

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 13 MARCH 2018
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors Bull, Stokes, Serluca, Clark, Martin A Iqbal, Ash and Hiller

Officers Present: Lee Collins, Development Management Manager
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Richard Kay, Head of Sustainable Growth and Strategy
Gemma Wildman, Principal Planning Officer
Simon Ireland, Head of PCC Highways

61. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bond.

62. DECLARATIONS OF INTEREST

Councillor Bull declared a personal interest in item 7.1 by virtue of knowing members of the Broadway Residents Association, but was not pre-determined on the application.

Councillor Stokes declared a non-pecuniary interest in item 7.3 as she was a board member for the North Level District Internal Drainage Board.

Councillor Hiller declared a non-pecuniary interest in item 7.3 as he was a board member for the North Level District Internal Drainage Board.

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

None were received.

64. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 30 JANUARY 2018

The minutes of the meeting held on 30 January 2018 were agreed as a true and accurate record save for the following change to minute number 55:

From:
(said Councillor had made any representations on the application).

To:
(said Councillor had not made any representation on the application).

At this point the Committee agreed to bring forward the items on the Peterborough Local Plan and Supplementary Update and Minerals and Waste report. In addition the

Committee agreed to move the application on 20 Broadway Gardens forward to the first determination on the agenda.

65. PETERBOROUGH LOCAL PLAN AND SUPPLEMENTARY DOCUMENTS UPDATE

The Planning and Environmental Protection Committee received a report in relation to the Proposed Submission Local Plan which was approved by Full Council on 13 December 2017. Following the closure of the Proposed Submission Local Plan consultation on 20 February 2018 the report provided an update on the consultation and explained the next stages involved in the production of the Local Plan.

The Committee were informed that the report also provided an update on a number of Supplementary Planning Document (SPDs) which were intended to support the new Local Plan and that were currently available for public consultation.

The Principal Planning Officer updated the Committee and confirmed that responses to the consultation were currently being processed and would be published on the Council's website. It was hoped that the summary of responses and Local Plan would be submitted to the Secretary of State in early April. Following this the Inspector would hold a public hearing and a report with modifications would be prepared and brought back to Full Council at the end of the year.

The Committee were informed that the Council was updating its Developer Contributions SPD and Flood and Water Management SPD. It was also preparing a new Green Infrastructure and Biodiversity SPD

In response to questions from the Committee the Principal Planning Officer stated that this was a good opportunity to update the policies and make them align.

RESOLVED: That the Planning Committee notes:

1. The progress on the Peterborough Local Plan;
2. That three Supplementary Planning Documents are currently available for public consultation and that, should it see fit, the committee can offer any comments on them.

66. MINERALS AND WASTE LOCAL PLAN - PRELIMINARY DRAFT FOR CONSULTATION

The Planning and Environmental Protection Committee received a report in relation to the new Minerals and Waste Local Plan, and for that Plan to be prepared jointly with Cambridgeshire County Council (CCC).

The Head of Sustainable Growth Strategy explained that a Cabinet decision was taken to prepare a new Minerals and Waste Local Plan, a 'preliminary draft' version of that plan needed to be approved by this council prior to a formal round of consultation. A number of future stages would also take place, before the plan is finalised and adopted. In response to questions from the Committee the Head of Sustainable Growth Strategy stated that clarification could be provided in the report that this was not the Combined Authority's plan.

RESOLVED:

1. That the Committee Considered, and made comments as it saw fit, in respect of the Cambridgeshire-Peterborough Minerals and Waste Local Plan - Preliminary Draft, prior to its consideration by Cabinet on 26 March 2018.
2. That Cabinet be asked to include clarification in the document that this plan has not been prepared by the Combined Authority.

67.1 18/00091/FUL - 20 BROADWAY GARDENS, PETERBOROUGH, PE1 4DU

The Planning and Environmental Protection Committee received a report in relation to seeking planning permission for the change of use of the site from a residential dwelling (Use Class C3) to a care home for 6no. children aged 16 to 18 years (Use Class C2 - residential institution). It was noted that the change of use had already taken place and therefore the application was retrospective.

