

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 18 JULY 2023
BOURGES/VIERSEN, TOWN HALL, PETERBOROUGH**

Committee Members Present: Iqbal (Vice Chairman), Jackie Allen, A Bond, Hiller, Hogg, Hussain, Jamil, Mahmood, Rush, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Phil Moore, Development Management Team Leader
James Croucher, Principal Planning Officer
Asif Ali, Senior Development Management Officer
Daniel Kalley, Senior Democratic Services Officer
Chris Gordon, Planning Solicitor
Jamie Donavan, Highways
Sarah Hann, Highways

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dennis Jones and Harper. Councillor Rush and Councillor Mahmood were in attendance as substitute.

9. DECLARATIONS OF INTEREST

No declarations of interest were received.

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

Cllr Mahmood declared an intention to address the committee on item 4.6 as Ward Councillor.

11. PLANNING AND ENFORCEMENT MATTERS

11.1 22/00779/FUL - Westgate House, Park Road, Peterborough, PE1 2TA

The Committee received a report which proposed 846sqm GIA of commercial/retail employment space and 125 apartments. The submitted plans showed this accommodation in 4 distinct buildings:

- (i) The Park Road Building - conversion of the historic former department store: A cafe and 9 flexible workspace/commercial units are proposed on the ground floor to retain an active frontage onto Park Road. The remainder of the building is proposed to be converted into 49 apartments, including cycle parking and refuse/recycling stores within the building. Existing cellars are not suitable for conversion but are proposed to be reused as plant rooms.

- (ii) The Warehouse Building - partial conversion, partial demolition and redevelopment: This building's external walls and parts of its structure are proposed to be retained, with some newbuild elements necessary for its conversion into 12 apartments.
- (iii) The Westgate Building - redevelopment following demolition of existing: The more recent section of the former department store is proposed to be demolished and replaced with a four-storey building wrapping around Westgate and North Street, providing 2 retail units on the Westgate frontage and 36 apartments (including some maisonette-type duplexes) on the North Street frontage and across its upper floors.
- (iv) The Central Building - redevelopment following demolition of existing: This completely new-build element is proposed to comprise 28 apartments in a six-storey building.

No onsite car parking is proposed, albeit provision for deliveries is made within the proposed site layout and a number of secure undercover cycle parking areas is proposed, along with visitor cycle parking.

The Principal Planning Officer introduced the item and highlighted key information from the report and the update report.

With the agreement of the Committee the speaking time allowed for objectors was increased to 20 minutes and increased for the applicant to 10 minutes.

George Finding, Paul Lancaster, Andrew Holder, Graham Bowes and Mike Lane addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Ostrich pub had become known to be welcoming to all and was a massive but fragile part of the community. The building was the oldest purpose build pub and was over 200 years old.
- There was an agent of change principle in place to protect the pub and if the committee were in any doubt over this protection then they should reject the proposal.
- Before the current owners took over the pub it had been run into the ground and it had been recommended to tear down the building, but this was rejected, and the pub was saved. This was long remembered by the residents of Peterborough.
- After saving the Ostrich, the owner worked closely with a conservation officer, a civic society and Campaign for Real Ale, building design detail into the pub to ensure the survival and to meet the needs of the local population.
- The Beales development proposal was dangerous and would have a damaging effect on neighbourhoods, noise from the Ostrich pub would be damaging to those living in the accommodation and they would likely raise a noise pollution complaint.
- The Ostrich had tried to protect maximum noise levels and the future of the business was at stake.
- Minimal protection measures were being suggested for the development and the noise pollution team at the Council felt it was not good enough.
- There were flats proposed which would not be protected from the noise generated from the pub. The measures being proposed by the developer were not adequate

