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Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 8 June 2010

Members Present:

Chairman – Councillor North

Councillors – Lowndes, Hiller, Serluca, Thacker, Todd, Ash, Lane and Winslade

Officers Present:

Nick Harding, Planning Delivery Manager
Julie Smith, Acting Highway Control Team Manager
Richard Kay, Policy and Strategy Manager (Item 6)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Benton and Harrington.

Councillor Winslade attended as substitute.

2. Declarations of Interests

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

5.5 Councillor Lane declared that he knew the Secretary of the Peterborough Lawn Tennis Club but this would in no way influence his decision.

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

5.7 Councillor Lane declared that he knew a resident in Figtree Walk whose property bordered the property due to be discussed but this would in no way affect his decision.

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

Councillor Ash declared that he would be making representation as a Ward Councillor for agenda item 5.7, 78-80 Welland Road.

4. Minutes of the Meeting held on 27 April 2010

The minutes of the meeting held on 27 April 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 10/00501/NTEL – Installation of a 12 metre high MK3 street furniture column supporting 3 x Vodaphone antennas, 3 x O2 antennas, 3 x equipment cabinets and ancillary equipment, at Whittlesey Road, Stanground

The proposal was to erect a street furniture column 12 metres high, with the antennas cloaked in a shroud towards the top of the column. The lower part of the column would be similar to a street light column. There would also be three cabinets placed close to the column which would be similar in appearance to BT junction boxes.

The site was on the south side of Whittlesey Road, near to the junction with Coneygree Road. On the south side of the street was an open green area, with a fence between this and an area of highway verge running alongside the footway. There was a row of trees running in line with the fence, and nearby was a bus stop and street lighting columns. Across the road, there was a petrol filling station and a pub serving the local area which was mainly residential.

The Planning Officer addressed the Committee and stated that because of the nature of the application, the siting and appearance of the column were the only two factors that could be taken into consideration at that point.

Members' attention was drawn to additional information contained within the update report. There had been a query received from Councillor Walsh, Ward Councillor, regarding whether it was appropriate for a mast to be located in such close proximity to a petrol filling station given the warnings seen on petrol forecourts stating that mobile phones should not be used. A response had been provided to Councillor Walsh stating that mobile phones should not be used on forecourts due to the danger of batteries sparking and the operator distraction it may cause to pedestrians and drivers. As the mast was located outside of the forecourt area there were no rules or regulations to prevent the application going ahead and if matters did exist, they would be dealt with via other forms of legislation.

Councillor Irene Walsh, Ward Councillor, addressed the Committee on behalf of all of the Stanground Central Ward Councillors and local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The creation of an eyesore
- The contribution to the visual deterioration of the area
- The de-valuation of property
- The open green area would no longer be used by young children, thus causing the loss of a valuable community amenity
- The contribution of yet another visual distraction in the area on an already busy road
- The maintenance of the mast next to the road side would exacerbate the visual distraction problem further
- The similar application in Bretton which had recently been turned down due to it being higher than the surrounding street furniture. If the Committee was minded to approve the application, this would highlight inconsistencies in decision making
- The surrounding trees would not provide adequate camouflage
- The need for the mast was understood, but the search for an alternative site would be of benefit to all parties

Mr Brian Wolohan and Mr Stuart Banister, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed mast would be an eyesore
- The mast would affect the local view and local amenity, that being the safe play area much used by local children
- The view would be much worse in the winter after the loss of leaves from the surrounding trees
- The proposed mast would be the equivalent of stacking 9 cars on top of one another, this would be drastically higher than any other street furniture in the area
- The mast would be approximately 38 metres from the front of one local residents property
- There had been a petition signed by 344 local residents in objection to the mast, numerous letters of objection had been submitted to the Council and the local Ward Councillors were also strongly opposed to the application. The mast was not wanted by the local residents
- In 2006, the Council had rejected a plan to site a similar mast half a mile from the proposed site. This mast would have been placed on farmland and would have only been visible from the rear of houses on an estate on the opposite side of the road. The new proposal should therefore be refused as it was to be located in a much more populated area near a children's playing field
- The mast could put children playing near it at serious risk of injury and death
- The majority of masts were single operator used and there was no evidence available that the operators using this mast could be accommodated elsewhere
- The application for the mast seemed to indicate that it was for car users, therefore, surely a better location for the mast would be the new bypass

Members expressed concern at the comments which had been received from the Head of Transport and Engineering as highlighted in the committee report. In response to these concerns, the Highways Officer addressed the Committee and stated that the location of the proposed mast would be some distance away from the carriageway with a footway and grass verge in between, therefore the siting was of no concern. However, concern had been highlighted regarding the proposed service bay in Coneygree Road, it had been suggested by Highways that the bay be moved to Allen Avenue, however the location of the service bay could not be considered by the Committee at that stage.

