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Minutes of a Meeting of the Planning and Environmental Protection Committee held at the Town Hall, Peterborough on 27 April 2010

Members Present:

Chairman - Councillor North

Councillors – Lowndes, Thacker, Todd, Kreling, Winslade, C Day, Ash, Lane and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor C Burton.

Councillor C Day attended as substitute.

2. Declarations of Interests

- 5.1 Councillor Todd declared that she was the Ward Councillor for the item but she did not have a personal or prejudicial interest.

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

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the Meeting held on 23 March 2010

The minutes of the meeting held on 23 March 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

Councillor Benton was in attendance at the meeting and wished to speak against item 5.2. The Committee unanimously agreed to allow Councillor Benton to speak.

5.1 10/00047/FUL – Erection of 4 x one bed flats and 4 x two bed flats in 2 x two storey blocks at land to the rear of 105 Oxney Road, Peterborough

The application site was formerly a part of the rear garden of 105 Oxney Road which was comprised of a chalet style bungalow located close to the front of the property with garden area and a small woodland area to the rear.

The application site had an area of 0.25ha, although 0.08ha comprised the woodland area that was the subject of a tree preservation order. The application site had been overgrown for some years.

Immediately to the west of the proposed siting of the two flat blocks was an area of open space which was predominantly grass with mature trees. Detached dwellings within Lyvelly Gardens and those that fronted towards Oxney Road formed a horseshoe layout around the open space area. A narrow tree belt ran in a north to south alignment alongside the eastern flank boundary of the site with a footpath/cycleway to the east of the tree belt that connected Oxney Road and the dwellings further to the east and north i.e. Parnwell.

Along the frontage of 105 Oxney Road lay a row of leylandii. The driveway serving 105 Oxney Road lay beyond these trees. To the east of the access was the entrance to the aforementioned footpath/cycleway and beyond was an area of landscaping fronting Oxney Road. Approximately 42m to the west of the proposed vehicular access to the site was a signal controlled pedestrian crossing. The junction of Newark Road and Oxney Road lay approximately 25m to the west and to the south east of the access was an entrance to established offices.

The Planning Officer addressed the Committee and stated that a previous similar scheme had been approved on the site, however planning consent had now lapsed and therefore a new planning application had been made. The new application represented an improvement on the previous scheme in a number of ways. These included the design and appearance of the scheme, the relative proportions of the development, in particular the scale of the roof and also some alterations to the window openings on first floor level which reduced the potential of overlooking on the adjacent properties.

Key areas of concern which had been highlighted in the representations received against the application were the visibility splay and the accident record in the local area. The Planning Officer advised Members that the proposed visibility splay complied with the recommendations of the Highways Officers and in terms of the accident record, since 2004 there had been 17 accidents in and around the junction between Newark Road and Oxney Road. Approximately 7 of these accidents could be described as rear end shunts and 5 of the accidents could not be accounted for in terms of Highways safety, for example if a dog ran out into the road. Members' attention was drawn to additional information contained within the update report where a further breakdown of all the accidents which had occurred between April 2004 and September 2008, had been provided.

Members were further advised that comments had been received stating that the flats were out of character for the area and the design was not unlike that which you would see for a row of terraced properties. The proximity of the block to the perimeter of the site would also mean that it would be overbearing to the adjacent residents.

The Planning Officer responded to these concerns and stated that there was adequate separation distance in between the proposal and adjacent properties. There would be some overshadowing but this would not be detrimental to neighbouring properties. Concerns had also been highlighted that the construction phase of the proposal would be detrimental to residential amenity. The aspect could not be taken into account as that specific issue applied to all developments. It had also been stated that the development would be better accessed by the Lively Gardens access. This suggestion could not be taken into consideration as the application had to be considered as it had been submitted.

