons believed that the application supported the development of rural business;
- The noise was that of children playing, similar to that of a children's football match. It was suggested that complaints were not received about these;
- It was claimed that during the previous trial period, no substantial noise complaints were made and that residents were unable to complete their log books due to the lack of noise;
- A number of individual instances of noise had been raised, which the applicants believed to be dog walkers in one instance, and of too short a period to be significant in the other;
- It was believed that the application satisfied local and national criteria;
- Sean Sullivan reiterated that there was no criteria in place for such schemes in terms of noise levels. The noise generated from the site was generally low, at 35 to 40 dB. However, as the background noise of the site was also low, the disparity between the two was noted. It was believed the proposed acoustic fencing would mitigate against this;
- The site had operated with an average of 30 people per day, with two sessions from 10:30 to 12:30 and 14:00 to 16:00. It was estimated that there was approximate to blocks of 45 minute play per session;
- An initial maximum of 20 participants has been in place, however this was often exceeded with school visits, where up to 40 students attended; and
- It was believed that fences up to 2 metres did not require planning permission. The fences proposed on the site were designed to extend from the pre-existing buildings, so as to limit their impact.

In response to questions from the Committee, the Development Management Manager advised that relevant evidence in relation to noise levels was included within the report,

and that, on its own, a 2 metre high fence could be erected under permitted development regulations.

The Committee discussed the application and expressed sympathy for the objectors, reiterating the importance of the countryside environment. The matter of noise was raised, and the Committee considered that a balanced judgement would be required.

In response to discussion of noise levels experience during the site visit, the Planning and Highways Lawyer advised that the advice from officers and noise consultants was included within the report, and that any informal experiments were not material planning considerations. It was further advised that if a condition was proposed for a trial period, this would be likely to fail the test of necessity required for conditions, as a trial period has already been undertaken.

The Committee compared the potential noise of the proposal to children playing in a school or park, which was not considered to be of significant impact. It was, however, noted that residents in the countryside had greater expectations of peace and quiet. In relation to the proposed acoustic fence, the Committee suggested that the signified the applicant's attempt to mitigate and noise pollution and were pleased to see that natural hedging was proposed to block the fence.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, subject to a condition in relation to the acoustic fencing and with delegated authority to the Corporate Director Growth and Regeneration to include other appropriate conditions. The motion was carried five voting in favour and three voting against.

RESOLVED: (five voted in favour and three voted against) that:

- 1) Planning permission is **GRANTED** subject to a condition in relation to the acoustic fencing; and
- 2) Authority be delegated to the Corporate Director Growth and Regeneration to include other conditions and appropriate.

Reasons for the decision

It was considered that, on balance, the application would not produce unacceptable levels of noise. It was further considered that acoustic fencing proposed by the applicant would provide sufficient noise mitigation, and did not represent a visual intrusion within the landscape.

Councillor Lane left the meeting at this point.

5.3 16/00042/FUL – 85 Mayors Walk, West Town, Peterborough, PE3 6EY

Councillor Hiller re-joined the meeting at this point.

The Chair advised that planning application '16/00042/FUL – 85 Mayors Walk, West Town, Peterborough, PE3 6EY' had been withdrawn by the applicant.

5.4 15/01073/HHFUL – Newe House, Main Street, Ufford, Stamford

The planning application was for a two storey front extension at Newe House, Main Street, Ufford, a single storey rear extension, the conversion of the garage and loft to create a habitable space, including raising the roof height and additional dormers. The application was a resubmission.

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 Lievesley, Ufford Parish Council, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- It was considered that the current application was a great improvement on the initial application and would be acceptable within the location; and
- The Parish Council were unable to come to a conclusion regarding the impact of the development on Weathervane Cottage. As such, the Parish Council had referred the application to the Committee.

Sean Gray, applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The proposal would increase the ridge height of the dwelling by 70 centimetres. A lot of effort had been put into bringing the ridge height of the proposal down;
- Numerous consultation had been undertaken, which incorporated materials that would fit in with the character of the village;
- The only objection raised had been from Weathervane Cottage in relation to light;
- It was not believed that there would be any material impact on light levels resulting from the development;
- The proposal was not for a commercial venture, but for personal use; and
- Mr Gray wished for the development to positively contribute to the existing street scene, as such, reclaimed limestone would be used, with other locally sourced materials.

The Committee discussed the application and were impressed that the applicant had worked with officers and the Parish Council to address the concerns raised by the previous proposal.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the conditions set out in the report. 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:

- From a heritage consideration the proposal was acceptable. The extensions and their detailing would preserve and enhance the character and appearance of the Ufford Conservation Area and would not harm the setting of nearby listed buildings in accordance with Section 66 and 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).
- The extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the two adjacent residential properties known as Willow Tree Cottage and Weathervane Cottage in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD.

6. Urgent Item - Immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 restricting permitted development rights

Members were asked to determine whether the item, which contained exempt information 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 for the duration of the item, or whether the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exemption and the press and public were excluded from the meeting.

The Committee received and discussed a report which requested it to make an immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 restricting permitted development rights at a property located within Eye and Thorney Ward.

A motion was proposed and seconded to approve the making of an immediate Article 4 Direction, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) to agree the making and serving of an immediate Direction.

Reasons for the decision

The Committee considered that the Direction was required as per the reasons outlined within the exempt committee report.

Chairman
1.30pm – 4:00pm