The Development Management Manager introduced the report and update report. Members were informed that there were a number of things that the applicant could do without planning permission. However officers took a cautionary approach when the application was sought and had referred to Committee.

The principal of what was being proposed was deemed acceptable to planning officers, 16-18 accommodation was in short supply in the city. Highways had stated that there would be no further increases in traffic with this application.

Councillors Ferris, Shaz Nawaz and Peach, Ward Councillors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There had never been such a unanimous rejection of the application. All letters that had been received had been in objection to this application.
- The full scale and size of the application was not given to residents or ward councillors.
- Large alterations had already taken place in the building. The current proposal was mainly for business purposes,
- Suitable accommodation was needed for children who were vulnerable and there were many other opportunities and locations that this could be achieved instead of this site.
- No local residents had put forward any support for this application.
- The application was a continuous erosion of the Park Ward Conservation Area. There was a need to preserve the character of the area.
- The application would lead to an Increase in levels of anti-social behaviour. There would likely be an increase in the number of children misbehaving in the area, who were visiting children in the institution.
- Residents had genuine concerns around traffic and noise. The study undertaken by the applicants only showed traffic with one child currently in occupation at the residence.
- Communication between residents, the applicant and Ward Councillors had broken down.
- There were already a large number of care homes in that particular area, another one would not be beneficial.

- Lots of discussions had taken place with the lead director, who had stated that from his experience the application in question worked best on smaller scale, or if two smaller properties had been used to house the number of residents being proposed.
- There had been lots of complaints associated with House in Multiple Occupation (HMO), turning into a business and this should be taken into account.
- Residents were sympathetic to the need for care homes for vulnerable children, however this application was not in the children's best interests. Both Councillors and residents know of need for accommodation, however the site and size of this application is not acceptable.
- Ward Councillors were not made aware of this application until visiting the site.

Heather Mizen addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Extensive experience of safeguarding children, however there had been 29 letters of objection to this particular application.
- Residents understood the need for professional care, but there were valid reasons for refusing this application.
- Poor communication and mis-representation had been shown by the applicants.
- The application would increase noise, traffic and anti-social behaviour in the local area.
- There had been significant problems with a similar home not far from application site.
- The stress of the application had an impact on the health of other local neighbours.
- The site was going to lead to a downward spiral of the local conservation area.
- This was a commercial business, of which there were a considerable number of businesses of this type and it had now reached capacity.
- Residents had been cut off from discussing this issue with the directors of Florine homes.
- The traffic study stated that there would be no more increased traffic, but this was done with only one child occupant, however if this increased to six then there would be further numbers of carers and staff visiting the residence.

Sue Hessom and Naidre addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicants were known professionally to the care teams across Cambridgeshire and Peterborough.
- In planning regulations, it was necessary to give weight to the need of housing to meet the needs of children in care.
- There was a necessity for this form of housing in the local community.
- There were no further plans to expand the property above what was being proposed.
- Noise within the property was to be contained and no further light pollution would be emitted.

- A young person licence agreement would be in place stating that any misbehaviour was not to be tolerated.
- Operation practice would be monitored by the local authority including fire and police.
- Property already received a number of passes for policies laid out by the CQC and ofsted.
- Pledged to work with people in central park. The company had supported the dementia awards and had met local PCSO's and arranged for them to meet potential young people that might use the facility.
- There was a commitment to keeping communications open with local residents to hear any of their concerns.
- Homes such as this would help young people set up their lives and help integrate them into society.
- Assurances were given that staffing levels and care had to be consistent with all residents that they looked after.
- There would not be a significant increase in vehicle traffic, a number of social service workers were able to walk or car share to get to the residence.
- There were very strict guidelines for the children, there would be tough guidelines and bad behavior would be dealt with.