- There have been false statements that the pollution team had worked with the Ostrich landlord to try and mitigate the concerns that the landlord had in regard to the noise levels. There have been corrective sound tests carried out on dates suggested by landlord.
- Peterborough embraced the full range of diversity and the community spirit that was prevalent in the city. The Ostrich personified all of those aspects.
- Regular customers enjoyed to Ostrich and were made to feel welcome with excellent customer service. In 2022, Peterborough voted the Ostrich pub of the year. The pub offered a range of different music styles. There was something for everyone and management welcomed suggestions from customers.
- There was an acknowledgement that the noise assessment had taken place on a weekend in November 2022. If the noise assessment had taken place during the punk music festival, it would have shown that the current proposed abatement measures for the development would have been inadequate. This could have potentially resulted in complaints and the prohibition of musical entertainment at the Ostrich.
- It was unclear why the developer would not sign the deed of easement which would negate complaints made about noise should residents of the development want to complain to the Council.
- If the decision went through it could possibly result in closure of the Ostrich which would be a crying shame and a loss for the people of Peterborough.
- The final report pointed out protection of an existing business, such as the Ostrich, from the impact of potential noise complaints from residents in a new development.
- Was it acceptable that any nuisance must be due to the developer not taking sufficient steps to mitigate noise and that they must take remedial action at their own expense.
- A deed of easement would assist in preventing complaints being made all the time.
- The Peterborough and District branch of the Campaign for Real Ale has 2,000 members in its local branch that were opposed to the planning development.
- The Ostrich was city pub of the year and a flagship of quality ales. The location of the pub lends itself to an extremely low-density residential area.
- The outlook from the main entrance was a car park with no residential development, at the current time there was little consequence when noise was made.
- The Peterborough Campaign for Real Ale were concerned if the project were to go ahead without due consideration for the long existing Ostrich.
- There were questions over whether the property developers would make potential purchasers aware that there was a live music venue immediately in front of these brand-new properties.
- The Ostrich was an important venue and had helped people feel a part of the local community, making a positive impact on their mental health.
- People travelled far and wide to play at the Ostrich, it would be a shame if any noise complaints stop that business.
- The premises was licensed until 2am but usually finished around midnight, on occasions this ran to 12.45am
- There were noise restrictions placed on the pub, this included keeping the doors closed until 9pm at night. The Ostrich landlord and staff were mindful of noise complaints. They were aware of the many other pubs that had to close after receiving a number of vexatious noise complaints.

- An example was the previous owner of the Swiss Cottage who received noise complaints for 10 years from a single resident that resulted in closure. The Cherry Tree on Oundle Road had to close due to a noise complaint from a single resident, even though they had measures in place.
- Noise control restraints included the front door being a barrier to sound. If multiple large groups enter and exit the premises at the same time, the front door can be open for some time. It is difficult to then control the noise pollution from the front doors if they are open for a long time.
- There was a consultation process during which the owners of the Ostrich pub wrote to the developers about noise problems. If the glazing was not installed properly then the noise from the pub would get through.
- The layout of the proposed flats was inadequate and would not mitigate the noise levels. It seemed as if the developers were not willing to make sacrifices to prevent noise complaints being made.
- The solution was to have the deed of easement, it was difficult to understand why the developers would not sign one. This would prevent any resident moving into the development making a noise complaint.

Sean Hedley, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- It was important that committee dealt with the facts in front of them. This included engaging with the Council over noise control which was deemed acceptable.
- The applicant had worked with technical officers to ensure a fully compliant, well-designed scheme was delivered.
- The application was validated in June 2022 and had been delayed by a request to address concerns of an objector in relation to a perceived noise issue relating to the 125 apartments.
- The building had been well marketed, looking to reuse the ground floor for shops and the rest of the space for residential purposes.
- The developer had worked closely with officers to ensure technical matters were agreed, that the scheme was policy compliant and fundamentally deliverable. It was noted that the Peterborough Civic Society were happy with the clock being restored and this building was to be retained as a local listed building.
- The Owner of the Ostrich considered that there were only less loud bands captured on the first noise assessment and further rounds of monitoring were undertaken to confirm beyond doubt that the noise levels were within acceptable limits. There were three assessments which happened in April, September and November in 2022. The significant gap in time reflects the sporadic nature of louder bands and conclusions remained that the developers had put in place the necessary mitigation. Professional evidence could be provided if needed.
- Pollution control had deemed noise levels technically acceptable and had recommended conditions which were acceptable.
- The predicted impact did not give rise to adverse impacts. This ensured that internal noise levels were acceptable. The issues raised by the Ostrich pub landlord were in relation to the two maisonettes close by and not the scheme itself.

