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Minutes of a meeting of the Planning and Environmental Protection Committee held at the Council Chamber - Town Hall on 2 June 2009

MEMBERS PRESENT:

Councillors N North (Chairman), M Burton (Vice-Chairman), M Todd, C Ash, P Kreling, S Lane, P Winslade and Y Lowndes

OFFICERS PRESENT:

Carrie Denness, Principal Lawyer
Alex Daynes, Senior Governance Officer
Julie Smith, Environment and Transport Services
Jez Tuttle, Environment and Transport Services
Dale Barker, Planning Services
Nick Harding, Planning Services
Jim Daley, Principal Built Environment Officer

1. Apologies for Absence

Apologies for absence were received from Cllr C Burton and Cllr P Thacker.

2. Declarations of Interest

Cllr Lane declared that he was acquainted with the applicant for item 4.3 but this would not affect his decision.

Cllr North declared that his step daughter attended Arthur Mellows Village College (agenda item 4.5) but this would not affect his decision.

Cllr M Burton declared that he had met with the owners of 83 Percival Street (agenda item 4.9) on past occasions but this would not affect his decision.

Cllr Kreling declared that she had a personal interest in a premise named in the exempt annex (agenda item 4.8) but this would not affect her decision.

Cllr Lowndes declared that she had previously been involved in the sale of the premise at 98 Dogsthorpe Road (agenda item 4.11) but this would not affect her decision.

3. Members' Declaration of intention to make representations as Ward Councillor

Cllr Todd declared that she would be making representation as a Ward Councillor for agenda item 4.2, Bikes Trikes and Stuff.

4. Development Control and Enforcement Matters

4.1 09/00258/FUL: ERECTION OF 13 DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING AT 17 OUNDLE ROAD PETERBOROUGH PE2 9PB.

Planning permission was sought for the construction of 13 dwellings with associated access, car parking and landscaping at 17 Oundle Road, Peterborough. The planning officer advised an amendment to the report to show that four parking spaces were proposed for the existing office use in 17 Oundle Road. The planning officer advised the committee that outstanding issues still remained regarding contributions to an S106 agreement and these should be resolved before permission was granted for the development.

Local resident, Mrs Wheeler, spoke in objection to the application and raised the following concerns:

1. The size of the properties, 2 bedrooms, was not in keeping with the local area which mainly comprised of 3 bedroom houses.
2. The size of the houses would not encourage families and would instead encourage buy to let ownership and therefore a transient population which would not enhance and improve the local community.
3. Increase of traffic on an already busy road.
4. The small size of gardens were not suitable for families.
5. Effects on the biodiversity of the area with the potential threat to existing trees and bushes.

The agent for the application, Lance Wiggins, addressed the committee advising the following:

1. The development was on a brownfield site in a residential area and included a mix of detached, semi-detached and terraced housing.
2. Garden sizes met the requirements for 2 bedroom houses; the size of the gardens did not allow for some 3 bedroom houses that were originally planned.
3. The access and layout had been modified after consultation with officers and the design was in accordance with the local area.
4. The property sizes were approximately 80m² which is generous for a 2 bedroom property.
5. There was no formal arrangement to use the four proposed parking spaces for the office and/or residents for weekends or evenings. A formal agreement could be put in place.
 - The planning officer advised the committee that this would involve a private agreement between the developer and the office users.

The Senior Engineer, transport, advised the committee that construction traffic would be directed via the least disruptive route to the site from the Parkway system whether along Oundle Road, London Road or through the city centre. Improvements to the bus stops near the site had been recommended and would be included in the S106 discussions taking place.

Resolved: (8 for 0 against) to authorise the Head of Planning to grant planning permission subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the education, community, public open space and public transport needs of the area.
2. Amended highway conditions to be 'pink slipped' for the Chairman of the committee to approve.

3. The conditions contained in the report and subsequent amendments contained in the update report namely C9 and C11 of the committee report to be superseded by C20 and C21 respectively in the update report.

Reasons:

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

1. The site was well connected to services and facilities.
2. Residential amenity including outdoor space and car parking was provided in accordance with recognised standards.
3. Access to highway network was satisfactory for vehicles, pedestrians and cyclists.
4. Provision had been made for the infrastructure requirements arising from the development.
5. The proposal was therefore in accordance with Policies H7, H15, H16, T1, T3, T9, T10, DA1, DA2, DA6, DA11, LNE9 and IMP1 of the Peterborough Local Plan 2005 (First replacement).

Cllr Todd left the committee.

4.2 08/01602/FUL: CONTINUED SITING OF 3 STATIC CARAVANS FOR USE AS STORAGE, OFFICE/CANTEEN AND NIGHT WATCHMANS HUT AT BIKES TRIKES AND STUFF, FIRST DROVE, FENGATE, PETERBOROUGH.