After debate and questions to the Planning Officer regarding the previous application which had been refused in 2006 and also issues with regards to graffiti, a motion was put forward and seconded to approve the application. The motion was carried by 6 votes for and 3 votes against.

RESOLVED: (6 for, 3 against) to approve the application, as per officer recommendation.

Reasons for the decision:

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 applicant had shown that there was a need for the proposed telecommunications antennas. The mast had been sited taking into account the guidance issued by the Department for Communities and Local Government. Impact on residential and local amenity would be within the acceptable limits.

5.2 10/00559/NTEL – Proposed siting of 12 Metre high lamp post style mast with associated equipment cabinet CAM7165, at highway verge land, corner of Thorpe Road Junction with Audley Gate, Netherton, Peterborough

The proposal was for the installation of a 12 metre high monopole to be painted 'dove grey' with a shrouded three-sectored antenna. The proposal would have no dishes and would take the shape and form of a street light. The proposal also included the installation of an equipment cabinet located adjacent to the monopole and an electricity pillar, both to be painted 'midnight green'.

The proposal was required due to the existing mast on the roof of Peterborough District Hospital becoming no longer available in the near future, due to the redevelopment of the site. The existing mast covered a large single cell but this had to be split into 3 smaller cells. The proposal was to serve one of these smaller cells.

The site was part of the highway verge adjacent to the junction of Thorpe Road, Thorpe Park Road and Audley Gate. It was approximately 31 metres wide at its narrowest point, comprising a grass verge with four trees varying from 9 metres to 12 metres in height. To the rear of the verge, Blind Lane connected Thorpe Road to Bradwell Road. There was a number of existing sluice valves adjacent to the footpath along Thorpe Park Road albeit these were not affected by the proposal. Residential properties surrounded the site to the north east and west with the nearest residential property (No. 216 Thorpe Road) situated approximately 63 metres away. The access road to Thorpe Hall was situated to the south on the opposite side of Thorpe Road.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that consideration had been given to the aspect of the proposal which stated that the mast would be designed to appear as a street light, so it would fit in with the local street scene. Street lights were generally found on the back edge of a footpath and not in the middle of a wide grass verge, therefore attention would be drawn to the mast as it would not be sited in a position where a street light would be likely to be. It would therefore be out of keeping with the street scene.

Members' attention was drawn to additional information contained within the update report. There had been a number of objections received, including comments from Mr Stuart Jackson MP highlighting concerns such as the masts location in relation to residential properties, its siting next to a pedestrian route to Jack Hunt School and the loss of highway visibility at the busy road junction.

A petition containing 109 signatures had also been received as had several additional letters of objection to the proposal, these highlighted issues such as the possibility of attracting vandalism, devaluation of surrounding properties and the lack of consultation which had been undertaken with local residents. Jack Hunt School had also submitted comments relating to the potential health risks to its students and Councillor Arculus had also submitted a written response highlighting opposition by all of the West Ward Councillors to the siting and appearance of the proposed monopole.

Mr John Drewnicky, Mr Ball and Dr Malcolm Vincent, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposal would be 3 metres higher than the surrounding street lights
- The proposal would be dove grey in colour and would not blend in with the surrounding trees
- There were a number of alternative sites available

- There was a manhole located at the site, this would mean that the proposal would have to be moved further back into the trees, meaning the possible loss of one or more of the existing trees, or nearer to the road making the proposal even more conspicuous
- The proposal would be opposite a grade two listed building
- Although there was yet to be hard evidence that these masts were dangerous to the public, it was unwanted in the area
- Audley Gate had been consistently protected by Council's policies and residents in order to maintain its appearance as being open views down Audley Gate towards Thorpe Hall
- The lamp posts along Audley Gate were only 6 meters high
- The proposal would spoil the views

After debate, a motion was put forward and seconded to refuse the application. The motion was carried by 8 votes for and 1 vote against.

RESOLVED: (8 for, 1 against) to refuse the application, as per officer recommendation.

