

PETERBOROUGH CITY COUNCIL

MINUTES OF COUNCIL MEETING HELD 14 JULY 2010

The Mayor – Councillor Keith Sharp

Present:

Councillors: Allen, Arculus, Ash, Benton, Burton, Cereste, Collins, M Dalton, S Dalton, D Day, S Day, Dobbs, Eley, Fitzgerald, Fletcher, Fower, JA Fox, JR Fox, Goldspink, Goodwin, Harrington, Hiller, Holdich, Hussain, Jamil, Khan, Kreling, Lane, Lee, Lowndes, Miners, Morley, Murphy, Nash, Nawaz, Newton, North, Over, Peach, Saltmarsh, Sanders, Sandford, Scott, Seaton, Serluca, Shaheed, Swift, Todd, Walsh, Wilkinson and Winslade.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lamb, Lowndes, Rush and Wilkinson.

MAYOR'S ANNOUNCEMENT – NOTIFICATION OF URGENT BUSINESS

In accordance with Paragraph 2.2 , Part 4, Section 1 of the Council's Rules of Procedure the Mayor announced his agreement to take an urgent item of business immediately following agenda item 5 (i). The item related to the call in and referral to Council of the decisions taken in respect of planning applications 10/00502/FUL and 10/00510/CON relating to 80 Lincoln Road. He advised Members that this item was urgent due to the determination date for the planning applications (21 July 2010) and that failure to determine by that date might result in an appeal application for non-determination of the applications.

Members' attention was drawn to the guidance notes which had been placed before them relating to dealing with Planning Call-in and Members' Interests. The Solicitor to the Council provided further general advice in relation to Members' Interests and emphasised that the onus was on individual Members to declare any interest they felt they might have relating to this matter. She advised that all Members of the Planning and Environmental Committee who were present when the decision was determined, together with any Members who addressed that committee, either as a Ward Councillor or in their private capacity should declare a prejudicial interest. In addition, the Solicitor to the Council reminded Members that they must not infringe the common rule against bias and predetermination.

2. DECLARATIONS OF INTEREST

The following Councillors declared a prejudicial interest in the Planning applications 10/00502/FUL and 10/00510/CON relating to 80 Lincoln Road:

2.1 Councillors Ash, Harrington, Hiller, North, Serluca, Thacker, Todd and Winslade - all had all been present at the Planning and Environmental Protection Committee when the decision was taken and would therefore leave the Chamber whilst the item was under discussion.

2.2 Councillors Hussain, Jamil, Khan and Peach - all had previously made their views on the matter known. However, under the terms of the Code of Conduct, they would be able to make representations, answer questions or give evidence before Council, but would not be allowed to take part in the discussion or observe the vote and would be required to retire from the Chamber after they had addressed the meeting.

2.3 The Mayor declared a prejudicial interest and announced his intention to leave the Chamber whilst the item was discussed. He advised that whilst he had not formed a view about the application, having had regard to Paragraph 7 of the Planning Code of Conduct, he had concluded that as he had engaged in general conversation with the applicant at a recent civic engagement, that contact could be perceived as constituting 'lobbying' under the Code. The Deputy Mayor would therefore take the Chair for this item of business.

3. MINUTES OF ANNUAL COUNCIL MEETING HELD 17 MAY 2010

The minutes of the Annual Council Meeting held 17 May 2010 were approved and signed as an accurate record.

4. COMMUNICATIONS TIME

4 (i) Mayor's Announcements

Members noted the report outlining Mayoral engagements for the period 3 April to 2 July 2010. In addition, the Mayor made the following announcements:

- He had attended a Freedom of the City Presentation Service for Girlguiding Cambridgeshire West at the Cathedral on Sunday 11 July, which had been an enjoyable event;
- He would be taking part in the 5K Charity Fun Run in October – anyone wishing to sponsor him was asked to contact the Mayor's Office.

4 (ii) Leader's Announcements

The Leader announced that the spending cuts facing the Council would result in difficult choices being necessary. He emphasised the need for all Members to work together in order to ensure that the right decisions were made and advised that he would be contacting all Group Leaders within the next month in order to obtain their views on various options.

Group Leaders responded as follows:

Councillor Swift asked the Leader to ensure that all Members were kept fully advised of developments in order that they were informed prior to any announcements from the press;

Councillor Khan emphasised the need for consultation with all groups;

Councillor Goldspink, whilst acknowledging the difficulties facing the Council and the need to work together, emphasised the role of scrutiny in ensuring that constructive criticism was fed back to the Executive.