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

- None of the internal works would require planning permission and this was not relevant to the planning decision.
- There would appear building regulation consent had been sought for the work that had been taken internally but it was stressed that this was not a planning matter.
- Highways confirmed that the traffic movement sheet was more a parking survey. Outside of the property there were enough spaces (5) for this development. In addition there was a garage that could be used. If this was a HMO there would be more vehicle movements than a care home.
- It was important to take into account the concerns of local residents, however this needed to be weighed up against planning needs and regulations.
- It was unusual to have three Ward Councillors objecting to the application and it was hard to ignore the strength of feeling shown.
- There was a lot of agreement
- With what residents had commented on however the need for this care in Peterborough was important to take into consideration.

At this point a suggestion was put forward on the possibility of granting the application on a temporary basis for two years to ascertain the suitability of the care home. This would allow Committee to see if any concerns were raised and how these were dealt with. There was further discussion about the possibility of a one year temporary grant, however there was argument that one year was not long enough.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application on

a temporary basis for 2 years. The Committee **RESOLVED** (8 in favour, 1 against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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 proposal would provide much-needed housing for up to 6no. children/young adults in a semi-independent manner to act as a transition between full-time care and independent adult living, in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011);
- adequate on-site parking is provided to meet the demands of the development and no unacceptable impact would arise in terms of the safety of the surrounding highway network, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable degree of harm 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); and
- the proposed use would preserve the appearance of the Park Conservation Area, in accordance with Policy Cs17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 131 of the National Planning Policy Framework (2012).

67.2 17/01906/HHFUL - 11 ELMORE ROAD, NETHERTON, PETERBOROUGH, PE3 9PS

The Planning and Environmental Protection Committee received a report in relation to planning permission for the erection of a temporary timber dwelling and agricultural building.

The proposal was for the erection of a rural worker's (temporary) dwelling and agricultural building to enable the establishment of a free-range rabbit breeding and rearing enterprise.

Temporary dwelling – The dwelling would be two bed of dimensions 12.2m x 6m and would have a dual pitched roof to a height of x 3.6m (ridge) 2.8m (eave). The dwelling would be timber clad and located close to the entrance of Uffington Road.

Agricultural Building – The dimensions of the building would be 12m x 6.2m x 5m (ridge) 3.6m (eave) constructed in profiled steel sheeting.

The buildings would be in association with the development of a 300-doe, free-range rabbit production unit over the next three years with 100 does in Year 1; 200 does in Year 2; and 300 does in Year 3. The rabbit farm will occupy the east of the site with the remaining land used as a tree nursery.

The Development Management Manager introduced the report and update report.

Mr Harry Bresseley, Parish Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- On behalf of residents and parish council the erection of the temporary development was not welcomed by residents who felt strongly about the size and look of this application.
- The entrance was narrow and lead onto a very narrow road.
- There had been previous attempts to get planning permission but these had been rejected.
- This was another attempt to work the planning system and then sell the land on.
- This was a highly sensitive agricultural area. A rabbit farm with dwelling and building will be highly visible and inappropriate for the land.
- The application site was in close proximity of 80 houses with noise and smell that should not be allowed.
- It was stated that the applicant did not clean or look after his property, a large rubbish heap was noticeable by the entrance to the site.
- Traffic survey was undertaken during half term which would reduce the level of traffic considerably to that during term time.
- Hedge growth will grow and not be kept neat.
- A Rabbit farm could be a viable proposition, but this applicant would not do this and the same issues outlined in Granby would present themselves at this site.
- The buildings looked too on the slope of the land and were far too big for the site.

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

- All issues had been factored in and the independent consultant had looked at the application stated that a comprehensive plan had been put in place.
- Two buildings had been proposed, the two bedroom dwelling needed to allow for that person manning the farm to have their family reside on the premises.
- The Storage building was large in scale, however this was to be used for hay bails and large equipment.
- Policy allowed temporary dwelling to be erected in order for a business to be setup, this was based on a sound business plan.
- The applicant wanted to employ one person on site but this could increase in the future. Increasing the number of rabbits would not need planning permission.
- Highways confirmed that a survey was carried out between 8-14 December 2017, the Sunday and Monday did have snow and ice, but these had been discounted in terms of the road survey.
- It was Clarified that the hedges had been cut down for access as these were part of the conditions placed on the application. Condition was there to aid vehicles, if not complied with enforcement would need to be looked at.
- Storage house had not been proposed as a slaughterhouse. Not a planning system issue.
- There had been lots of local objections. The buildings on site would be extremely visible.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **APPROVE** the application.