The planning officer advised the committee that the application would now involve the siting of 1 static caravan. The committee was requested to determine whether the siting of 1 static caravan would represent a 'residential development' within an industrial area.

Cllr Todd, as Ward Councillor, spoke against the application and sited the following objections:

1. The use of the caravans currently on site constituted residential use – washing clothes, cooking, sleeping etc.
2. The portrayal as a residential area would detract from the industrial use of the area.
3. The rear of the site is open to public view from public footpaths and could encourage criminal activity if thought to be residential.
4. The permanent facilities on site already allow space for security staff to work.

Resolved: (5 for, 2 against) to authorise the Head of Planning Services to grant planning permission subject to the conditions as outlined in the committee report and subsequent update report including the monitoring by officers of the use of the site to ensure the caravan is not used for residential purposes and subsequent caravans be removed.

Reasons:

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

- The site was located within an identified General Employment Area, where ancillary uses to Use Classes B1, B2 or B8 were in principle acceptable;

- The proposed caravan for use as out of hours security would significantly improve the security of the site and surrounding area and had been supported by several of the premises surrounding and Cambridgeshire Police; and
- The caravan would not have a significantly detrimental impact on the overall character of the surrounding area.

Cllr Todd returned to the committee.

4.3 08/01239/FUL - THE ERECTION OF A TEMPORARY SPORTS CLUB HOUSE INCLUDING CATERING, BAR AND CHANGING FACILITIES (RETROSPECTIVE) ON LAND TO THE NORTH OF THE FORMER BRETTON WOODS COMMUNITY SCHOOL SITE, BRETTON PARK, BRETTON

Retrospective planning permission was sought for the erection of a temporary sports club house including catering, bar and changing facilities on land to the north of the former Bretton Woods Community School site, Bretton Park, Bretton. The committee was advised that the upgrading of the tennis courts would be addressed when a permanent application had been received as it was considered unreasonable to condition an upgrade within a temporary application.

Cllr Fitzgerald spoke as ward Councillor in support of the application raising the following issues:

1. The applicant has always dealt swiftly with any complaints (none since January 2009).
2. Council did not advise applicant permission was needed for temporary facilities.
3. Full support of the Ward Councillors to provide sport in the area.
4. Many objections are landlord and licensing issues, not planning concerns.
5. Plans are in place to improve access roads.

The applicant, Mr Andy Moore, addressed the committee raising the following points:

1. The club has needed a permanent base for many years.
2. The Council had approved use of the land for the rugby club with a 60 year lease and cricket and tennis facilities will also be provided.
3. A permanent application was close to being finalised before submission as the temporary facilities are not fit for the future of the club.

Resolved: (8 for, 0 against) to authorise the Head of Planning Services to grant planning permission subject to the conditions in the committee report and update report.

Reasons:

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

- The marquees and portacabin buildings were acceptable as ancillary facilities, on a temporary basis, in association with the use of the adjoining playing fields for the playing of competitive Rugby and Cricket and would be in keeping with the Authority's Sports Strategy and accord with policy LT10 of the Peterborough Local Plan (First Replacement)
- The use of the marquees for non-Rugby related functions were acceptable on the grounds that such functions were only sporadic, that they were helping to fund the

development of the Rugby Club, the site was located within walking distance of the Bretton Centre and over time the functions had not been detrimental to the amenities of the occupiers of the nearby residential properties in accordance with policies DA2, and T7 of the Peterborough Local Plan (First Replacement).

- The parking provision for the Rugby Club and independent functions was considered to comply with policy T10 of the Peterborough Local Plan (First Replacement).

4.4 09/00244/FUL TWO STOREY SIDE, SINGLE STOREY REAR AND FRONT AND TWO STOREY FRONT EXTENSIONS AT 39 FARLEIGH FIELDS, ORTON WISTOW, PETERBOROUGH PE2 6YB

Planning permission was sought for a two storey side, single storey rear and front and two storey front extensions at 39 Farleigh Fields, Orton Wistow, Peterborough PE2 6YB. Issues raised were focused on the front-right aspect of the proposed house extension as this section was closest to a neighbouring property. An additional condition concerning a border Leilandii hedge had been included in the update report.

Mr Cleworth, owner of the neighbouring property addressed the committee with the following issues:

1. Allocated space needed for contractor vehicles.
2. Working hours of builders should be limited to those imposed on a previous application.
3. The Leilandii hedge was Mr Cleworth's property and should not be removed at all as this could undermine the foundations of his property.
4. The need for protective screening from building works.

The agent for the applicant, Mr David Shaw, addressed the committee and raised the following issues:

1. Issues raised by Mr Cleworth were not planning issues but for neighbours to resolve.
2. There was no intention to remove the boundary hedge.
3. The view from the bedroom of the finished extension would overlook the neighbouring property less than the existing one.
4. The style of the property is very similar to neighbouring properties.
5. Building conditions would ensure safety guidelines are followed but extra safety conditions would be acceptable.