The Leader noted Group Leaders' comments and reiterated that he would consult with Group Leaders as soon as possible.

4 (iii) Chief Executive's Announcements

There were no announcements from the Chief Executive.

5. COMMUNITY INVOLVEMENT TIME

5 (i) Questions with Notice by Members of the Public

- A question was asked concerning the government's decision to cancel the new build at Stanground College.
- A question was asked in respect of the playing field at St. Augustine's Walk.

Details of the above questions and associated responses are set out at **Appendix A**.

URGENT ITEM OF BUSINESS

CALL IN AND REFERRAL TO COUNCIL OF DECISIONS TAKEN AT THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE OF 6 JULY 2010 – PLANNING APPLICATIONS 10/00502/FUL AND 10/00510/CON 80 LINCOLN ROAD, PETERBOROUGH

The Mayor retired from the Chamber and the Deputy Mayor took the Chair. Planning and Environmental Protection Committee Members present at the committee meeting of 6 July 2010, also retired from the Chamber (as detailed in paragraph 2.1 above).

The Deputy Mayor drew attention to the additional reports that had been dispatched to Members in respect of this matter and the document that had been circulated setting out the procedures that would be followed during discussion.

Council was asked to determine whether or not to approve the following motion received from Councillor Harrington:

'That Council refuse planning applications 10/00502/FUL and 10/00510/CON relating to 80 Lincoln Road, Peterborough for the following reasons:

- (i) That the proposed development fails to preserve or enhance the character of the area: being a sensitive area adjacent to St. Mark's Church in a Conservation Area. This is therefore contrary to Policy CBE3 of the Peterborough Local Plan First Replacement (2005);
- (ii) That Thurston House/Gayhurst is a historically important and significant building which makes a significant contribution to the character and appearance of the Park Conservation Area. The proposed replacement buildings (under planning reference 10/00502/FUL) are of insufficient quality to make an equal or greater contribution to the Conservation Area. This is therefore contrary to Policy CBE 4 of the Peterborough Local Plan First Replacement (2005);
- (iii) That the proposed development fails to provide suitable amenity for residents, as there is inadequate provision of shops, open space and suitable leisure provision within the area. This is therefore contrary to Policy CC8 of the Peterborough Local Plan First Replacement (2005)'.

In line with the procedure adopted by the Planning and Environmental Protection Committee at the time this item was originally considered, Members agreed to extend the Planning Speaking Scheme in order to allow 20 minutes for objectors and 20 minutes for supporters to make representations on the matter.

The Council's Head of Planning Services addressed the meeting and provided background information in respect of planning application 10/00502/FUL, which had sought permission to build 34 affordable homes comprising six two bedroom houses, one four bedroom house, fifteen one bedroom flats and twelve two bedroom flats, together with access, car parking and landscaping. Conservation Area consent had also been sought under reference 10/00510/CON for the demolition of all existing buildings on the site, including the main Thurston House / Gayhurst Victorian villa.

A viability assessment had been undertaken by the applicant to assess whether the existing building could be realistically retained and used for modern office developments or converted into flats. The outcome of the assessment highlighted that the cost of developing the existing building would be far more than the return on the investment and therefore redevelopment of the existing building was not a viable business option.

Members were reminded that their decision must be based purely on planning grounds and it was emphasised that the following points should be carefully considered:

- (i) whether the building known as Thurston House was of such historic importance that it should be retained under any circumstances;
- (ii) alternatives for the future use of the building;
- (iii) whether the benefits of regeneration of the site and the growth in housing provision outweighed the retention of the building.

The Deputy Mayor invited the relevant Ward Councillors to make representation. Councillor Jamil addressed the meeting and raised the following concerns:

- Increased traffic congestion in the area;
- The loss of an important historic building which formed part of Peterborough's heritage;
- The area was already densely populated and additional flats would have no benefit to the area.

Councillor Khan stated that all possibilities should be explored in respect of preserving the existing building, which he believed to be an important part of the area's heritage and expressed the view that the loss of the existing green space on the site would be detrimental to the area.

Councillors Jamil, Khan and Hussain retired from the Chamber. Objectors were invited to address the meeting.

