



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 27 SEPTEMBER 2016**

Members Present: Councillors Harper (Chairman), Serluca (Vice Chairman), Bull, Casey, Hiller, Stokes, Sylvester, Clark, Bond, and Ash

Officers Present: Lee Collins, Development Management Manager
Nick Harding, Head of Planning
Matthew Thomson, Senior Development Management Officer
Ruth Lea, Senior Lawyer Growth and Regeneration
Simon Ireland, Principal Engineer (Highways)
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Martin.

2. Declarations of Interest

No declarations of interest were received.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

4. Development Control and Enforcement Matters

4.1 16/01013/FUL – Fenvale, Crowland Road, Eye, Peterborough

The Committee was presented with an application for the change of use to one extended gypsy and traveller pitch at Fenvale, Crowland Road, Eye, Peterborough, comprising of two static caravans, two tourers, utilities on existing nursery hard standing.

The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update report.

Councillor Casey declared that one of the objectors was known to him, however they had not discussed the application and it would not affect his decision.

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

- Local residents opposed the proposals, however many were reluctant to come forward through fear of intimidation.
- The existence of an underground bunker beneath the application site was raised, which had previously been used as an illegal drug farm.
- It was believed that the proposal would have an unacceptable and adverse impact on neighbouring properties, as a result of its proximity within a rural environment.
- The land was considered to be more appropriate for agricultural use.

- The suitability of access to the land was questioned, as well as concerns raised in relation to the impact on road safety by additional use.
- It was noted that the site was considered to be at risk of flooding, but did not have a history of it.

Mr Stewart Jackson MP addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- It was considered that the proposals were unsuitable for the application site and reflected a breach of Council policy through the breaching of the village envelope.
- Concern was raised that families would be residing on a dangerous site.
- It was believed that the application before Committee was essentially similar to the previous site application, and, as such, should be refused for similar reasons of adverse harm an impact on the area.
- The consultation undertaken was thought to be below normal standards.
- It was noted that there was already 10 pitches set aside in the area for the gypsy and traveller stops.
- It was queried why the Human Rights Act had been mentioned in the report, as this was not normal for planning applications.
- It was considered that the application should be determined on planning grounds and not what the potential amount an appeal might cost.
- The Flood Risk Management Assessment was believed to be out of date.
- The application was considered to be unstable for the location and would have an adverse impact on the amenities of neighbouring dwellings.

Mr John Johnston and Mr David Harrington addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- It was accepted that the previous activity on the site was not a material consideration, however the loss of amenity that would be experienced by residents was.
- It was further noted that the quality of life of neighbour residents would be negatively impacted.
- Suggestion was made that the site had been deliberately allowed to run down in order to make a planning application such as this.
- The sequential test submitted by the applicant was thought to be weak.
- Mr Johnston had lived in the property neighbouring the application site for 30 years and had worked with the Council to reinstate the wildlife population.
- 5,000 trees had been planted in this time, attracting hundreds of birds, newts, and other wildlife.
- The application would reflect a loss of amenity and privacy and, in light of previous experience, it was considered that the application would cause intimidation to neighbours.
- Concern was expressed in relation to a potential increase in anti-social behaviour, including litter, dogs, and fireworks.
- The nearest facilities to the site were north of Eye Green, around 550 metres away. There was no footpath available for use.
- The line of trees that surrounding the site were erected in the past to act as a visual shield. The trees, however, were not considered to be natural in the landscape.

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

- The current owner of the site was not the application, however, it was intended for the applicant to take over ownership if permission was granted.

- No objection had been received from the Local Highways Authority or the drainage board.
- It was advised that a footpath did exist on the opposite side of the road.
- The site was considered to be well screen and, as such, would not cause any harmful detrimental impact.
- A permanent power supply to the site would be pursued if permission granted.
- The report set out that officers accepted the proposal was not in an unsustainable location.
- The proposals included 2 static caravans that would be occupied. The touring caravans were season and would not be occupied.
- The applicant was happy to accept all the proposed conditions and thanked officers for their work.
- Mr Nicholls clarified that vehicle movement was expected to be relatively low on the site and that the two touring caravans would not be occupied.

In response to questions from the Committee the Development Management Manager advised that there were no facilities in Eye Green, but facilities were available in Eye, approximately 2 kilometres away. A footpath was present along Crowland Road past the site to Eye Green, although this was overgrown. The site had been assessed since inception as a greenfield site. It was noted that the Human Rights Act was often referenced in relation to gypsy and traveller sites. As such, officers felt that they would be remiss not consider it.

