

PETERBOROUGH



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 20 DECEMBER 2016**

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

Officers Present: Nick Harding, Head of Planning
Jim Daley, Conservation Officer
Tim Driver, Planning and Highways Lawyer
Simon Ireland, Principal Engineer (Highways)
Pippa Turvey, Senior Democratic Services Officer
Jane Webb, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Serluca.

2. Declarations of Interest

Councillor Bull declared that in relation to items 16/01750/FUL and 16/01751/ADV – 29 Long Causeway, Peterborough, PE1 1YJ that she had received emails and a telephone call from Duncan Flynn of City Bank asking if she had received updated information, to which she confirmed she had. The remaining Members of the Committee confirmed that they had also received the same. It was noted that this would not impact their consideration of the items.

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. Minutes of the Meeting Held on 18 October 2016

The minutes of the meeting held on 18 October 2016 were approved as a correct record.

5. Development Control and Enforcement Matters

The Chairman informed the Committee that both items 5.1 and 5.1 would be taken together but with separate decisions being made on each item.

5.1 16/01750/FUL & 16/01751/ADV - 29 Long Causeway, Peterborough, PE1 1YJ

The Committee was presented with two applications; one for external alterations to shop front and rear elevation and installation of ATM machines and the other for an advertisement application on the same property for one internally illuminated projecting sign and one internally illuminated fascia sign (lettering only), two illuminated blue fascia level signs, two non-illuminated logo door handles and four internally illuminated ATM signs.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

He stated that matters had moved on since the site inspection on Friday when Members had advised members that there would be a change to the officer recommendation to a deferral in order for amended drawings to be submitted and considered before a decision was made. After the site visit, amended drawings were received which Officers were still unhappy with and the applicant indicated he would now like a decision to be made on to the approval or refusal of the proposals. The Head of Planning provided an overview of the changes; officers were still concerned about the following issues and therefore recommended refusal on both applications.

- Flanks should be lower
- Proposed materials for the surround (stone being more appropriate)

The Head of Planning explained that if Members were minded to go with the officers' recommendation for refusal or approval on both applications then the new amended plans would be subject to public consultation to ensure due process had taken place.

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

- It was noted that Metro Bank preferred very strong branding and presence and had already agreed to several compromises on the property, including reducing the branding. Any further compromises could result in the applicant being unable to invest in the property.
- The applicant considered this site as the best location in the town centre.
- The applicant acknowledged that the uplift of the town centre undertaken by the Council was excellent.
- Any potential retailer would need to look at heavily investing in the building.
- It was acknowledged that the applicant and conservation officer were not in agreement with the height of the glass and the use of render. The design of the middle section of the building was not in question; just the framing of the window.
- The applicant explained that half of the first floor would be removed to create double height space at the entrance enabling the Metro Bank sign to be fully visible through to the main banking hall; resulting in a £5million overall investment.
- It was noted that there was no intention to change any of the stonework on the front of the building; but to upkeep it.
- The applicant confirmed that Metro Bank were seriously prepared to walk away from the site over the design of the building as they believed that the officers' suggested alterations would make the design look out of proportion.

In response to questions from the Committee the Conservation Officer advised that the current building had a poor presence to the street, particularly the canopy therefore a great deal of work was needed to improve the appearance of the building. Metro bank had taken the view of building a revised elevation which would draw attention to its heritage but could make the building too dominant therefore it was the Conservation Officer's opinion that both the left and right hand bays should be retained to ensure the flow in the street scene. The Conservation Officer advised that the difference in measurements between the two parties was 1.5m.

The Committee considered the report and amended drawings and were informed that if they were minded to go against officer recommendation and approve the application then there would be a need to make a stopping up order for the area to be covered by the façade as this would encroach onto the highway.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, on application 16/01750/FUL, subject to re-consultation on the amended plans and delegated authority to officers to attach appropriate conditions. The motion was carried 8 voting in favour, 2 voting against and none abstaining from voting.

Application 16/01750/FUL - RESOLVED: (8 voted in favour, 2 voted against, none abstained from voting) that planning permission is **GRANTED** subject to:

- A 14 day re-consultation on the amended plans and this not raising any matters that have not been considered by planning committee; and
- The Head of Planning to be given delegated authority to attach appropriate conditions.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, on application 16/01751/ADV, subject to re-consultation on the amended plans and delegated authority to officers to attach appropriate conditions. The motion carried 8 voting in favour, 1 voting against and 1 abstaining from voting.

Application 16/01751/ADV - RESOLVED: (8 voted in favour, 1 voted against, 1 abstained from voting) that planning permission is **GRANTED** subject to:

- A 14 day re-consultation on the amended plans and this not raising any matters that have not been considered by planning committee; and
- The Head of Planning to be given delegated authority to attach appropriate conditions.

Reasons for the decisions:

It was considered that the applications would look in proportion and acceptable within the street scene and surrounding area. The revised signage of one central sign rather than four was now also acceptable.

5.3 16/02049/FUL – Firwood, First Drift, Worthorpe, Stamford, PE9 3JL

The Committee was presented with an application for a five-bed single storey dwelling.

The Head of Planning provided an overview of the application and highlighted a number of key issues within both the report and the update.