Councillor Arculus read a statement on behalf of Stewart Jackson, MP, a copy of which had been made available. In summary, the following points were highlighted:

- The Planning consultation exercise had revealed that the application was opposed by sixteen individual respondents, Ward Councillors in Central and Park ward, the Peterborough Civic Society, English Heritage, and MANERP (Millfield and New England Economic Regeneration Partnership);

- Thurston House represented part of the City's heritage and was likely to be listed locally on the list of Buildings of Local Importance and its demolition would contravene planning policy CBE11;
- Demolition of the building would be an irreversible course of action and it would be reasonable to ask the applicant to explore alternatives;
- The site is in the Park Conservation Area;
- The proposal was contrary to planning policy CBE3, CBE4 and DA2.

Councillor Peach addressed the meeting and emphasised that the proposed development was within a Conservation Area: designated as such in order to preserve the character of the area. He added that considerable objection had been received from local residents and expressed the view that the proposal would (a) result in the loss of an historic building; (b) would not be in keeping with other buildings in the vicinity; (c) impact on the amount of green space in the area and (d) have the potential to damage trees on the site.

In response to a question regarding consultation and opportunities for input, Councillor Peach stated that he would have no objection to participating in discussions with the applicant. Councillor Peach then retired from the Chamber.

Further objectors, Mr B Shaul (speaking on behalf of Mr Jeremy Roberts for the Civic Society), Mr H Duckett (Civic Society) and Mrs Margaret Randall (local resident) were invited to address the Council. In summary, the following objections were raised:

- As an Environmental City Peterborough should seek to preserve as many historical buildings as possible – Thurston House was of particular local historical interest due to its links with Perkins Engines and an important visual feature of the Conservation Area;
- The applicant should be invited to lodge an application for a new scheme on the site which should include the retention of Thurston House;
- The Civic Society had made representations in respect of previous proposals for development of the site: its primary objection being the loss of Thurston House which had been built for the Barford family in 1873. The Society was working with the Council to identify buildings for inclusion in a revised local list and Thurston House had been proposed for inclusion;
- 231 signatures had been collected from residents and businesses in the area objecting to the loss of Thurston House;
- The proposed development would not be in keeping with other buildings in the vicinity; and would exacerbate problems such as traffic congestion in an already overcrowded area.

The Deputy Mayor sought Members' agreement to a request to adjourn the meeting. Having agreed to adjourn, Members were reminded that no discussion should take place in respect of this item during the ten minute adjournment.

Meeting reconvened at 9.10 p.m.

The Deputy Mayor invited Mr D Deja (representing Craig Street residents) to address the meeting. In summary, the following objections were raised:

- Thurston House represented a significant historic contribution to the area and the case for demolition had not been substantiated;
- The proposed additional dwellings would increase traffic congestion in the vicinity;
- Residents had not been given sufficient opportunities to put their views forward;

- Clarification should be sought from the applicant in respect of their efforts to sell the property and/or explore alternative options for its use.

This concluded the involvement of objectors. The Deputy Mayor invited Mr David Shaw (Agent for the applicant) to address the meeting.

Mr Shaw drew Members' attention to Policy PPS5 and CBE4 of the Local Plan, which gave two clear forms of justification for demolition: (i) when the loss of a property was necessary to deliver substantial public benefits and/or (ii) when no viable use could be found in the medium term that would enable its retention and any harm was outweighed by the benefits of bringing the property back into use.

Mr John Walton and Mr Adrian Redmond (Accent Nene), and Mr John Blair (Architect) addressed the Council jointly in support of the application, focusing in particular on the reasons why retention of the building was not viable, the high quality design of the proposed scheme and the need for additional affordable housing.

- Members were assured that Accent Nene, (owners of the property since 1986) had on a number of occasions considered the viability of retaining Thurston House. Refurbishment had been explored, but would not be financially viable as the cost of refurbishment would be 500K, which would exceed the end value of the property: estimated to be in the region of £395,000. Retaining the building would also limit the number of new homes able to be built on the site and affect the financial viability of the scheme. Expert advice had been sought in respect of the potential to sell or let the building for residential or office use. This had concluded that as there was a lack of demand for large properties for single occupancy in this area, any sale would be likely to result in a House in Multiple Occupation, and that the site was not in an area of demand for office accommodation.

The applicant emphasised its commitment to the highest levels of quality and stated that the development would be a flagship scheme, built to the highest environmental and design standards.