Resolved: (8 for, 0 against) to authorise the Head of Planning to grant planning permission subject to the conditions imposed in the committee report and the following additional conditions:

1. Removal of conditions concerning the Leilandii hedge.
2. Working hours of contractors and storage of construction materials and machinery on site to meet the conditions set out for the previous extension of number 40 Farleigh Fields.

Reasons:

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

- The extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- The designs of the various extensions were considered to compliment the general appearance of the dwelling in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

4.5 09/00313/FUL: CONSTRUCTION OF NEW GYM AND REFURBISHMENT OF EXISTING GYM TO FORM AN INNOVATION CENTRE AT ARTHUR MELLOWS VILLAGE COLLEGE, HELPSTON ROAD GLINTON.

Planning permission was sought for the construction of new gym and refurbishment of existing gym to form an innovation centre at Arthur Mellows Village College, Helpston Road, Glinton. The committee was advised that construction traffic would enter the site from the rear of the school thus avoiding the main entrance and exacerbating traffic conditions.

Councillor Holdich, as Ward Councillor, addressed the committee raising the following issues:

1. The design of the new gym (large flat wall) will detract from the view of the village and school.
2. No noise prevention survey has been undertaken for local residences.
3. No consideration has been given to alternative heating solutions for the gym and swimming pool; solar panels a possibility for the pool.
4. No consideration given to changing the main access route for the school to alleviate local traffic problems.
5. The amounts of available outside sports and play areas after the construction.

The committee were advised that some of the issues raised were not land use issues and as such could only be addressed outside of this committee.

A motion was proposed to defer the application until issues relating to the facade of the gym, heating solutions, noise prevention and traffic access routes had been addressed with the developer. This motion was defeated as no other member of the committee supported the motion.

Resolved: (7 for, 1 against) to authorise the Head of Planning to approve the application subject to:

1. The conditions contained in the committee report and update report.
2. Planning Officers compose a strict letter to the Cabinet Member for Education, Skills and University requesting he addresses the committee's concerns regarding the design of the new gym, heating solutions, noise prevention measures and traffic access routes for the school.

Reasons:

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

- a) The design was acceptable and appropriate in this institutional context, it would have minimal impact on the amenity of nearby residents and could be accommodated on the site and the proposal therefore complied with policy DA2 of the Peterborough Local Plan (2005).

- b) The additional traffic generated by the proposal would be negligible and in view of the progress made with the school travel plan the LHA were satisfied that the proposal did comply with policy T1 of the Peterborough Local Plan (2005).
- c) The surface water from the site would be discharged to an Internal Drainage Board (IDB) drain at a rate that they considered acceptable and the additional foul would amount to an insignificant increase in sewage such that officers were satisfied that there was adequate capacity and thus the proposal complied with policy U1 of the Peterborough Local Plan (2005).

THE COMMITTEE RESOLVED TO AMEND THE ORDER OF THE AGENDA

4.6 SHOP Forecourt Canopies - OVERVIEW AND DESIGN GUIDELINES

The committee received a report and was requested to support the design guidance on shop forecourt canopies as amplification of Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.

The report provided an overview of shop front canopies, particularly the use of fixed forecourt canopies in Peterborough. It also suggested design guidance for those considering the provision of a forecourt canopy to encourage a good quality shopping environment, a pleasant street scene and to maintain residential amenity. This guidance was provided as amplification of Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.

The committee discussed the report and recommended alterations to the descriptions of roof pitch and the materials of the supporting frame.

Resolved: (7 for, 1 against) to accept the proposals in the report subject to the following:

1. In place of the text “not less than 18°”, regarding roof pitch design, this should read “normally 20°”, or words to such effect.
2. Following the wording “supporting frame”, relating to materials, the words “that shall be anodised, painted or otherwise galvanised”, shall be added.

Reasons:

Member support for this design guidance on shop forecourt canopies:

- Amplified policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.
- Provided specific planning advice which will be used as design guidance and assist in achieving the Council’s aim of improved design standards and the delivery of a high quality planning service.
- Had a significant impact on the enhancement of the city by ensuring that new shop forecourt canopies were both appropriate to their context and of demonstrable quality.

4.7 08/01472/FUL: ERECTION OF CANOPY AT 2 ELMFIELD ROAD, PETERBOROUGH.

Permission was sought to erect a canopy at 2 Elmfield Road, Peterborough. The committee was advised that the application was for a canopy only and did not include roller blinds as previously published. The roof of the canopy would be glass and not plastic. The committee was advised that the proposed canopy would only cover an area within the shop curtilage and not obstruct the public highway.