- This was going to be a mixed use area within a constrained environment, which was happening across the Country. This was part of the £22 million development and was a key regeneration area of the city centre.
- This development would increase the spending in local shops. In addition some off site enhancements were agreed to be paid by the applicants including towards the local medical centre.
- It was not deemed necessary to sign a deed of easement as the noise levels would be mitigated by the approach taken by the developer.
- People would have the ability to complain about the level of noise, however, it would be investigated to determine whether a statutory nuisance was caused.
- The Deed of easement was ideally for adverse results of 78 decibels and the assessments on the Ostrich pub was 62 decibels. The assessment was done on two maisonettes which are suitably mitigated through glazing and mechanical ventilation, so it was seemly not necessary for a deed of easement.
- People had the right to complain, and it should not be taken away from them.
- Assessments were done on a worst-case scenario and the assessment was based on acoustic double glazing. The developers had proposed the use of secondary double glazing which would provide additional mitigation to the acoustic assessment already provided. The building would have mechanical ventilation throughout so there would not be any vents on windows. The measures that have been proposed were not minimal and had been assessed against a maximum level of 90 decibels.
- Initial assessments were completed on Easter weekend due to it being a bank holiday and the potential for it being a noisy weekend. A further assessment was then done in September and then again in the November to ensure enough testing was done against noise levels. There were 140 hours of data from the assessments.
- No measures were taken to amend the design in regard to noise because mitigation standards were satisfactory for noise in an internal space.
- Moving bedrooms would require a complete redesign and the scheme was technically fine.
- The developers had dealt with a number of scheme and it was not thought that a deed of easement was necessary.

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

- A deed of easement was a private agreement and not something that the Council could mandate or require from the developer.
- There were rare cases where a deed of easement had been made, however this was not something that could be imposed.
- The committee had to consider whether the mitigation was sufficient. Officers were confident that what was in place was sufficient and was backed by the pollution control team.
- There would be twice weekly bin collections in place and this had been conditioned as part of the application.
- Pollution Control Officers had stated their preference for the scheme to be designed with bedrooms facing away from the noise source. The absence of that design was not a reason for refusal provided that the mitigation given was sufficient.

- If looking at changing the layout of the other elements of scheme, it would require more architectural design plans and further delays.
- The scheme, once completed would be tested for noise limits. The main concerns raised were around the bass and background noise in place.
- The scheme was designed to protect the retail core of the main historic façade, there was no protection in place for the shop front signage.
- There was no requirement to have car parking provision for this development.
- It was intended that this development would be marketed as a car free development.
- There were existing disabled parking spaces on North Street which were restricted on parking times. There was unrestricted disabled parking on Park Road to the frontage of the site and there were pay and display bays with disabled parking for limited periods.
- There was a noise assessment which had taken into account the layout and design of the development as proposed to members of the committee.
- There had been no objections on the actual development itself. This was mainly around noise pollution. The development was to be a positive for the regeneration of a certain area which was not attractive and in a state of disrepair.
- It would be difficult to refuse on the basis of the noise levels taken during music events at the Ostrich pub as internal noise levels were deemed acceptable. Officers cannot find a reason that it would not be acceptable from a noise point of view.
- The pollution team had a concern with mitigation, and it was important to look at whether the mitigation was acceptable.
- There was some sympathy for the Ostrich and the patrons. There had been previous developments that had experienced concerns around noise. It was therefore understandable the concerns of those who had a venue where music was played. It was disappointing that the developer had not engaged more to come to a sensible mitigation around potential noise concerns.
- It was important to look at provisions of shops in the city centre and whether the city wished to retain these or strip the assets to be left with only shops and housing. This related to the Ostrich pub when considering the decisions and it was evident that the landlord of the pub had a positive attitude and was aware of the responsibilities involved surrounding noise complaints.
- It seemed the developers had tried to get round issues in the cheapest way possible. The committee needed to be mindful in accepting this it would create a large workload to the pollution team with complaints.
- The committee needed to base the decision on facts and merit with the evidence presented. It was clear that despite concerns of noise the applicant had done what had been required of them. If noise complaints were a concern, then people had the choice as to whether to buy in the development next to a pub.
- There was some disappointment with the process carried out to get to this point. However, this was an important development for the city, even though it seemed as if more residential units were popping up in the city centre.
- It was difficult to comprehend why the developer would not wish to sign a deed of easement. This would alleviate the concerns raised by the Ostrich. If the development went ahead as was there was a risk that the city centre would end up with no nightlife. People would go to other cities for the night life instead of Peterborough.
- This was a difficult decision listening to councillors and residents, the footprint of the building was positive, it could not be said of the same with the façade of windows, but as officers had made reference to the retail units would be more traditional.
- It was a balanced decision, however the officers had pointed out the reasons why the development was acceptable to them.

