



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 29 JANUARY 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Shaz Nawaz, Martin, Hiller, Rush, Stokes, Bond and Serluca

Officers Present: Nick Harding, Head of Planning
Chris Stanek, Strategic Planning Officer
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Bryan Cleary, Tree Officer

38. APOLOGIES FOR ABSENCE

No apologies for absence were received.

39. DECLARATIONS OF INTEREST

Councillor Amjad Iqbal declared an interest in item 6.3 by virtue of having supported the application and would address the Committee and then stand down for this item.

Councillor Hiller declared that he knew the applicant of items 6.1 and 6.2 but had not discussed these applications at any stage.

Councillors Shaz Nawaz declared that he had been approached by the objectors in item 6.4 but had referred them to another Ward Councillor.

Councillor Casey declared that he knew the resident associated in item 7 but that he had not discussed the tree preservation order.

40. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were none.

41. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 18 DECEMBER 2018

The minutes of the meeting held on 18 December 2018 were agreed as a true and accurate record.

42. MINERALS AND WASTE - LOCAL PLAN

The Committee received a report in relation to the Minerals and Waste Local Plan. The purpose of the report was to meet the Cabinet decision to prepare a new Minerals and Waste Local Plan, a 'Further Draft' version of that Plan needed to be

approved by Cabinet prior to a second round of formal consultation. A number of future stages were also take place, before the Plan was finalised and adopted.

The Strategic Planning Officer introduced the report and informed the committee that there had been 180 responses received in total.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The report was comprehensive and outlined in detail the local plan around minerals and waste.
- It was noted that officers be thanked for their hard work and efforts in producing the plan.

The Planning and Enforcement Protection Committee **RESOLVED** to consider, and made comments as it saw fit, in respect of the Cambridgeshire and Peterborough Minerals and Waste Local Plan - Further Draft and associated draft Policies Map (as attached at Appendix 1 and 2 respectively), prior to its scheduled consideration by Cabinet on 4 February 2019.

DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

43.1 18/01901/FUL - 333 THORPE ROAD PETERBOROUGH PE3 6LU.

The Planning and Environmental Protection Committee received a report in relation to planning permission for the conversion of the annex to form a separate 1-bed dwelling. There would be no external changes to the annex. The swimming pool to the south would be filled in and become garden land. A new boundary would be installed between the annex and Tower House, and the linear garden area would form the parking area and vehicle access to serve the dwelling. A separate application for Listed Building Consent (LBC) has been submitted and is running in parallel to this application (App Ref: 18/01902/LBC).

The Head of Planning introduced the item and confirmed that this application was to be debated in conjunction with item 6.2 as that involved a listed building which needed a separate planning application. There had been some objections around the proposal relating to access of the turning area, overlooking and loss of privacy. The committee were informed that the issue around access rights was a private and civil matter and not one which the committee could take into consideration. The committee were referred to the update reports which contained further representations and altered conditions.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The issue around the turning area was a civil matter the planning process cannot make people enter into an access agreement, grant a right of access or require persons to use a turning area. n access matter.
- There was no major alteration to the building and it was deemed that there would be negligible amounts of noise increase and no over-use of the access ways.
- Whilst not used much currently , it could be used as much as much as the would arise from the proposed development and so planning permission

could not be realistically refused on the grounds of traffic generation and impact on the amenity of the nearby dwellings.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous For and Abstention) to **GRANT** the planning permission.

REASONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The proposed dwelling would be located within the urban area of the city, and the proposed change of use and works would not unacceptably harm the setting or significance of the adjacent Grade 1 listed buildings, the Longthorpe Conservation Area, or the character or appearance of the immediate area. As such the proposal would accord with Policies CS1, CS2, CS16 and CS17 of the Peterborough Core Strategy DPD (2011), and PP1, PP2 and PP17 of the Peterborough Policies DPD (2012); - The proposed change of use to a self-contained dwelling would not result in any unacceptable harm to the amenity of adjoining neighbours, and a satisfactory level of residential amenity would be provided for future residents, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2012) and PP3 and PP4 of the Peterborough Policies DPD (2012); and - The proposed change of use to a self-contained dwelling would not constitute a highway safety danger and sufficient car parking would be available in the nearby car park, in accordance with Policy PP12 and PP13 of the Peterborough Policies DPD (2012).

43.2 18/01902/LBC - 333 THORPE ROAD PETERBOROUGH PE3 6LU.

