

Minutes of a meeting of the Planning and Environmental Protection Committee held at the Town Hall, Peterborough on 18 November 2008.

MEMBERS PRESENT:

Chairman - Councillor M Todd

Councillors Ash, Benton, C Burton, Cereste, C Day, Hiller, Lane, Kreling and Thacker.

OFFICERS PRESENT:

Dale Barker, Principal Planner

Barry Fagg, Interim Head of Service, Planning and Development

David Loveday, Interim Development Control & Enforcement Manager

Graeme Law, Strategic Planning Executive

Julie Smith, Senior Engineer (Development)

Carrie Denness, Principal Solicitor

Alex Daynes, Cabinet Officer

1. Apologies for Absence

Apologies for absence were received from Cllr Walsh. Cllr Benton attended as a substitute. Members were advised of the resignation from the committee of Cllr Morley and his replacement, Cllr C Day.

2. Declarations of Interests

08/00438/FUL Cllr C Burton declared that he was acquainted with members of the citizens group. However, this would not influence his decision.  
Cllr Lane declared that he was acquainted with the secretary of the tennis club. However, this would not influence his decision.  
Cllr Thacker requested it be noted that she was also acquainted with the secretary of the tennis club. However, this would not influence her decision.  
Cllr Cereste declared that he was acquainted with a member of the resident's group. However, this would not influence his decision.

08/01103/FUL Councillor Todd declared that she was acquainted with the applicant. However, this would not influence her decision.

3. Members Declarations of Intentions to make representations as Ward Councillor

07/01763/R4OUT: John Mansfield School - Cllr Ash

4. Minutes of the previous meetings

The minutes of the following meetings were approved as correct records:

15 July 2008  
29 July 2008  
9 September 2008  
23 September 2008

5. Development Control & Enforcement Matters:

Cllr Ash left the committee.

5.1 07/01763/R4OUT: Residential Development Comprising Up To 132 Residential Units With Associated Access Road, Car Parking, Amenity Space And Landscaping On The Former John Mansfield School Remote Playing Field At Poplar Avenue, Dogsthorpe, Peterborough

The proposal sought outline planning permission for residential development comprising up to 132 dwellings with associated access roads, car parking, amenity space and landscaping. All matters have been reserved for detailed consideration at a later stage.

The planning officer informed the committee that the site was currently open space and the main issues for the site was the provision of recreational space, highways impact and the impact on open space provision in the area. The planning officer further advised that objections to the development from Sport England had subsequently been removed following agreement over the provision of recreational facilities before works began. The committee was advised that only 2 of the units would be 3-4 stories high and only 2 existing bungalows in the area would be overlooked.

Cllr Ash, Ward Councillor, addressed the committee with concerns about the development. Cllr Ash raised representations about:

1. density of the development being greater than the surrounding area;
2. location of the higher buildings - should be moved away from the perimeter of the development and away from existing dwellings;
3. restrict the higher buildings to 3 stories so as not to overlook other dwellings
4. location of waste collection facilities
5. replacement of recreational facilities for young people
6. provide additional access from the junction of Welland Road and Furze Way

Cllr Ash advised that he did not object to the development of the site but that his representations concerned the design of the development and the access to the site.

**Resolved:** (9 for, 0 against, 1 did not vote) to approve the application subject to a scheme of mitigation measures to compensate for the loss of playing field, conditions and the prior completion of a Planning Obligation.

**Reasons for the Decision:**

Subject to the imposition of the condition, the proposal was acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

1. The proposal would result in a loss of open space in a ward where there is a deficiency. Mitigation measures are, however, proposed. Subject to these being

- accepted by Sport England the proposal is considered to be acceptable in the context of policies LT3 and H7 of the Peterborough Local Plan (First Replacement)
2. The open space needs arising from the development can be addressed via an off site provision in accordance with policy LT2 of the Peterborough Local Plan (First Replacement).
  3. The development would not have any significant adverse impact upon highway safety or convenience and there is the potential to provide for the needs of pedestrians and cyclists within the detailed layout. The proposal therefore accords with policies T1, T7, T8, and T10 of the Peterborough Local Plan (First Replacement).
  4. The development can be accommodated within the site without any significant adverse impact upon the amenities of the neighbouring properties and therefore accords with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
  5. The detailed layout can be designed around the existing trees on the edge of the site in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
  6. The impact of the proposed development upon the ecology of the site is considered to be acceptable. It, therefore, accords with policy LNE19 of the Peterborough Local Plan (First Replacement).
  7. The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

Cllr Ash re-joined the committee.

5.2 08/00438/FUL: CONSTRUCTION OF 10 TWO BEDROOM APARTMENTS IN THREE BUILDINGS AT PETERBOROUGH CITY LAWN TENNIS CLUB, PARK CRESCENT, PETERBOROUGH

Planning permission was sought for the erection of 10 flats in three buildings, each two storeys high. The two front blocks were reminiscent of large Victorian double fronted villas, which were separated by approximately 9m which was used as the vehicular access to the rear of the site and the third building.

The site was the last remnants of a tennis club that had been on site for about 100 years. Part of the site was developed for housing in the 1970's, leaving a wooden clubhouse and four grass tennis courts which were the subject of this application.

The planning officer advised the committee that a decision on this application was deferred following planning committee on 4 November 2008 for the following reasons:

1. Executive Housing demand
2. S106 – Future Provision of Tennis facilities

The committee was advised that this application was virtually identical to the previous submission and as such the Inspector's decision must be a material consideration in reaching its decision.