- If there had been suitable mitigation met, then there were no grounds to overturn the officer's decision. As a committee it would need to be evidenced and articulated that this mitigation was not sufficient in refusing the application.
- It was difficult to see any planning reason why refuse this, even taking account of the valid concerns raised by the landlord.
- Mitigations, although not at the optimum were acceptable from a technical perspective.
- The committee need to consider the proposal in front of them. The key question was whether the adverse impacts had been mitigated.
- There was sympathy to be had for the family orientated pub. The only concern was that the number of flats may generate income for the pub, and it was important to look at why the pub were against the development.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (For 6, Against 3, Abstentions 2) 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 the development plan and specifically:

- * The principle of mixed-use redevelopment on this brownfield City Centre site is acceptable in accordance with Policies LP2 and LP47 of the Adopted Peterborough Local Plan (2019)
- * Subject to the resolution of the remaining matters of detail raised by the Local Highway Authority, the proposed development is considered capable of complying with Policy LP13 Adopted Peterborough Local Plan (2019).
- * The development will not have any unacceptable ecological impacts. New landscaping and habitats will be provided. The development therefore accords with Policies LP28 and LP29 Adopted Peterborough Local Plan (2019)
- * The site can be adequately drained in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019)
- * The development will not have any substantial or less-than-substantial effects on designated or undesignated heritage assets and the development is therefore considered to comply with LP19 of the Adopted Peterborough Local Plan (2019)
- * The applicant has satisfactorily demonstrated that acceptable living conditions can be provided for future residential occupiers, having had regard to all material amenity considerations and the Agent of Change principle in respect of noise from a nearby established live music venue.

11.2 **23/00046/FUL - Elm Tree, Garton End Road, Peterborough PE1 4EZ**

The Committee received a report, which sought the benefit of planning permission for the demolition of existing buildings and erection of 7 no. three bed homes, landscaping, and infrastructure.

The original proposal was revised to better incorporate the parking within the design of the proposal to avoid a rear parking court. The design of the proposed dwellings was also amended to ensure a more in-keeping appearance with the surrounding area with the inclusion of chimney stacks. The landscaping of the proposal was also amended with the use of more appropriate native species which would benefit the local wildlife and biodiversity.

The Development Management Officer introduced the item and highlighted key information from the report and the update report.

Mark Fishpool, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Wheelie bins on the left hand side had been an issue for many years and never been resolved.
- Garton End Road was built years ago with private residencies and semi-detached houses. The locals felt the development was out of keeping for this area as nearly every other house was rented.
- There had been contact with the council regarding the issues and these had not been resolved.
- People who were troublemakers had moved on, but there was always the possibility that other troublemakers would move in.
- The land did not go to open market, and no one could put any bids in to put any other uses to the public house. The building could have been revitalised for other purposes. Some developers had brought the land to knock the building down and build houses on it. The first application was eight houses and now it was seven and there is still not enough parking for the areas.
- There was a dangerous bend that has caused lots of accidents over the years and accident prevention measures needed to be put in place.
- There had been poor communication with local residents as many were not made aware of the changes. The residents also had concerns over the possibility of grass verges.

Tim Slater, The Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A number of break ins occurred on the property and security fencing was erected to prevent further criminal activity. In addition, there had been significant flooding in the building.
- The development would make the best use of an accessible site to meet local housing needs. The site was urban brownfield land and had been given priority to enable new development in the local plan.
- The development was an improvement on the existing unattractive site and it was an example of good residential design. The homes were designed to be attractive and the front of the development following the curve of the road was to act as a strong frontage to Garton End Road. The homes included solar panels to enhance the energy efficiency of the properties.
- The applicant had incorporated solutions to the Decision incorporated decision solution set out no technical objections in terms of traffic and no objection to arrangements.
- The levels of traffic would be significantly less than when the former pub was open.
- The site had legal rights of access across the access shared with the King's playing field. Both parties had access to land shared with the King's School.