In summary, the applicant and supporters raised the following points:

- Input from local Councillors had been sought and they had been invited to participate in the consultation process;
- The proposal had been considerably amended following refusal by the Planning and Environmental Protection Committee of the proposed NHS Recognition Centre in 2009 and the option of retaining Thurston House had since been explored in depth. The conclusion was that retention was not viable: the building was in poor repair, in a low value location; and refurbishment would not be a financially sound option;
- The benefit from the provision of additional affordable housing: the current housing waiting list in Peterborough exceeded 6,000 applicants;
- Accent Nene was committed to the provision and effective management of high quality affordable housing – the proposed development had received significant input from the Council's planning officers, the Conservation Officer and the police and would be built and managed to the highest standards;
- Once vacant, the site would be at risk of vandalism and anti-social behaviour;
- The proposal was in accordance with the Local Development Framework Core Strategy and was supported by the Council's Housing Strategy Group.

During debate, Members raised a number of questions in respect of the proposed development. These were addressed by the applicant as follows:

- (i) The Housing Strategy Team had been consulted in respect of the number of dwellings and these discussions had informed the proposed mix of dwellings. The mixture of one, two, three and four bedroom units on the site was in accordance with Council policy and the density proposed was approximately half the density set by the Council for developments in the City Centre.
- (ii) The proposed development exceeded standard requirements in respect of car parking provision and included ample cycle parking. A Traffic Impact Assessment had been provided and additional congestion was not anticipated as the site was on a bus route and within walking distance to the city centre and local facilities;
- (iii) Consultation had been undertaken via the usual formal channels;
- (iv) The design of the building at the front of the site was in line with the requirements of the Council's Conservation Officer and complemented the style of existing buildings. Units would meet the Lifetime Homes Standard, which incorporated a variety of features enabling future adaptation, allowing people to stay in their homes longer;
- (v) A detailed report in respect of tree preservation was submitted with the planning application and discussions had been held with the Council's Tree Preservation Officer, who was satisfied that measures had been put in place to ensure trees were protected;
- (vi) Retention of the existing building would:
 - Reduce the number of homes able to be built on the site to 25;
 - Increase the costs by approximately £8,000 per unit;
 - Result in the loss of opportunity to obtain housing grant, on which the scheme depended;
 - Result in the loss of rental stream and require a shorter payback span.

As a result, the scheme would not be financially viable and would fail to meet the requirements of the Accent Nene Board.

- (vii) Should the proposals be unsuccessful, the site would become vacant at the end of September 2010 and the property would be likely to suffer further deterioration and/or vandalism. Nene Accent would make the building secure and assess its options;
- (viii) The scheme would help to regenerate the area. Some of the homes would be available for intermediate rent, which would attract young people to the city centre.

Following representation from the applicant and supporters, the Council's Planning Officer provided a summary and reminded Members of the following points:

- That the decision should be based purely on planning grounds;
- Consideration should be given to whether Thurston House was of such importance that it should be retained in all circumstances;
- Thurston House was not a Statutory Listed Building and was not currently Listed locally. The possibility of it being included on the local list in the future was not a material planning consideration;
- The Council had no powers to require the property to be repaired;
- There was no assurance in respect of the future of the building, little prospect of it being taken on by a heritage organisation and no grant funding was available to aid restoration;
- The green space to the front of Thurston House was not public open space;
- The views of the Conservation Officer, the Tree Preservation Officer and Highways Officers had been taken into account by the applicant in the proposed development.

A question was raised in respect of officers' views about the viability of retaining Thurston House. In response, the Planning Officer advised that since the refusal of the planning application for an NHS Recognition Centre in 2009, preliminary assessment advice had been sought from officers in Property Services and the conclusion was that the figures presented were robust. There was a need for officers to balance the viability of retaining the existing building against the Council's planning policy to deliver new housing, affordable housing and design quality.

In accordance with Paragraph 14.7, Part 4, Section 4, General Standing Orders, Councillor Swift (on behalf of Councillor Harrington) was invited to sum up.

The motion was seconded by Councillor Fitzgerald.

Following a request, the Monitoring clarified that the decision of the Planning and Environmental Protection Committee of 6 July 2010 relating to planning applications 10/00502/FUL and 10/00510/CON – 80 Lincoln Road, Peterborough remained suspended. At this point, Members were requested to vote on the Motion which asked Council to refuse the planning applications.

