

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1.30PM, ON
THURSDAY, 23 NOVEMBER 2023
BOURGES/VIERSEN ROOMS, TOWN HALL, PETERBOROUGH**

Committee Members Present: Iqbal (Chairman), Jamil (Vice Chairman), S Bond, Fitzgerald, Harper, Hogg, Hussain, Jones, Rush, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Phil Moore, Development Management Team Leader
Stephen Chesney–Beales, Tree Officer
Karen Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Highway Development & Drainage Manager

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dennis Jones and Andrew Bond. Councillors Asim Mahmood and Sandra Bond were in attendance as substitutes.

24. DECLARATIONS OF INTEREST

No declarations of interest were received.

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

There were no declarations of intention to make representations as Ward Councillor.

26. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETINGS HELD ON 16 AUGUST 2023 AND 17 OCTOBER 2023

The minutes of the meetings held on 16 August 2023 and also 17 October 2023 were both agreed as a true and accurate record.

27. PLANNING AND ENFORCEMENT MATTERS

27.1 23/01063/FUL - Tranche TC23 Eagle Way Hampton Centre Peterborough

The Committee received a report, which sought permission for a single building of partly 4-storeys and partly 6-storeys, the applicant proposed 35no. one-bedroom apartments and 25no. two-bedroom apartments, all for private sale. Residents' communal facilities were limited to those proposed on the ground and fourth floors, plus a rooftop terrace overlooking Serpentine Lake. All floors would be lift-served and all internal corridors had been designed to allow mobility scooter usage.

The applicant proposed to sell the apartments on a long-lease basis which requires the apartment to be occupied by persons over 60 years of age. In the case of a couple, that

part of the lease would be satisfied where one of the occupants is over 60 and the other is over 55.

Vehicular access was proposed via Lakeview Way, whilst a fob-controlled residents-only pedestrian access onto St Edmunds Walk would provide the most direct walking route to the Silver Hill Local Centre and onwards to the Serpentine Green shopping centre.

Forty car parking spaces are proposed to serve the 60 apartments, together with a secure internal mobility buggy store also suitable for bicycles (which would likely to be limited to staff and visitors, given the nature of the intended occupants). Landscaping was proposed across the site, including around a proposed substation.

A new public footpath was proposed along the lake edge, linking Lakeview Way with Braymere Road and to a large extent formalising the existing informal path which already existed, albeit on a slightly different alignment and with hardsurfacing and lighting.

Earthworks were proposed which would lower the site's topography at slab level, essentially, which would result in the ground floor of the proposed building being approximately one storey lower than the carriageway at St Edmunds Walk.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report. He stated that officers considered that the principle and density of development was appropriate and in line with the development brief. The development was in line with what had previously been approved in terms of design and layout. It was acknowledged that there were only 40 car parking spaces at the site but the applicants had undertaken a parking survey which it was believed was comprehensive. The parking impact was deemed to be acceptable, subject to conditions requiring a travel plan and some offsite restrictions on the junction of Lakeside Way and St Edmunds Walk. Amenity and drainage were considered to be acceptable.

The Development Management Team Leader added there was a net loss of biodiversity from building hard surfaces on grass land. However, Members were advised that this could be mitigated through conditions and a S106 agreement. A viability assessment had been submitted by the applicant which had been rigorously tested by the Council's consultants and this had demonstrated that the applicants could provide a significant contribution towards offsite affordable housing, offsite biodiversity enhancements and to secure the new footpath. He emphasised that views being encumbered towards the lake or concerns over property value were not material planning considerations which could be taken into account.

Councillor Wiggin addressed the Committee on behalf of Hampton Parish Council (in his capacity as Vice-Chair of Hampton Parish Council) and responded to questions from Members. In summary the key points highlighted included:

- He clarified that whilst the site was not in the ward he represented as a City Councillor, Hampton Vale, it was right on the boundary. He had been asked to refer the application to the Committee on behalf of the Parish Council.
- The main reason for referring the application was in relation to car parking. Hampton had the largest car ownership per capita in Peterborough. There were 40 car spaces allocated to the development. However, according to the Local Plan there should be one parking space allocated per dwelling plus visitor parking. Councillor Wiggin requested that this was addressed before the application was able to proceed.