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

- Some of the issues were outside of the application and had no material effect on the application.
- There had been demonstrated use of the path as access for the past ten years it was outside public ownership and was a private legal matter between the developer and new owner.
- A drainage strategy had been submitted.
- Harvesting of rainwater was beneficial and would benefit the development and the drainage team was satisfied with the drainage strategy that was submitted. Development would bring more grass areas than the previous pub.
- No specific condition to have applicant to keep grass areas grassed.
- The application if approved would uplift the area. Looks well designed and well positioned.

RESOLVED:

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 subject to relevant conditions.

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 is in accordance with Policies LP2, LP8, LP13, LP16, LP17, LP28, LP29, LP30 and LP32 of the Peterborough Local Plan (2019).

11.3 23/00121/FUL - 1 Padholme Road Eastfield, Peterborough PE1 5EF

The Committee received a report, which sought permission for the demolition of all outbuildings within the site, including the dressmaking unit to the east. In addition, the proposal includes the demolition of the single storey utility/garden room at the rear of No.1 Padholme Road.

The application seeks to construction a two-storey building with a ground floor retail unit and two-bedroom flat above, in the location of the current dress makers unit. Access to the flat is through the amenity space to the rear, which has been sub-divided to provide curtilage for both the existing dwelling and the flat. The side lane, Corcoran Mews, would be utilised for vehicular access into the two new vehicular parking spaces. Each property will have an area for bin storage within the amenity spaces.

This application was a re-submission of the previously withdrawn application 22/00695/FUL. The proposal remains the same, however there were few minor tweaks to the location of bin storage and curtilage layout.

The opportunity was provided to the applicant to amend the location plan to incorporate Corcoran Mews into the red line boundary, along with serving notice on the owner of the private road, given this is vital to allow the rear parking spaces to function.

The Senior Development Management Officer introduced the item and highlighted key information from the report and the update report.

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

- The premises was looking to change to a retail unit. The city centre was going through redevelopment and expansion. The site was mere minutes' walk from the city centre, the university, the library, local amenities and shops.
- The site had been undeveloped and had been this way for sometime. The site had been left derelict.
- The proposal was to create an exciting and affordable opportunity for students, young families and professionals that were able to access the amenities.
- The site currently attracted anti-social behaviour. The development would reduce access to site which would reduce anti-social behaviour and improve the street scene.
- Commercial units allowed for the ability to charge less 25 percent than market value on rent.
- It was the intention to focus on students and young families. The applicant was also considerate of families in the community.
- There was to be no detrimental impact of privacy for the local residents.
- It was proposed that the commercial unit could be made into dress making shop in the new development.
- The dress makers premises were to be in operation from 9am to 5pm and the parking space would be for the dress makers use.
- The property would not require normal commercial bins.
- The applicant was looking for tenants that did not drive to promote a greener Peterborough.
- Alterations in regard to amenity space were made in the second application.

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

- There could be restrictions on the parking bay outside of number 5.
- The applicant did not respond to the parking survey from March and highways had put in place double yellow lines in front of the property for safety.
- There was an approval in 1985 for the use of the building as a dress making shop. There were concerns that open retail use would cause amenity issues.
- There were minor changes to the boundaries since the previous application.
- There were a number of problems that need to be addressed and not pushed aside. It would be advised to reject the application and accept officers' recommendations.
- The biggest concern was the lack of parking facilities.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (For 8, Against 0, Abstentions 3) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan.

At this point the meeting was adjourned, and the remaining items were to be determined at a reconvened meeting.

11.4 23/00001/TPO - 76 Guntons Road Newborough Peterborough PE6 7RT

RESOLVED

With the agreement of the Committee the item was deferred to a future meeting

11.5 23/00004/TPO - Rhine Avenue Peterborough PE2 9SN

RESOLVED

With the agreement of the Committee the item was deferred to a future meeting.

11.6 23/00003/TPO - 99 Fulbridge Road, New England, Peterborough PE1 3LD

RESOLVED

With the agreement of the Committee the item was deferred to a future meeting

Chair
1.30pm - 5.40pm

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