The Committee **RESOLVED** (5 for, 4 against, 1 abstained) to **GRANT** the planning permission subject to relevant conditions being delegated to officers.

REASONS FOR THE DECISION:

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 proposal has been assessed against the criteria under Annex A to the former PPS7.
- the functional need for a temporary agricultural dwelling is accepted and the business has been planned on a sound financial basis.
- the scale and design of the proposed agricultural building and the temporary dwelling would be in keeping with the proposal agricultural use of the site.
- the proposal has demonstrated a safe and convenience access can be provided

The proposal therefore accords with policies, PP2, PP7, PP12 and PP13 of the Adopted Peterborough Planning Policies DPD, policy CS16, CS17 and CS20 of the Adopted Peterborough Core Strategy and section 6 of the National Planning Policy Framework.

67.3 17/01902/OUT - LAND ON THE WEST SIDE OF GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to outline planning permission for the erection of 5 self build detached bungalows (with refuge in the roof space) together with associated access, parking and amenity space with all matters reserved except for access

The Development Management Manager introduced the report and update report.

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

- The main reason for the application being refused seemed to rely on the flood risk of the area. Familiar with the Fens, the drainage was looked after 24/7 through the use of drains, pumping stations was unlikely to flood.
- The drainage systems in place would be able to empty large scale water areas in quick times.
- The proposed application had already been lifted higher off the ground than the original application.
- There were plenty of bungalows in the area. These were good for people of an elder age..
- There was a need for more bungalows in the area and in Peterborough in general.
- The issue was not about refuge, there would be people on hand to help remove items for the refuge storage in the roof.

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

- The main issue with the application was the potential flood risk.
- There was a need for this type of development with an ageing population.

- After speaking to all residents and to the Parish Council there were no objections raised..
- This development provided housing for elderly residents who wanted to trade their own homes for a bungalow.
- In terms of design the developments were flood resistant.
- The refuse being stored in the roof was a principle used for all these types of property.
- There were sustainable benefits, right accommodation for people at the right time, the opportunity for self-build which was not widely available.

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

- The change in flood risk policy, was reflected in the history of the site.
- The Insurance industry had a sinking fund so each premium goes into this fund to reduce the premium of properties in flood risk areas.
- Tricky test to pass and no applications have yet to do this. Number of tests that would need to pass.
- The application had wider social community benefits and would enable further self-build applications.
- The Environment Agency set the flood risks and these were looked at rather than the build itself.
- There was a lot of sympathy for this development and the drainage board had not objected.
- There was ample drainage and no major issues with the location of the refuse storage facility.
- The experts had no major concerns and had deemed the application and site safe.
- The benefit to the community outweighed the exception test in this instance.
- There was concern about deviating from national policy and local policies and subjectively looking at data and would be adverse against going against officers recommendations.
- The applicant had taken all reasonable measures to alleviate flooding.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **APPROVE** the application. The Committee **RESOLVED** (8 for, 2 against) to **GRANT** the planning permission subject to relevant conditions being delegated to officers.

REASONS FOR THE DECISION:

The proposal is acceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

The application site is located within Flood Zone 3 and is therefore at the highest risk of flooding. The proposed residential development, classed as 'more vulnerable' development, is inappropriate within this location. Whilst it has been demonstrated, by way of a Sequential Test, that there are no more sequentially preferable sites available for the proposed development within the settlement or other settlements within the 'Limited Growth Villages' the proposal in the view of the Committee would provide wider sustainability benefits to the community that would outweigh the risk of flooding as required by the Exception Test. Paragraph 102 of the NPPF is clear that

both elements of the test have to be passed for development to be permitted. The proposal was therefore not contrary to paragraphs 100, 101 and 102 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Chapter 4 of the Peterborough Flood and Water Management SPD (2012).

Chairman
1.30pm – 5.13pm