- One of the sites used in the parking survey was Cranberry Court. It was believed that the car spaces were not being fully used due to the proximity of alternative car parking for visitors, including the Mulberry Tree Farm Public House and the Costa Coffee site. This, it was felt, unduly affected the figures provided in the parking survey.
- There were concerns that a lot of the parking spaces around the proposed development were already assigned in other planning applications, including in Braymere Road. The parking spaces were used for hot desking or dropping children off at the nearby college.
- It was understood that loss of a view which had been raised by objectors was not a material planning consideration. Other points raised by objectors included impact on wildlife and the walking route around the centre. It was important that the footpath was maintained as it was in regular use by Hampton residents.
- It was welcomed that McCarthy and Stone had engaged with the Parish Council. However, the issues that had been raised around car parking had not been addressed.
- It was welcomed that parking restrictions had been proposed around Lakeside Way and St Edmunds Walk and it was hoped that any inappropriate parking there would be penalised in the event the development progressed.
- Councillor Wiggin explained that the impact of construction on residents at St Edmunds Court Care Home was a matter which was discussed at great length during the previous planning application in 2017 and it was important that any conditions minimised the impact as much as possible.
- Councillor Wiggin was of the view that the 2017 application had insufficient parking. The Parish Council had objected for this reason. It had been for a private development of one and two bedroom houses with an associated pub and restaurant which he stated would have generated more traffic movement than the current proposals. He believed that whilst the current proposed development was not quite as significant an impact on traffic in the neighbourhood, car movements and car parking as the 2017 application, neither of the applications met the requirements of the Local Plan in relation to car parking standards which was of great concern to the Parish Council.
- It was stated that the parking survey was also influenced by Hampton Avenue parking spaces often not being used where most of the land alongside had not been built on yet.
- He clarified that the Parish Council's objection was not based around the potential for non residents in Hampton using the car park but due to there being insufficient parking spaces for the number of residents and their visitors to use which could lead to them being displaced onto nearby roads where there was already competition for parking spaces.
- There had been an aspiration of a plan to start with at this location but it was perceived that the masterplanning was not reflected in the current development framework or scope of the application.
- It was appreciated that what was being proposed with a development for people of retirement age was different than before. However, weight was placed on Hampton being a very car dependent area. Traffic was a clear issue, including accessing Hampton due to lack of capacity on the roads. A direct comparison in the traffic survey with other sites outside the Hampton area was not considered to be fair or achieve the results that residents would wish for in terms of ensuring there was adequate parking provision.

- Councillor Wiggin commented that he was generally content with the conditions that had been proposed for the application, particularly in relation to extra traffic restrictions around Lakeside Way and St Edmunds Walk.

Rachel Clare, The Planning Agent for the scheme speaking in support of the proposals on behalf of the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The site was located in the Hampton Urban Extension which had been allocated for the development of the new township to include over 5,000 new homes.
- The site was covered by an approved development brief which identified the site to include residential development with opportunity for other uses. Within that development brief, the proposals were due to create a landmark building given its prominent location at the head of Serpentine Lake.
- Reserved matters had since been approved on the site, most recently for a mixed use scheme for 75 apartments up to 7 storeys in height. The principle and scale of the development was acceptable.
- The need for specialist retirement dwellings had increased within Peterborough. The population of over 65s had increased in Peterborough by just over 25% in a 10 year period up to 2021 and were forecasted to increase further.
- The need for more specialised retirement housing was identified within the Local Plan and also the City's Sustainable Future Strategy.
- The applicant had undertaken significant engagement with officers at pre-application stage as well as stakeholders and local residents throughout. Ms Clare stated that as a result of the engagement there were no technical consultee objections to the proposals, including in relation to highways, drainage, pollution landscape, wildlife and tree officers.
- It was stated that McCarthy and Stone were the leading developer and manager of retirement developments and that they understood the needs of residents in terms of car ownership, usage and parking which was informed by extensive surveys across the country.
- It was stated that the Highways Authority acknowledged that parking provisions less than the standard could be accepted where justified. Two of the applicant's schemes within Hampton had been surveyed in order to assess parking demand. Parking surveys had shown that the proposed provision for the scheme exceeded the level of anticipated demand. The level provided was therefore deemed to be acceptable and was supported by Highways.
- There were 60 specialist retirement homes being provided. It benefited the wider housing market as people downsized and freed up starter and family sized homes in the area.
- The development was in a highly sustainable location which helped reduce residents' reliance on private vehicles.
- The scheme was of a high quality design which created a landmark building at the Lakeside's edge as envisioned in the development brief. The scheme would also provide highly efficient building fabric, air source heat pumps, solar panels, heating would be 100% electric and there would be EV charging across the parking spaces.
- The development would formalise the public footpath along the Lakeside's edge.
- There would be re-use of a brownfield site which had laid vacant for many years.
- It was clarified that the parking spaces would not be allocated to specific residents.
- The point was made that the 3 disabled parking spaces at the site would comply with there being three fully wheelchair accessible apartments proposed on the ground floor of the building. They were not specifically allocated to these residents.