A question was raised in relation to policy PP02, design quality, and making a positive contribution to the surrounding area. The Development Management Manager advised that the position of the proposed caravans and the surrounding landscaping was considered to mitigate any potential negative impact.

It was further advised that the police had not been consulted on the application, and were not required to be, as the design of the proposals were not anticipated to increase the fear or level of crime.

The Committee considered the application and it was noted that the proposals were not considered to make a positive contribution to the surrounding area. It was, however, recognised that special exception was made to Council policy in relation to gypsy and traveller sites. A number of the points raised by objectors, while pertinent, were not considerable by the Committee. It was considered that, overall, the application was sufficiently strong that there was not any grounds to refuse.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried seven voting in favour, three voting against, and none abstained from voting.

RESOLVED: (seven voted in favour, three voted against, none abstained from voting) 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:

- It had been demonstrated that there were no sequentially preferable sites that were available situated within a location with a lesser risk of flooding, the development would be resilient to flooding and it had been demonstrated there would be a community benefit, therefore the proposal would accord with Policies CS9 and CS22 of the Peterborough Core Strategy DPD (2011) and Paragraphs 100-104 of the National Planning Policy Framework (2012)

- the proposed development would not have an unacceptable impact on the amenities of neighbouring properties, that the site was within a reasonable distance of local services and facilities, that there was sufficient parking and has a safe vehicular access, and would therefore accord with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and PP12 and PP13 of the Peterborough Policies DPD (2012).
- the proposed development would not have an unacceptable impact on the landscape character of the area, nor would it result in a unacceptable cumulative impact with other developments of a similar type within the locality, and would therefore accord with Policies CS9 and CS16 of the Peterborough.

4.2 16/01168/FUL – Land to the Rear of 37 and 39 Lincoln Road, Glington, Peterborough

The Committee was presented with an application for a proposed two bedroom bungalow at land to the rear of 37 and 39 Lincoln Road, Glington, Peterborough.

The Senior Development Management Officer provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- In 2012 an application on this site was refused and a subsequent appeal dismissed, as it was considered it would spoil the amenity of neighbouring dwellings.
- In 2015 the application was resubmitted and the Committee approved the application.
- The dwelling had now been put up for sale and an application had been submitted for a further increase in size.
- It was considered that any further increase in the footprint of the property would have a negative impact on surrounding amenity.

Yasamine Watts, Garden Lodge Residential Care Home, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The new proposals brought the wall of the bungalow closer to the boundary fence of the Care Home.
- The view from the Care Home sitting room would be blocked should the proposal be permitted.
- The proposals would impact on the tranquil setting of the Care Home and the peaceful surroundings enjoyed by residents.
- It was believed that the hedge would have to be removed to allow for a fence to be erected.

In response to questions from the Committee the Head of Planning confirmed that the hedge and the fence along the boundary of the application site could be removed at any time, without the need for planning permission.

The Committee considered the application and suggested that the proposed increase in the size of the bungalow was too great and would be detrimental to the amenity of neighbouring properties.

A motion was proposed to agree that permission be granted, as per officer recommendation. This motion was not seconded and, as such, fell.

A motion was proposed and seconded to refuse permission, contrary to officer recommendation, as the proposal would negatively impact on the privacy of

surrounding dwellings. The motion was carried eight voting in favour, two voting against, and none abstaining from voting.

RESOLVED: (eight voted in favour, two voted against, none abstained from voting) that planning permission is **REFUSED** for the reasons set out below.

Reasons for the decision:

It was considered that the proposal represented an intrusion on the privacy of the neighbour dwellings.

5. Planning Appeals Performance January – September 2016

The Development Management Manager presented a report to the Committee, which sought consideration of the Planning Service's appeals performance and to identify if there were any lessons to be learnt from the decisions made.

The Committee discussed the report and raised several key points:

- The Committee should still feel confident resolved to go against officer recommendation, as long as reliable reasons were provided.
- The Committee should be content that it understands and considered policies appropriately and takes appropriate advice from officers.
- Regular updates on the outcome of appeals were useful in order to review past decisions.

RESOLVED that the Committee notes past performance and outcomes.

Reasons for the decision:

It was useful for Committee to look at the Planning Service's appeals performance and identify if there were any lessons to be learnt from the decisions made. This would help inform future decisions and potentially reduce costs.

6. Adoption of the Model Council Members' Planning Code

The Committee received a report that sought a recommendation to Council to adopt the updated Model Council Members Planning Code which had been produced by Lawyers in Local Government (LLG) and published in April 2014.

RESOLVED that Committee recommends to Council:

- 1) that the Model Planning Code is adopted to replace the current code in the Constitution.

Reasons for the decision:

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

Chairman
1.30pm – 3.50pm