Councillor Stephen Goldspink, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed development would be too intensive for the site
- The proposed development would be out of character with the surrounding properties
- The vast majority of surrounding properties were houses and semi detached houses, not flats
- There were a number of flats in Peterborough that were currently empty, therefore were more flats required? And there was surely a number of other things that could be done with the site which wouldn't generate large vehicle movement
- The accident record in the area was extremely poor
- It was believed that that consultation exercise undertaken on the previous agreed application had not been adequate as there would have been numerous objections
- There had been a speed survey conducted on Newark Road which showed that 40% of vehicles travelling in both directions were exceeding the 30mph speed limit
- There were numerous HGVs travelling down the road even though there was a lorry ban
- The incremental growth of different developments around the area meant that the number of vehicles generated by these developments were having a substantial impact on local residents
- The risk of causing more accidents in the area should not be taken
- An accident remedial scheme had been agreed with officers in the vicinity of Newark Road junction and Councillor Goldspink was awaiting feedback on this. There would be the possibility of a mini roundabout or a one way system along part of Newark Road. This indicated that officers were worried about the traffic in the area
- There were too many properties generating too many vehicles.
- The views of local residents needed to be taken into account, as Officers did a good job, but not the same as actually being there and witnessing problems first hand

Mr Lyons, an objector and local resident, addressed the Committee on behalf of the local residents of Oxney Road, Lyvelly Gardens and adjoining properties and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Development on the site was welcomed however the proposal was inappropriate due to its size and it would not be in-keeping with the character of the surrounding area
- Two or three quality homes would be better suited to the site and the local residents would be more likely to support this kind of development
- Some elements had not been considered appropriately. There were a number of small children in the area therefore the increase in vehicles would be dangerous to them
- There had been many more collisions than had been reported in the document pack
- Highways safety had not been addressed appropriately, as the information which had been provided was inadequate and out of date
- The policing in area was inadequate. The lorry ban was ignored and so were the speed signs

- There had been numerous accidents right outside Mr Lyons' house none of which would have been reported
- Local residents feared for the lives of their children and other residents
- The area had been subjected to creeping developments. There should be no further high density developments in Oxney Road until the traffic infrastructure was in place to support it
- Local residents had not been consulted on the previous application which had been approved
- The character of area would be harmed due to the bulky mass of the proposal
- The separation of the proposal and adjacent properties was not adequate
- The proposal contravenes T8 of the Local Plan
- Oxney Road was clearly already over capacity
- The proposal contravened DA2 of the Local Plan
- The proposal was out of character for the area as there were other flats in the vicinity

The Highways Officer addressed the Committee and advised Members that it was extremely difficult for Officers to understand the full extent of the problems which occurred down a specific stretch of road if the accidents were not reported. There did appear to be a large discrepancy between the numbers of accidents highlighted on the update sheet compared to the number of accidents stated by the speakers. These accidents were taking place within an existing junction and it had been stated by Councillor Goldspink that there was an accident remedial scheme which had been agreed and was being looked into. Certain criteria and guidelines were followed by the Highways department when an application of this nature was proposed and the access width, visibility splays and pedestrian splays of the proposal all met the criteria set down in the highways standards. As highlighted by the objectors, there may be a cumulative impact on surrounding developments, however each development had to be taken on its own merits and for this development it was deemed acceptable.

After debate, Members stated that they believed the development, particularly in relation to the junction, would increase the potential for more accidents in the vicinity. Although the criteria had been met for the new splays, it did not alter the fact that the development was proposed for a very dangerous section of road. Members questioned whether a more detailed study of the particular section of road could be provided to the Committee before a decision was made to highlight all of the accidents that had taken place?

The Highways Officer addressed this query and stated that he did not believe that any further information provided would highlight accidents different to the ones already discussed. It was also unlikely that the view of the Highways Officer would change with regards to the proposal if new information was provided.

The Planning Officer addressed the Committee and questioned how the provision of further information with regards to other accidents would be helpful to the Committee. Members were also required to be mindful that if the Committee chose to go against the advice of the Highways Officer, they would not have the backing from the Highways Officer in an appeals situation. Safety was an extremely important issue, but an inspector at an appeal would require any information to be backed up by a qualified engineer.

The Legal Officer addressed the Committee and reiterated the point raised by the Planning Officer with regards to refusing against the recommendation of the Highways Officer. Members were advised that the proposal conformed with current policy.

After debate, Members expressed concern at the possible generation of additional traffic in the area and a motion was put forward and seconded to defer the application, subject to the provision of further traffic information with regards to the proposed junction. Up to date accident reports were requested, as the information that had been provided to Committee was up to 2008 only and also further details were requested regarding the effect that the traffic from the new junction would have on the highway network.