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

- Councillor Over did not represent the applicant or the Parish Council but attended as a Ward Councillor.
- There was huge sympathy for the family following a major tragedy resulting in a number of villagers wanting to support the application.
- The Parish Council considered the application to be back land development.
- There was major concern that this development could open up access to the green field sites outside the village envelope.
- There had not been any objections from the villagers as it was believed they had a huge amount of sympathy for the family.
- It was agreed that Firwood had avoided back land development.
- The Parish Council's view was that they could not come to a decision and preferred that the Planning Committee made the decision.

Mr and Mrs Robinson, the applicants, and John Gibbison, the agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The applicants believed that all the technical issues raised had been addressed and the application conformed to the planning policy without setting a precedent.
- The application was significantly different to any previous refusal that the Inspectorate had made.
- The applicants asked to build a home to meet the emotional, physical and medical needs of their injured son and their family; a bespoke, open planned bungalow, specially adapted within the village of Worthorpe and in a town where they lived and their sons had gone to school.
- They considered that the only impact the property would have, would be the impact on their family's lives and their ability to stay together in Stamford.
- The property would allow their son to have some independence and control.
- The applicants had received many letters of support from local residents. They believed the bungalow would not have a detrimental effect on the village.

The Chairman called for an exempt session with regard to extra information.

A motion was proposed and seconded to agree whether additional information in relation to the application should be exempt with the press and public excluded from the meeting when this is discussed by reason of Paragraph 1 Schedule 12A Part 1 of the Local Government Act 1972 as the information related to an individual or whether the public interest in disclosing this information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exclusion of the press and public for discussion relating to information related to an individual, and the meeting moved into exempt session for 10 minutes.

The Committee considered and discussed information pertinent to the application which related to an individual.

The meeting returned to open session.

In response to questions from the Committee the agent advised:

- He believed the application met with the Planning Policy in respect of SA19 and CS20 by its single storey design, being hidden from view and being located in a redundant part of Firwood; whilst Firwood retained a substantial garden at the rear.
- The design of the bungalow was in keeping with the local character but also needed to meet the special circumstances required; therefore a pitch roof was eliminated and render/timber cladding added to blend into the locality.
- Neighbours found the single storey design acceptable.

In response to questions from the Committee the Head of Planning clarified that if the Committee were minded to approve the application then it would be possible to add a condition on the first occupation of the property and remove further development rights.

The attention of the Committee was drawn to the provisions and effect of the public sector equality duty in section 149 of the Equality Act 2010. The Committee was advised that the duty was engaged in the context of this application by virtue of the fact that the reason for the proposed dwelling was the need to provide accommodation for the applicants' son who is someone who shares a relevant

protected characteristic by reason of disability. Members' attention was drawn to the requirement of the duty to have due regard to this factor, also that having due regard did not require the Committee to make or not make a particular decision.

The Committee discussed the application and were in agreement that:

- This application came under exceptional and special circumstances.
- It was felt that the medical situation faced by the applicant outweighed the planning policy consideration and therefore this would not set a precedent for back fill development but would in fact reinforce why Members would look to approve the application against officer recommendation.
- In determining the application due regard had to be given to the situation of the applicants' son in accordance with the duty under section 149 of the Equality Act 2010.
- The application should be conditioned that the first occupation was by the applicant's family as this would be the reason why planning permission was granted.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation; with authority given to the Head of Planning to draw up appropriate conditions for controlling first occupation and for permitted development rights to be withdrawn. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **APPROVED** subject to:

- The Head of Planning being given authority to apply appropriate conditions which shall include: removal of property design rights for out buildings, alterations and extensions to the dwelling and first occupation to be the applicant family.

Reasons for the decision:

It was considered that the special circumstances surrounding this application combined with the need to comply with the duty in s149 of the Equality Act 2010 outweighed the Planning Policy considerations.

The Chairman stated he was extremely proud of the decision made by the Committee which had followed a good debate; this was reiterated by Councillor Hiller who agreed the committee had made the correct decision and commended the Robinson family and hoped they would be very happy in their new home.

6. Review of Local List for Validation of Planning Applications

The Head of Planning presented a report to the Committee, which highlighted the proposed changes to the Local Validation List requirements. The National Planning Practice Guidance (NPPG) requires that Local Planning Authorities review their local lists at least every two years. In accordance with the NPPG, an eight week consultation has been undertaken on the proposed changes to the local list with planning agents and Parish Councils. The proposed review of the current local list requirements are set out in the report, along with the comments and responses received

RESOLVED that the Committee endorses the revisions to the local list.

Reasons for the decision:

It was considered that the proposed changes to the Local Validation List would benefit the validation process of planning applications.

7. Planning Appeals Quarterly Report on Appeals Performance September to November 2016

The Head of Planning 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 government works the targets in retrospect therefore performance is measured from October 2015 to October 2017.
- The Council were performing well and as such this did not pose any concerns in terms of the quality of planning decisions being issued.

RESOLVED that the Committee noted past performance and outcomes.

Reasons for the decision:

To help inform future decisions of the Planning and Environmental Protection Committee and potentially reduce costs.

Chairman
1.30pm – 3.50pm