- The apartments were available on a long lease with residents having the choice to be able to rent as well as own.
- There was believed to be room for 8 mobility scooters within the storeroom. Provision was assessed from scheme surveys across the country and based on anticipated demand. Highways had required 6 for the scheme.
- In relation to wheelchair access, the design of the building met M42 compliance for accessibility and also the 5% M43 policy requirement for fully wheelchair accessible apartments. There were lifts to all the floors.
- The demand anticipated was less than 40 car parking spaces and similar properties' car parking where surveys were undertaken were not at capacity. At Royce House and Cranberry Court, as residents became older, there was less use of parking spaces. It was understood by potential owners that parking was restricted and many would not own cars. It was expected that there would be more than sufficient parking for residents and visitors at any time.
- It was stated that the evidence was that there were more parking spaces in Cranberry Court than residents who owned a car and there was still further capacity in the car park. There was a drop off in car usage in Royce House.
- The scheme had been through a rigorous full viability process which had been independently assessed. The headline S106 obligations proposed were £109,000 towards affordable housing, £30,000 towards offsite habitat enhancements and also the public footpath being secured in perpetuity.
- The Local Authority was stated to be satisfied that the refuse trucks could enter, turn around and exit the site safely.
- A light assessment had been undertaken on the building to measure whether the apartments received sufficient daylight and sunlight.

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

- The previous 70 apartments scheme permitted in 2018 which also included a restaurant, café, public house and commercial units had capacity for 105 car parking spaces.
- It was confirmed that the full S106 request had been £271,500 but due to the assessed viability of the scheme, this had been reduced to £139,000. The Committee was advised that whilst there were Community Infrastructure Levy (CIL) aspects that were non negotiable, it was built into the Local Plan and the planning obligations Supplementary Planning Document (SPD) that a reduction was permitted in relation to affordable housing where it could be demonstrated that it would make the whole development unviable. The viability assessment by the applicant had been tested by the Council's expert consultant and was deemed to be correct. This would go towards a pot of money to be spent on affordable offsite housing.
- Members in the debate were generally content with the evidence that the parking being provided at the site was sufficient. The level of car ownership in relation to the retirement apartments was unlikely to be significant and residents would be close to facilities. Officers had considered the matter and there were comprehensive conditions proposed. It was queried whether there were sufficient disabled car parking spaces, although the point was made in the debate that the applicant was experienced in modelling similar sized schemes and there was the potential option to create a higher percentage of disabled car parking spaces if necessary.
- There was a debate between Members in relation to S106 affordable housing provision, with the majority speaking in favour of proceeding with the development on the basis of the assessed affordability. There was a reliance on expert opinion

from the independent consultant (chartered surveyor) who had challenged the developer's costs. The development would therefore either be built within the requirements of Council policy or it would not go ahead. The S106 funding also included other costs such as installing the footpath and maintaining it. Some concern was expressed by Members that the money being provided for affordable housing, particularly as a result of the reduction based on the assessed affordability, was insufficient to build units.

- The formula for viability was discussed and Members were advised that in relation to this, the developer would calculate the likely sales values. They would multiply the likely sales price of the properties against the number of units. The developer's costs would be deducted from this (to include build costs, offsite highway works and any abnormal costs such as ground conditions) and they would be left with an amount which would need to reach positive viability in order to generate a profit on the scheme. It would need to be worthwhile purchasing the land and developing it.
- Members were also advised that in terms of costs, this was a high quality scheme due to the materials used and architectural design. It was anticipated that the S106 being offered by the applicant had the potential to provide 2 affordable units. The 3% figure of affordable housing provision was not untypical, including with Hampton where the figure negotiated as part of the outline permission was 5%. In other parts of the city it was also quite low.
- It was noted that the independent consultant's comments were publicly available, he had found that the applicant's land value was reasonable and the level of profit within reasonable parameters.