Members were advised by the Legal Officer that the motion which had been put forward was only requesting a deferral on issues regarding traffic management and no other aspect of the site, such as design and layout, could be revisited in future when the application was brought back to Committee.

Members requested that the motion which had been put forward be removed from the table. The Legal Officer clarified that the motion could be removed prior to votes being cast.

After further debate surrounding traffic management and the design and layout of the proposal, a motion was put forward and seconded to defer the application on the grounds that further information was required in relation to the traffic management of the new junction onto the highway and the accidents which had occurred since 2008. The proposal also represented overdevelopment and was out of keeping with the character of the area. The motion was carried by 7 votes, with 2 against and 1 not voting.

RESOLVED: (7 for, 2 against, 1 not voting) to defer the application:

Reasons for the decision:

1. The Committee requested a deferral on the application in order that further information could be provided in relation to traffic management of the new junction onto the highway and so that further information could be provided on the accidents which had occurred since 2008.
2. Members were also concerned that the proposal represented overdevelopment and was out of keeping with the character of the area (contrary to policy DA2). Members asked that the Planning Officer discuss this with the applicant.

5.2 10/00129/FUL – Construction of 4 x 1 bed and 6 x 2 bed flats in 3 storey block at 38 Elm Street, Woodston, Peterborough

It was proposed to construct a single block containing ten flats over three floors. The block, although on the site of 38 Elm Street (now demolished), would face onto and read as part of Silver Street. The block was designed to pick up on some of the features of neighbouring buildings, and followed the existing building line along Silver Street.

The block would have a ground floor elevation incorporating some bay windows, a plain first floor with windows and the second floor would be mostly within the roof space, lit by dormer windows.

The vehicular and personal access would be from Elm Street. This would be functionally the “front” of the building, although the more detailed elevation would be on the Silver Street side, where there would be a row of small private gardens, the same depth as neighbouring front gardens, separating the building from the street. The car

parking area would be on Elm Street, and the amenity space directly behind (or in front of) the block.

This area was characterised on the Silver Street side by Victorian terraced housing with a strong, regular 2-storey ridgeline. On Elm Street there was some terraced housing, leading to later semi-detached housing. There were larger houses facing onto London Road to the east of the site.

There was notable on-street congestion, as few of the dwellings on Silver Street had off-street parking, but those immediately adjacent to the application site had access to parking at the ends of their gardens, accessed from Elm Street.

On Elm Street and the adjacent residential streets there was more available off street parking, but not every house was so provided for.

There was also a large tree adjacent to the south east corner of the site, the crown of which overhung the site.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that there was a proposed bin storage area and authority was sought to approve the application subject to the bin store being moved slightly so that the adjacent cycle parking spaces could be accessed correctly. Members were further advised that there were two windows that served a lounge, these windows were to be conditioned with frosted glass and this would protect the privacy of adjoining residents. There were also lower level windows serving a galley style kitchen and a study room. These were also to be frosted glass to protect the privacy of adjoining residents.

Members' attention was drawn to additional information contained within the update report. There had been a revised plan received on which the main Committee report was based, and consultation responses had been received in relation to the revised plan from the Police Architectural Liaison Officer and the Head of Transport and Engineering who had recommended a number of additional conditions in relation to the cycle parking, the car parking, the access and visibility splays. A number of additional comments had been received from local residents which highlighted numerous issues including parking, overlooking and the building being out of character.

Councillor Fran Benton, Ward Councillor, addressed the Committee and spoke on behalf of both herself and Councillor Lee and also on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The residents of both Elm Street and Silver Street were opposed to the development
- The parking issues in the vicinity, which was not just an issue on days when there were football matches being played
- There was a consultation exercise underway with local residents in the area with regards to parking and traffic in the area as the issue was such a problem. The possible solutions which had been highlighted were either a one way system or residents parking. If either of these solutions were implemented, this new proposed development would cause numerous issues as the parking spaces proposed were not adequate
- The scheme was ill conceived and was incomprehensive overdevelopment of the area
- Profit appeared to be placed ahead of personal amenity and living conditions
- The previous scheme had been dismissed at appeal for lack of amenity and the poor living conditions of existing and future residents, why was this development any different?