The Planning and Environmental Protection Committee received a report in relation to planning permission for the conversion of the annex to form a separate 1-bed dwelling. This listed building consent seeks the following; - Subdivision of the curtilage of the listed building; 2 - Erection of a boundary wall; and - Infilling of the swimming pool. The change of use of the building in itself would not require listed building consent. There would be no external changes to the annex. The swimming pool to the south would be filled in and become curtilage. A new boundary would be installed between the annex and Tower House, and the linear garden area would form the parking area and vehicle access to serve the dwelling.

The Head of Planning introduced the item along with item 6.1 above.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission.

REASONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The proposed

change of use and works would not unacceptably harm the character or appearance of the host building or immediate area nor would unacceptably harm the significance or setting of the adjacent Grade 1 listed buildings, the proposal would therefore accord with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Policies DPD (2012).

43.3 18/00926/HHFUL - 17 THORPE PARK ROAD, PETERBOROUGH PE3 6LG

The Planning and Environmental Protection Committee received a report in relation to Permission is sought for the construction of a two storey side and rear extension, single storey side and rear extensions, an outbuilding to the rear of site and a porch to the front of the property.

i) Two storey side and rear extension - This extension would project 3.2 metres out from the northeast facing side elevation of the dwellinghouse and would be 8.4 metres in depth. The extension would wrap around to the rear elevation of the property. The proposed rear extension would project 4 metres in depth and would measure 6.7 metres wide. The roof would be hipped, with the ridge to measure 6.8 metres above ground level and the eaves to measure 5.7 metres above ground level.

ii) Single storey side and rear extensions

a) Rear extension - This would project 4 metres in depth from the original rear elevation of the property and would measure 2.8 metres wide. The extension would infill the space between the boundary shared with No. 19 Thorpe Park Road and the proposed two storey rear extension. A mono-pitched roof is proposed, with the ridge to measure 3.6 metres above ground level and the eaves to measure 2.5 metres above ground level.

b) Rear extension - A further single storey extension is proposed, to project 2 metres in depth from the proposed two storey rear extension. This would measure 5.4 metres in width and would also include a mono-pitched roof. The proposed ridge to this roof would measure 3.6 metres above ground level and the eaves would measure 2.6 metres above ground level.

c) Side extension - Against the existing side elevation of the property and forward of the proposed two storey side extension, a 5.5 metre long extension is proposed, projecting 3.2 metres from the existing side elevation. The proposed roof would be hipped, with the ridge to be approximately 3.5 metres high from ground level and the proposed eaves would measure 2.6 metres above ground level.

iii) Outbuilding - The proposed outbuilding would be positioned approximately 28 metres from the proposed rear elevation of the dwellinghouse. The outbuilding would have a footprint that measure 8 metres in width by 6 metres in length (48 square metres) and would also have a dual-pitched roof. The proposed ridge to this roof would measure 4 metres high above ground level, with the eaves proposed at 2.7 metres above ground level. A store area, gym, play area and shower room are proposed within this outbuilding.

iv) Porch - Finally, to the front elevation, a porch is proposed. This would project 1.5 metres forward of the existing front elevation. The proposed porch would measure 2.5 metres in width, but would connect to the proposed front lounge, which would produce an overall width 5.8 metres. The highest point of the roof from ground level would be 3.2 metres high, with the eaves to be 2.6 metres high above ground level.

Amendments - The proposed single storey rear extension has been reduced from 6 metres to 4 metres in depth given Officer concerns about the overbearing impact from the original plans to the rear of No. 19 Thorpe Park Road. Neighbouring dwellings were subsequently re-consulted on this revised plan (Revision A). - Following the matter that the two storey side extension originally proposed was considered to be unacceptable by Officers (as described below under 'Background Information'), further revised plans (Revision B) were submitted to the Council, showing a reduction in depth at first floor level of the two storey side extension. Neighbouring dwellings were subsequently re-consulted on this revised plan - As a result of the reduction in depth of the single storey extension, this has resulted in two separate single storey rear extensions being proposed. The proposal's description has been updated to reflect this and provide further clarity.

The Head of Planning introduced the item and explained that the application involved a series of extensions to the property both single and two storey in size. A number of objections around over development had been received. around concerns over loss of light and shading and concerns that the development would affect the street scene. In addition there were concerns over a loss of privacy due to the proposed outbuildings and their potential to be used for residential purposes.