Cllr Peach, as Ward Councillor, addressed the committee with his concerns and those of local residents. The representations made included:

1. Park Conservation Area – this development opposes conservation principles;
2. No application has been received for the demolition of the pavilion;
3. The development will not enhance the area;
4. No survey has been conducted regarding the demand for executive homes in the area;

5. No provision has been agreed for the relocation of the tennis facilities;
6. Removal of a recreational facility in Park Ward;
7. Ongoing notice of relocation for several years has resulted in no alternative facility coming forward from the tennis club;
8. Need for more four bedroom, executive style houses in Peterborough, not flats and smaller properties of which there are many already;
9. Effects on neighbouring properties including overlooking gardens.

A representative of Broadway Residents Association, along with a neighbour of the tennis club, addressed the committee with their concerns that included the loss of local facilities; the maintenance of the conservation area; the need for executive houses in the area; detrimental effect on neighbouring houses; and covenants on the tennis club land.

Mr John Dadge, acting for the applicant, and a representative of the tennis club addressed the committee. Responses were provided to some of the issues raised above and the following information was also put to the committee:

1. The aesthetic of the buildings and grounds would match the character of the area;
2. The development is for executive style apartments, not affordable flats;
3. The tennis club cannot invest in new facilities until it is known whether permission to develop existing land is granted;
4. A new facility would provide an improved tennis provision for the city.

The planning officer advised the committee that the Inspector had previously considered all aspects of the arguments raised today and had given his findings. The committee was advised that if the application was rejected on S106 grounds (provision of tennis facilities) then it effectively accepted the Inspector's comments that the design and style of the development was acceptable.

**Resolved:** (0 for, 8 against, 1 abstention, 1 did not vote) against accepting the recommendation of the Head of Planning Services.

The committee accepted the following:

- That the proposed development is an unallocated site in a residential area which is appropriate for residential development.
- The the density and design is appropriate and therefore it complies with policies H7, H15, DA1 and DA6 of the Peterborough Local Plan (2005).
- The proposal will maintain or preserve the character of the Conservation Area and therefore it complies with policy CBE3 of the Peterborough Local Plan (2005).
- The level of overlooking and privacy is acceptable and therefore it complies with policy DA2 of the Peterborough Local Plan (2005).

### **Reasons for the Decision:**

The Committee rejected the application due to a lack of a satisfactory planning obligation agreement.

Councillor Cereste left the meeting

- 5.3 08/01103/FUL: PROPOSED CHANGE OF USE FROM SHOP (A1) AND OFFICE (A2) TO HOT FOOD TAKE AWAY AND CAFE (A3) AND DRIVING SCHOOL OFFICE (A2) INCLUDING REAR EXTRACTOR AND FLUE AT 67-69 MAYOR'S WALK PETERBOROUGH PE3 6EX

Planning permission was sought to change the use of the site to a hot food takeaway/café (at No 67) and a driving school office (at No 69). This would involve erecting a flue at the rear of the premises, carrying out some internal alterations, and setting a bike stand and litter bin outside at the front.

Numbers 67 and 69 Mayor's Walk were a matched pair of terraced houses in a row of similar properties. They were within the designated local centre. The centre had a variety of shops including two food shops, a greengrocery and a pharmacy. There was some on street parking with restrictions, and several of the premises had parking at the rear.

The planning officer advised the committee that the effects on neighbouring properties, following any alterations to the premises to provide the changed function, had been deemed satisfactory and all other information was contained in the report.

Members of the committee voiced their concern that, again, a fellow councillor had referred a planning item to the committee but was not in attendance and had not provided a written representation to provide more detail to their concern with the application.

**Resolved:** (8 for, 0 against, 1 did not vote) to authorise the Head of Planning Services to grant planning permission subject to conditions numbered C1-C5 as detailed 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 weighting against relevant policies of the development plan and specifically:

- The proposed use was appropriate to the Centre, which had a good provision of convenience shopping and service facilities. Impact on neighbours could be controlled by Condition and fully assessed. The proposal was considered to be in accordance with Policy R9 of the Peterborough Local Plan 2005 (First Replacement).

## 6. Strategic and Policy

### 6.1 Section 106 Planning Obligations Implementation Scheme

The Interim Head of Service, Planning and Development, submitted a report to update the committee on the progress of the S106 Obligations Implementation Scheme and for the committee to review prior to submission to the Executive for approval. The committee was advised of some key changes in the document in light of the recent economic difficulties in the housing and financial markets. These included a temporary reduction in affordable housing builds from 35% to 25% and a short term 30% discount in S106 funding obligations to encourage investment in Peterborough.

Observations and questions were raised and responses given including:

- There must be a link between the development, the area and the S106 spend. Officers would ensure that the S106 monies were spent appropriately in development areas.
- Consultation with community groups and Parish Councils would take place.
- There is no obligation or desire to dictate the square metres for residential or commercial properties.
- Regarding the S106 reduction for developers, it would be better to have 70% of something than nothing.

- Any works must be completed before the discount is awarded, this would stop developers receiving a discount and then slowing down or stopping works.
- A review of the S106 would be conducted in April.
- The funding required would be based on the number of bedrooms provided. The use of rooms in units would be monitored.

The committee agreed to recommend the document to Cabinet.

The meeting ended at 15.50

Chair