A vote was taken and the Motion was **CARRIED**: (19 in favour, 17 against, and 3 abstentions). It was **RESOLVED** to **refuse** planning permission in respect of planning applications 10/00502/FUL and 10/00510/CON – 80 Lincoln Road, Peterborough.

The Mayor returned to the Chamber and took the Chair.

Members of the Planning and Environmental Protection Committee who had been present at the committee meeting on 6 July 2010 returned to the Chamber, together with the relevant Ward Councillors and Councillor Peach.

The Monitoring Officer advised that it would be necessary to move the extension of the guillotine if Members wished to allow the meeting to continue beyond four hours' duration.

Following brief debate, Councillor Fower moved that the meeting be adjourned. This was seconded by Councillor Sandford.

On putting the matter to the vote, it was **RESOLVED** (33 in favour, 15 against, 2 abstentions) to adjourn the meeting and reschedule all business to a revised date.

Meeting closed 11.10 p.m.

SUMMARY OF QUESTIONS AND ANSWERS RAISED UNDER AGENDA ITEM 5 (i) – EXECUTIVE BUSINESS TIME

Questions with Notice from Members of the Public

- 1. In accordance with paragraph 11.7 of the Council's Rules of Procedure, the Mayor asked the following question on behalf of Mrs Jane Cage, who was unable to attend the meeting:**

Can the Leader clarify his administration's view of the government's decision to cancel the new build at Stanground College - is he in favour of building the school and therefore against Conservative policy, or is he a supporter of Michael Gove's decision and ready to justify this u-turn to Stanground residents?

The Leader responded as follows:

All funding has been stopped under the Building Schools for the Future Scheme. This relates to Stanground, Orton Longueville schools, the special schools and the ICT funding for all schools in the city (except the Thomas Deacon Academy). The coalition government has commenced a review in relation to the future delivery of school capital schemes and their findings and recommendations will be known towards the end of the calendar year.

We will be monitoring this review closely, with the view that we are able to be at the front of the queue for the roll-out of any future scheme, and we will be canvassing our MP's accordingly. We will also lobby government direct with regard to our proposed scheme, the relative simplicity efficiency, effectiveness and economy of it (for example, no PFI/no LEP. We already have a contractor already procured in Kier, we had commenced design works with Kier and the Council is contributing some £30m. We will canvass that our approach is a good model for delivering capital programmes and will seek reconsideration of the government's position on the Council's scheme.

I can also advise that Shailesh Vara, MP, has confirmed that he is seeking a meeting with the Education Minister for myself and Leader, plus the Heads and Governor Chairs of the affected schools, along with the Council's team.

- 2. Mr Jason Baker asked the Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning:**

Can the Cabinet Member confirm why the Council has deemed it necessary to fence off St. Augustine's Walk playing field: a well used, open access playing field in which the Council has shown little or no interest in since acquiring it some thirty years ago, and why it has been implied that groups from the local community that currently use it for free, will have to pay to use it in future?

The Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning responded:

Ward Councillors, in conjunction with Council officers, have agreed following a request from the Riverside Community Pavilion Association to allow use of the St Augustine's Walk playing field between 10am and 4pm each day, for organised football training and junior football.

This area will now be marked out to show the location of training grids and junior football pitches. Members of the community will still have access to the field for walking and other family recreational use. Any football clubs wishing to make use of these marked out areas will be required to book their use via the Riverside Community Pavilion. The charges for this use will be the same as the pitch hire for other playing fields within Peterborough.

Fencing will be erected along St Augustine's Walk and partly to the remaining sides of the playing field with a gate (for pedestrian and wheelchair/pram/pushchair access only) in the same location of the current gate so as to allow access by local residents. This gate will not be locked. Ownership of the land will remain with Peterborough City Council although the Riverside Community Pavilion Association will manage bookings and maintain the pitches and grassed areas on behalf of the Council by way of a lease agreement. However, the Council does, of course, retain the right to review its use of this land.

The following supplementary question was asked:

Councillors Lee, Benton and Serluca are all on the Association's committee. Does the Cabinet Member feel that this recommendation truly reflects the Council's commitment to residents having a greater say?

The Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning responded:

Councillors' involvement represents a minority on the Association. We asked officers to consult fully with residents and the proposals were amended to reflect residents' views.