



**MINUTES OF THE APPEALS AND PLANNING REVIEW COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 21 FEBRUARY 2017**

Members Present: Councillors Elsey (Vice Chairman), Over, Peach, Rush, Seaton, Ali, Johnson, Barkham, Lane, Whitby and Ayres (Substitute)

Officers Present: Lee Collins, Development Management Manager
Louise Lovegrove, Senior Development Management Officer
Amanda Nauth, Planning and Highways Lawyer
Simon Ireland, Principal Engineer (Highways)
Jane Webb, Senior Democratic Services Officer

1. Apologies for Absence

Apologies were received from Councillor Holdich.

Councillor Ayres was in attendance as substitute for Councillor Holdich.

2. Declarations of Interest

There were no declarations of interest.

Councillor Seaton stated he would like it noted that none of the Councillors who had called in the decision were present at the meeting nor had they registered to speak.

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. 16/02184/R4FUL – Car Park, Hampton Court, Westwood, Peterborough

The Committee was presented with an application that had been considered by the Planning and Environmental Protection Committee on 24 January 2017. The Committee resolved to approve the application, as per the recommendation set out in the report which was now being made to the Appeals and Planning Review Committee. In accordance with the Council's Constitution, the decision was "called-in" for review. The signatories to the "call-in" request did not give a reason for this request as it was not required under the provisions of the Constitution.

The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update report. Four key considerations for the Committee were:

- Considerable weight should be given to the Principles of Development.
- Parking and highways issues – loss of parking and the impact on surrounding rounds. The current car park was not used to capacity, Highways had not objected and were happy adequate provision had been provided. It should be noted that this was not a public car park but owned by Cross Keys.
- Loss of open space – 665sq m loss of open space was considered insignificant when balanced against the benefit of regeneration and much needed affordable housing.

- Drainage – the proposal seeks to use permeable materials in all parking and access/driveway areas.

The Development Management Manager explained that Councillor Murphy had requested details of traffic management. Officers had looked into this and parking restrictions were currently being looked at but nothing had yet been put into place; before this could happen a statutory consultation would need to take place and therefore any proposed traffic management measures were not relevant to the application and could not be taken into account.

Councillor Murphy, Ward Councillor, addressed the Committee in objection of the application and responded to questions from Members. In summary they key points highlighted included:

- Loss of 50 parking spaces resulting in 22 spaces provided would not being adequate for over 30 maisonettes; 80 spaces were needed.
- The whole area should be completely redeveloped and include underground parking.
- This was not a comprehensive redevelopment of a community hub that could attract external funding.
- The recycling centre was likely to be relocated within the car park.
- The addition of walls and fences would create criminal opportunity.
- There had been no consultation with the shop keepers.
- 29 letters of objection as well as a petition had been received.
- The meeting should be adjourned for Officers to receive information regarding the recent Housing White Paper.
- The Business Plan did not stack up.
- Too narrow an access to the new car park would not be adequate.
- The Landscaping Officer had also objected.
- Councillor Murphy had raised the point that there were 30 maisonettes to which he clarified these could have included shops as there were only 16 on the plan also regarding the parking spaces, he stated his figures could have been out by 12 spaces but that there would still be a loss of 50%.

In response to questions from the Committee the Development Management Manager clarified that:

- Viability was a consideration in planning but not in the manner that Councillor Murphy had alluded to.
- The Housing White Paper did not have Royal Assent and was therefore not a material planning consideration for this application.
- Members needed to consider only what was currently adopted and the proposal; not any potential grander plans.
- The statutory function of a site notice being put up had taken place along with all other statutory requirements.
- The space lost would be 665sq m not including the recycling centre.

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

- Shopkeepers were concerned about the viability if the parking was reduced.
- Stafford Hall had previously applied for an extension but was declined due to the encroachment into green open space.
- There were already parking problems in the area and with more traffic being generated this would be exacerbated. Retaining part of the main car park would ease the street parking and access problems the development would likely cause.
- At times there are 46-50 cars using the car park for various reasons

- Cross Keys failed to keep the present area clear of rubbish.
- Water butts would not resolve the water/flooding concerns.

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

- This scheme would offer affordable rented properties at 40% of the market value, to rent; shared ownership would make this scheme affordable.
- Councillor Murphy had attended 5 meetings that had taken place between the applicant and the shop keepers where they had been asked for their input; some elements suggested have been included within the designs.
- All the tenants of the maisonettes had been spoken to and they had requested to keep the garages.
- There was a strong need for affordable housing.
- All shop keepers were very happy with the plans.
- This was the best scheme available within constraints to enhance the shopping area.
- The current layby would be enhanced.
- Cross Keys did not want to lose any businesses, this would be detrimental; they believed this proposal would enhance the area.