RESOLVED:

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, 2 Against, 0 Abstention) 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 principle of residential development on this brownfield site is acceptable and accordance with Policies LP2 and LP5 of the Adopted Peterborough Local Plan (2019)
- The traffic impacts of the development are acceptable. and the development is therefore considered to comply with policy LP13 of the Adopted Peterborough Local Plan (2019)
- Subject to appropriate offsite mitigation 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 of the Adopted Peterborough Local Plan (2019)
- The site can be adequately drained in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019)
- The applicant has satisfactorily demonstrated that acceptable living conditions can be maintained for existing nearby occupiers and can be provided for future residential occupiers, in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

The Committee were informed that this application was WITHDRAWN.

RESOLVED:

The Planning Environment Protection Committee noted that the application had been WITHDRAWN.

27.3 **23/00007/TPO - Land off Newborough Road Paston Peterborough PE4 7AA**

The Committee received a report, which sought permission to confirm a Tree Preservation Order (TPO) - 23/00007/TPO Land off Newborough Road, Paston, Peterborough, which was made and served on 13th June 2023 to protect four individual trees, 3 Oak & 1 Ash and a group of four trees consisting of 3 Oak & 1 Lime because the trees were considered to be under threat from development.

The TPO had been the subject of consultation and because an objection has been received, the Committee were required to consider the objection, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations were:

1. The trees T.1 to T.4 and group G.1 the subject of the TPO were worthy of a TPO in terms of their public visual amenity value?
2. Was the making of the TPO reasonable and justified having regard to the objections raised?

The Head of Planning recommended that the TPO was **CONFIRMED** without modifications.

The Tree Officer introduced the item and highlighted key information from the report and the update report. The key points highlighted included:

- The reason why the TPO had been placed on the trees was that the pre-application for the site had been received and it had shown all of the hedgerows and existing trees adjacent to Newborough Road from T.3 north up to T.1 were to be removed. T.4 had been included because it was inevitable that the pinch point at this location was to become an issue in any proposed development.
- It was confirmed that the TPO had been served correctly on the three owners of the site at their business address via recorded delivery.
- The Council had not considered the trees, subject to the TPO, at the outline stage of the planning application. At that point the trees were not considered to be under threat.
- The objectors were of the view that the trees in question did not have public amenity value and they questioned the condition of the trees, in particular T.3, an ash tree, which they considered to be infected with ash dieback.
- The main concern of the objectors was highway safety and whether the trees were obstructing the highway. However, there was an exemption to dealing with the objections both over footpaths and the carriageway itself, which in this case the main road being Newborough Road. There was no overhang to Manor Drive.

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

- Members were advised that T.1 was just off of a ditch which ran adjacent to Newborough Road. It was intended to retain that side of the site within an area of

open space to provide a bridleway. It was not considered that it would cause any issues being the subject of a TPO.

- All of the trees had been assessed and fulfilled the criteria for protection. T.3 had shown some early signs of Ash Dieback but at this stage still had vigour and could potentially outlive the disease. Putting a TPO on now would secure a replacement tree if necessary. It was unlikely that the biodiversity net gain would be increased in the event the original tree was lost and then a new tree was planted.
- It was noted that there were developments either side of the area. It was explored whether it was possible to undo the TPO in the event it was added. Whilst it appeared to be a suitable designation currently, there were possible grounds that the designation could need to be removed in the longterm, including on health grounds for the trees and safety for future residents. The Tree Officer responded that the Committee was required to consider the amenity value of the trees in question. Members were not being asked to consider long term planning in this area at this point. However, when the TPO was made and confirmed, if there was evidence to show that there was a need to remove trees it was possible to do so, albeit there was a legal obligation to replace them. It was not necessary for the replacement tree to be planted in the same place as the removed tree but would need to be positioned in a place that was satisfactory to the Local Planning Authority.
- Members agreed that the hedgerow appeared to require maintenance and caused issues with the sitelines.
- There were some concerns expressed in the event there was a bridleway on the other side of the development and the trees were removed, it would be dangerous for walkers and horse riders. Newborough Road was a particularly busy road.
- The TPO was supported but some Members considered that if there was a future highways issue then it could potentially be reviewed in the future. The debate had included whether Newborough Road could potentially become less dangerous as there were believed to be already 30 mile per hour signs at the top of the road but these were currently covered.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **CONFIRM** the application. The Committee **RESOLVED** (Unanimous) to **CONFIRM** the Tree Preservation Order.

REASON FOR THE DECISION:

All the trees subject of the TPO, shown in **Appendix 1** attached to the report, were considered to offer public visual amenity value to the site and the surrounding area. The trees have been assessed and are considered to be worthy of a TPO and remain under threat from development pressures, therefore, it is recommended that the TPO is confirmed.

CHAIRMAN
End 3.23pm