- The streets were already overcrowded, where would a possible 32 other cars park?
- The promise that the refuse would be collected privately would be unworkable by the end of the year. The Household Recycling Act stipulated that recycling must be incorporated into the collections by this time, how would this happen with the current proposal?
- The security gates which had been suggested by the agent would pose a problem. Would the post man, newspaper man and anyone else who needed to deliver to the site all have access to the supposedly secure code? Would this also affect access for the fire and police services?
- The small plot had not been allocated for housing use in the local plan, therefore the application had to satisfy the strict criteria of the efficient usage policy including access and amenity
- Having frosted glass in a lounge was surely not ideal?
- The character and appearance of the development was out of character for the area

Mr Scarpiano, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There were a number of elderly people in Silver Street and un-obscured access was required at all times for ambulances and fire engines
- There used to be one house and ten garages on the site. The garages used to be an asset to the local area
- There would be more cars than parking spaces available as it was very common for a couple to have more than one car. (and there could be children who drive living at home) and visitors
- There had been numerous accidents in the area due to the lack of space available
- There were local residents with garages on Park Road who did not use those garages as they tended to get blocked in
- The proposal was an overdevelopment and was out of character
- The situation with parking in the local area was already causing arguments between local residents

After debate and questions to the Planning Officer regarding the previous application which had been refused at appeal and also issues with regards to the bin store, a motion was put forward and seconded to approve the application. The motion was defeated by 7 votes against and 3 votes for.

After further debate, a new motion was put forward and seconded to refuse the application. The motion was carried by 6 votes, 3 against and 1 not voting.

RESOLVED: (6 for, 3 against, 1 not voting) to refuse the application:

Reasons for the decision:

The application was refused for the following reasons:

1. The parking provision for the number of dwellings was insufficient. Therefore the proposal was contrary to Policy T1.
2. The proposal was an overdevelopment of the site which would be out of character with the surrounding developments. Therefore the proposal was contrary to Policies DA1 and DA2.
3. The use of obscure glazing would be detrimental to amenity of occupiers.

Councillor Harrington left the meeting.

The meeting was adjourned for five minutes.

6. Pre-Application Advice Service – Revision to Fees

A report was presented to the Committee which provided an overview of the revisions to the pre-application advice fees.

The Planning Committee had previously been consulted on the principle and scale of pre-application charges and a report had been presented to Committee on 14 April 2009. This report set out the background to making such charges. The Local Planning Authority was entitled to charge for the service under Section 93 of the Local Government Act 2003. The Service commenced charging in line with the recommendations set out in this previous report in January 2010.

Since the pre-application scheme had been in operation, it had become apparent that:

- A nominal charge should be made for all small scale pre-application advice including from householders and small businesses; and
- The fees set for changes of use were excessive and exceeded the planning application fee e.g. for telecoms, advert and smaller commercial proposals

The need to introduce a nominal charge in respect of small scale pre-application advice above had arisen from the fact that:

- These applications accounted for a significant proportion of pre-application advice requests and therefore there was the need for some of the costs incurred by the Council to be met by the applicants
- New permitted development rules had been introduced that meant more time had to be spent on handling pre-application enquiries from shops and businesses etc.
- The Planning Service, like many other areas of the Council, was having to make significant financial savings for the 2010/11 financial year and the alternative would be to reduce the scope of the pre-application service

The proposed revised fees were outlined to the Committee and an overview of how the fees had been calculated was given. Members were advised that one of the significant changes was that going forward, where schemes raised issues of the principle of development, a fee free half an hour meeting with an officer to address the “in principle” issue prior to the applicant going through the formal application process, would be provided.

Members were invited to comment on the revised fees and it was noted that the fees had been very well thought out and appeared to be very fair.

RESOLVED: that the Committee was consulted on the revisions to the pre-application advice fees before they were formally implemented from 18 May 2010 and that the Committee endorsed the principle of giving up to 30 minutes of free face to face advice in respect of the principle of development proposals.

13.30 – 15.50
Chairman