The Committee discussed the application, in summary the key points raised were:

- Members were concerned about the state of certain areas regarding rubbish and asked the applicant to take this back to Cross Keys; to which he agreed.
- Concerns were raised regarding the access to Lutton Grove and the traffic management of this area.
- Members were concerned that the play area would be located next to the car park and the recycling centre which was considered a health risk.

The Development Management Manager stated the plans showed the proposed location of the recycling centre but explained that Members, if minded, could approve in location and then condition those details to ensure it was safe and secure or could impose conditions that would require it to be located elsewhere.

A five minute recess was taken at 8:15pm

Members discussed the application including the parking issues, access and the possibility of imposing conditions.

A motion was proposed and seconded to agree to grant planning permission in accordance with Officer recommendation, including all conditions set out in the Committee Report and amendments to conditions C11 and C15 to specify the need for a fence between the approved new car parking and adjacent footpath/public open space, and alternative relocation of the 'bring' site away from the public open space.

1. C11- to include a requirement for fencing to be installed between the new car park and the public footpath/public open space

Prior to the commencement of development, details of the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping details shall include (but not limited to):

- Finished ground and building slab levels;
- Hard surfacing materials
- Boundary treatments and enclosures (including walls, railings and gates) which shall include a minimum of 1.2 metre high fence between the approved new car park and the adjacent footpath/public open space;

- Street furniture including benches, bins and cycle stands;
- External lighting; and
- Planting plans including retained trees, species, numbers, size and density of planting for all communal and public areas (excluding private gardens).

Development shall be carried out in accordance with the submitted details and at the following times:

- Hard landscaping relating to the dwelling houses hereby permitted (boundary treatments, hard surfacing, external lighting and refuse bins etc.) shall be provided prior to first occupation of the dwelling house to which it relates;
- Hard landscaping relating to all other parts of the development hereby permitted shall be provided in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority;
- Soft landscaping relating to the dwelling houses hereby permitted shall be carried out no later than the first planting season following the occupation of the dwelling house to which it relates; and
- Soft landscaping relating to all other parts of the development hereby permitted shall be provided in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and to mitigate, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

2. C15 - The repositioning of the re-provided 'bring' (recycling point) to an alternative location to that shown on the approved plans (and away from the public open space).

Notwithstanding the approved drawings and prior to the commencement of development, details (a timetable for the installation) of the location, form and finish of the re-provided 'bring' (recycling) point shall be submitted to and approved in writing by the Local Planning Authority. The 'bring' site shall be installed in accordance with the approved details and within a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure no loss of community recycling facilities as a result of the development, in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011). This is a pre-commencement development to ensure that a timetable for re-provision is secured before the existing facility is lost.

The Motion was carried 7 voted in favour, 3 against and none abstaining.

Application 16/02184/R4FUL – RESOLVED (7 voted in favour, 3 against and no abstentions) that planning permission is **GRANTED** in accordance with Officer recommendation, including all conditions set out in the Committee Report and amendments to conditions C11 and C15 to specify the need for a fence between the approved new car parking and adjacent footpath/public open space, and alternative relocation of the 'bring' site away from the public open space.

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 represent redevelopment of the Local Centre to provide new housing, whilst retaining shopping and community facilities, in accordance with the vision for the site allocation as set out in Policy SA3.45 of the Peterborough Site Allocations DPD (2012);
- the proposal would provide much needed affordable housing to the benefit of the wider community, in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011);
- whilst the proposed replacement car park and 'bring' site would result in the loss of designated Public Open Space, within an area which is presently deficient, it is considered that this POS is not high quality and does not afford usable play space which is where the deficiency lies. Accordingly, it is considered that this limited harm is outweighed by the significant benefit from providing affordable housing and securing regeneration of the Local Centre;
- the proposal would secure the re-provision of the existing community 'bring' (recycling) point, in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011);
- the proposal would not result in unacceptable harm to 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);
- adequate parking provision would be made for the proposed housing and existing Local Centre (including community facilities) so as to not result in an undue impact to 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);
- the proposal would not result in unacceptable impact to 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 proposal would make adequate provision for surface water drainage so as to not result in increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011);
- the proposed car park and relocated 'bring' site would not pose an unacceptable danger to users of the adjacent play area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011);
- the proposed dwellings would provide an adequate level of amenity for future occupiers, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not result in harm to potential 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).

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Chairman
7:00pm– 8:42pm