Councillor Amjad Iqbal addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The original plans were far greater than the current proposals. The planning department had concerns over these and in order to alleviate those concerns the plans in front of committee were a compromise.
- The property at No.15 had been extended in the past without any refusal and this was far larger than what was being proposed.
- The applicant had meet with the planning department to ensure that the current proposal was acceptable.
- Although the residents at No.19 were objecting they also had extensions to their property previously.

At this point Councillor Amjad Iqbal stood down for the remainder of the item.

Tom Hagues and Martin Hall addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were a number of concerns over the proposal in front of committee.
- When the original application was made a response was sent to the planning department and asked to be informed of any meetings to discuss the application. They had been informed that no decision had been made but that concerns were still raised.
- In December a meeting was organised with Councillor Sam Smith who agreed with the concerns and it was agreed to call the application in to the Planning Committee.
- The proximity of the two storey extensions left only a 1m gap between the properties.
- The street scene would be adversely affected by the application and would create a terracing effect of the properties. This was against planning policy PP2 as this was a detrimental to adjoining properties.

- This application also went against planning policy PP3 point b) stating that an application not be granted if it would result in loss private garden or resulted in undue noise and disturbance.
- The proposed outbuilding was not in keeping with the local area and would create noise and light pollution. At night the lights from the outbuilding would have a detrimental impact on local residents.
- The extensions would increase the property to three times its current size and would be overbearing on the local street scene.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The issue around lighting of the outbuilding was something the committee could consider, however if the outbuilding was smaller in size there would be no requirement for planning permission.
- Although the property was increasing in size it was an improvement on what was already in place. It was not felt that the application would be detrimental to the street scene.
- In terms of overlooking it was not deemed to be any worse than what was in place currently.
- A number of homes in the street had already been extending and made larger, this was no deviation from that.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (10 for, 1 against) to **GRANT** the planning permission.

REASONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The proposed development would not unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the Peterborough Local Plan (Submission Stage) (2018). - The amenity of neighbouring properties around the site would not be adversely impacted upon by the proposal, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the Peterborough Local Plan (Submission Stage) (2018). - Parking provision to serve No. 17 Thorpe Park Road and its extensions would be acceptable, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Examination Stage) (2018). - The proposal would not unacceptably impact upon nearby trees, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP29 of the emerging Peterborough Local Plan (Examination Stage) (2018).

At this point Councillor Amjad Iqbal returned to sit as part of the Planning Committee

43.4 18/01852/FUL - 195 - 197 LINCOLN PARK ROAD, PETERBOROUGH PE3 6LG

The Planning and Environmental Protection Committee received a report in relation to Part retrospective permission is sought for the construction of a covered smoking shelter to the rear of the restaurant and a store building within the rear yard. N.B. This application is a resubmission of refused application 18/01277/FUL.

The Head of Planning introduced the item and explained that the original application had been granted a one year temporary consent in 2016 which expired in September 2017. In September 2018 a retrospective application to retain the smoking shelter was refused planning permission. The current proposal is different from previous proposals / development not least that that a store building is proposed in what was originally an open yard area (this open yard area is currently an extension to the now unauthorised smoking shelter granted temporary permission in in 2016). Planning officers have concerns with the proposal in terms of the impact that the smoke and noise would have on nearby dwellings and business occupiers.

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

- Although a complaint regarding noise had been raised no formal complaint had been logged following this.
- The new plans were smaller than the previous plans and the number of people allowed outside would decrease.
- The proposals would enhance the business opportunities on Lincoln Road and would create a more diverse atmosphere.
- Additional sound proofing had been installed. This had been confirmed by the architect as additional brick blocks inside the structure.
- The proposal had been submitted by a different applicant to the original application and the one that had then been refused.

Mr Branston and Mr Hussain, applicant and agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The planning department had failed to take notice of the proposed improvements which were to remove the corrugated iron roof structure and reduce the floor area of the outside shisha, allowing 6-8 smokers at a time.
- In terms of reducing noise it was proposed that an internal block work would be installed to prevent noise escaping.
- Although a complaint about noise had been made this was not taken up any further. In terms of smell it was likely that the smells from restaurant chimneys would be worse than the smells from a shisha lounge.
- There was a lot of competition from competing restaurants on Lincoln Road, this application was different from others and would improve the chances of the business staying afloat. The applicant would accept a further temporary licence or a reduction in the hours of use.
- A similar application at 417 Lincoln road had been approved, which involved a similar structure and larger in size than the current proposal.
- The shisha would generate more income for the restaurant. The applicant had spent a lot of money on this outside area and would lose a lot of income if it was not granted.