Resolved: (8 for, 0 against) to authorise the Head of Planning to grant planning permission subject to the conditions attached in the committee report.

Reasons:

It was considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement) and the Shop Forecourt Canopies – Overview and Design Guidelines policy that was agreed by this Committee.

4.8 09/00273/FUL: SINGLE STOREY REAR EXTENSION AND EXTERNAL CANOPY TO SHOPFRONT AT 83 PERCIVAL STREET, WEST TOWN, PETERBOROUGH.

The application sought permission for a single storey rear extension and external canopy to the shop front at 83 Percival Street, West Town, Peterborough.

The planning officer advised that he had no concerns with the proposed extension to the building but required the committee to consider the canopy aspect of the application.

Resolved: (8 for, 0 against) to accept the Officer recommendations to refuse planning permission as noted in the committee report. The committee requested that Planning Officers advise the applicant on how to reapply as only the canopy aspect of the proposal was found to be unacceptable and as such, the extension to the property would have been approved if in a separate application.

Reasons:

It was considered that the unattractive appearance of the proposed canopy would create an unduly obtrusive and incongruous feature in the street scene that would appear out of keeping with the character of the area. The proposal therefore conflicted with Policies DA21, DA1 and DA2 of the Peterborough Local Plan (First Replacement) and was unacceptable.

4.9 08/01223/FUL: RETAIL SHOP CANOPY AT 64-66 DOGSTHORPE ROAD, PETERBOROUGH

The application sought planning permission for a retail shop canopy at 64-66 Dogsthorpe Road, Peterborough.

Cllr Peach addressed the committee as Ward Councillor and highlighted the following issues:

1. High number of traffic accidents in the area.
2. Close proximity to the Park Ward conservation area.
3. Does not accord with Development Plan policies DA1 and DA2.
4. It is a residential area, not a business or commercial area.
5. It would set a precedent for canopies in the area.
6. No other canopies in the area.
7. No need to extend the space of the shop.

Resolution: (5 for, 2 against, 1 abstention) to authorise the Head of Planning to grant planning permission subject to:

1. The conditions contained in the committee report and update report.
2. All external appendages be removed outside of trading hours.

Reasons:

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

- The design of the canopy, added to the use of quality materials, would complement the existing shop front and it was considered that the proposal would not unduly harm the character and appearance of the area, the residential amenities of the neighbouring properties or highway safety. The proposal was therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

4.10 08/01443/FUL: REPLACEMENT SHOP CANOPY AT 98 DOGSTHORPE ROAD, PETERBOROUGH

The application sought approval for a replacement shop canopy at 98 Dogsthorpe Road, Peterborough and to allow members to consider a design of canopy which has been the result of discussions between officers, local shop-keepers and agents following the erection of unauthorised shop canopies. The committee was advised that the application would now include glass panelling and improved iron works for the canopy.

Cllr Peach, as Ward Councillor, highlighted the following issues to the committee:

1. The application would not be in accord with sections DA1, DA2 and DA21 of the Development Plan Policies.
2. There had been no permission granted for the existing canopy.
3. Unacceptable amounts of rubbish generated from the premises.
4. The shop is based on a dangerous road junction and the canopy would exacerbate traffic incidents.
5. Proximity to the Park Ward conservation area.
6. Would not enhance the look of the area or the street scene.

The committee were advised to consider this application on its own merits and not to take into consideration past incidents or events.

A motion was moved to accept the Officer recommendation and approve the application. This motion was defeated (3 for, 4 against, 1 abstention).

Resolved: (5 for, 2 against, 1 abstention) to refuse planning permission.

Reasons:

It was considered that the unattractive appearance of the proposed canopy would create an unduly obtrusive and incongruous feature in the street scene that would appear out of keeping with the character of the area. The proposal therefore conflicted with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) and was unacceptable.

4.11 Enforcement Action associated with canopies

The committee received a report requesting it to note the situation in respect of the unauthorised development listed in part 1 of Annexe A and to agree the proposed action plan as detailed in the report, namely that appropriate enforcement action is taken against all the enforceable cases listed in part 1 of the above annexe.

Resolved: To agree to the recommended actions as detailed in the report.

Reasons:

To ensure that the most relevant policies in the Peterborough Local Plan (Adopted 2005) were enforced accordingly:

DA20 Security Shutters. External shutters will only be granted where there is a persistent problem of crime or vandalism which cannot be addressed satisfactorily by alternative methods.

DA21 Canopies. Canopies will only be granted if they can be installed without detracting from the character of the building or surrounding area.

DA8 Design of Extensions and Alterations. Extensions and alterations are acceptable if: their appearance is in keeping with the character of the existing building and the general character of the area; and their design, scale and location would not adversely impact on the amenities of neighbouring properties.

CHAIRMAN
1.30 - 5.50 pm