- The materials used for the structure would prevent sound from spilling out. The restaurant suffered a fire and the applicant had not realised that the temporary permission had ceased.
- Work would only be carried out once permission had been granted. There would be no work done before this.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The main difference from the previous application was the formation of a store area that was to be separate from the smoking area. This would be a solid structure. The shisha area would have open sides to allow for fumes to escape. The new store room structure was to have the same appearance as the smoking structure
- There was a door to the storage room out onto the side footpath and to the smoking area
- Only one complaint of noise had been received and this had not be followed through with a diary of noise incidents.
- No objections had been received from any local residents, although this was not a reason for an application to be approved.
- Concerns were around the appearance of a temporary structure, the current proposal would remove this and improve the overall appearance.
- Understanding is that block work would be put inside the structure not the outside, exterior would still be timber cladding.
- There would need to be assurances that what was proposed was to be built, previous attempts had not been properly executed.
- There was no reason in principle to not grant temporary permission, however it was generally considered that there would not be more than one temporary permission granted per application.
- In terms of enforcement the Council would need to look at prosecution which could take over a year to enforce (if there was non-compliance with any enforcement notice served). It was possible to serve an enforcement notice alongside planning permission in order to remove the additions to the originally approved smoking shelter.
- A shorter time frame for the implementation of the planning permission may be possible in order to prevent the original structure becoming immune from enforcement due the passage of time.

A proposal was put to grant the application subject to conditions that the current rear of the structure was removed and length of time to commence the permission be set and that this was delegated to officers.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission.

REASONS

1. Head of Planning authorised to apply suitable conditions

2. As part of 1. apply a shorter implementation period than 3 years if needed to prevent the existing shelter from gaining permission through passage of time
3. Compliance team to serve enforcement notice to secure removal of additional smoking shelter with the clear plastic roofing - short compliance period

44 18/00004/TPO - 460 OUNDLE ROAD, PETERBOROUGH PE2 7DE

The Planning and Environmental Protection Committee received a report in relation to a tree preservation order (TPO).

The Tree Officer introduced the item and confirmed that the report related to two trees. In terms of the Lime tree this was confirmed as not suitable to be part of a tree preservation order (TPO). With regards to the Birch Tree there had been objections raised and these were outlined in the report. The main issues with regards to the Birch tree were the honey dew and branches falling.

Mr Larty, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was sympathy and desire to keep the tree, however it was becoming inconvenient. It was difficult to keep the cars in the driveway clean due to the wax deposit from the Birch tree.
- The tree was too big for the plot. The tree surgeons working for the Council could not prune the tree as they had claimed it was diseased.
- The tree was causing a financial burden on the owner of the property, including lots of work to maintain the tree.
- Drains around the tree had been blocked up due to the large volume of leaves and branches that had fallen.
- The boundary wall was deteriorating if the tree was removed there would not be a need to replace the wall.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There was no evidence to suggest that the Birch tree was diseased. It was structurally in good shape.
- Most of the road was blessed with mature trees all of similar age. There was some sympathy with the house owner as this was a modest plot with a huge tree.
- If the tree was removed there was an argument that it would make a huge difference to the street scene.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **CONFIRM** the tree preservation order. The Committee **RESOLVED** (6 for 5 against) to **CONFIRM** the tree preservation order with the Lime Tree being excluded from the order..

45 PLANNING COMPLIANCE ANNUAL REPORT

The Planning and Environmental Protection Committee received a report in relation to the annual planning compliance report. .

The Head of Planning introduced the item. The planning department had received more service requests compared to previous years.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There had been two members of staff who had been on long term sickness which had an impact on closing cases down within timescales.
- It was stated that the team be congratulated on the work done over the past year and what had been achieved.
- There were two outstanding cases which were ongoing.

The Planning Environment Protection Committee considered and agreed to note the report

46 APPEAL DECISION 17/02274/OUT

The Planning and Environmental Protection Committee received a report in relation to delegating authority to officers to sign a S106 agreement if the appeal was successful.

The Planning Solicitor introduced the item and made the committee aware an appeal was due to take place in the upcoming weeks. The purpose of the report was to seek the committee's approval in delegating authority to officers to enter into a S106 agreement should the appeal be successful.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (9 For and 1 Abstention) to **GRANT** the planning permission.

Chairman
1:30pm - 4.16pm