Reasons for the decision:

The proposal was unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The design of the proposed monopole reflected the appearance of existing street lighting within the surrounding area but it had been sited in such a location where lighting columns would not normally be located and was taller. As such, the mast would appear incongruous within the street scene.
- The proposal was contrary to Policy U11 of the adopted Peterborough Local Plan (First Replacement).
- The view from Audley Gate to Thorpe Hall should in no way be obstructed.

5.3 10/00198/R3FUL – Construction of four-bed dwelling and detached garage on land adjacent to 1 Pudding Bag Lane, Pilsgate, Stamford

The proposal was for the construction of a four bedroom house with three bedrooms on the first floor, one bedroom in the attic and a tandem double garage at the bottom of the garden. The house was a skewed L shape with frontages to both Pudding Bag Lane and the access track that served a number of nearby houses.

The application site was an irregular shaped parcel of land at the end of a terraced row of simple and unremarkable houses. To the side and rear was an access to fields and other houses, which also provided access to the garage. At the front of the site was a walnut tree. There was a stone front boundary wall, which linked the site with the adjacent housing.

The site adjoined the Conservation area and formed one side of an informal 'square' that comprised the centre of the hamlet of Pilsgate. The 'square' surrounded a walled/fenced field, with boundary treatments approx 1.5m high. The eastern side of the square was currently open, being constrained only by the gable of 1 Pudding Bag Lane and the walnut tree on the application site.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that Pudding Bag Lane was an adopted road, however the track leading to the house was private. This track was proposed to serve the garage of the proposed dwelling. There was a walnut tree on the site which was proposed to be lost as part of the proposal. The proposal was a more

traditional design than the terraced properties next door and it had incorporated themes from a key building in the village, Pilsgate House. There was a level of shadowing which would be likely to occur as a result of the proposal however it was considered that satisfactory amounts of daylight and amenity would be retained by the adjacent property. A further amended plan for the garage was being awaited to increase the depth of the garage to meet the satisfaction of Highways.

Members' attention was drawn to additional information contained within the update report. Two additional conditions had been requested with regard to tree and shrub planting and boundary treatments. There had also been two additional conditions and an informative recommended by Highways in relation to the garage construction, proposed street naming and the material to be used for the driveway. Members were advised that there had been subsequent revisions to these conditions and the informative. The wording for the first condition had been amended to ensure it would be retained as a garage and not turned into living accommodation. The second condition was to be converted to an informative and the informative that had been requested was to be deleted as there was no requirement for hard surfacing outside of the garage.

There were no speakers on the proposal and Members commented that it was unfortunate that a representative from the Parish Council was not present to discuss their concerns and reasons for referral to the Committee.

After debate and questions to the Planning Officer, Members expressed concern regarding the size of the garage, the design and size of the proposal, the impact on the amenity of surrounding properties and the loss of the walnut tree.

After further debate, a motion was put forward and seconded to refuse the application. The motion was carried unanimously.

RESOLVED: (unanimously) to refuse the application, against officer recommendation.

Reasons for the decision:

The proposal occupied a corner site adjacent to a row of relatively modern terraced properties and both were sited adjacent to the Pilsgate Conservation Area. The scale and form of the proposed dwelling was such that it over dominated the adjacent properties excessively to the extent that the dwelling would be visually out of context with the surrounding development, the setting in the street scene and when viewed from the Conservation Area. Therefore the proposal was Adopted Local Plan Policies CBE3 and DA2 (Peterborough Local Plan, First Replacement, Adopted 2005).

The meeting was adjourned for ten minutes.

5.4 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 proposal was for 4 one bed flats and 4 two bed flats. The flats were to be in 2 blocks of 4 units each, both being 2 storey's high with the ground floors providing the 1 bed units and the first floors the 2 bed units. The blocks were to be identical in terms of their footprints having an average depth of 7.5m and length of 23m. The elevational details were also near identical for both blocks, the only differences being within the first floor rear fenestration. The design of the flats incorporated four 2 storey gable elements to the front and rear elevations. These were to have pitched roofs. The main roof formed of the flats was to comprise a pitched roof with dark grey Calderdale slates and contrasting red ridge and hip tiles.

Within the flat blocks at either end was to be a single garage to serve the parking for the occupiers of the ground floor flats. Four parking spaces, 2 in a gap between the two flat blocks and 2 single spaces at either end of the flat blocks were to serve the occupiers of the first floor flats. Each flat was to have space set aside for the storage of 2 wheelie bins to the rear of the buildings with space to be provided at the entrance to the site for the occupiers of the flats to place the bins on the days that they were to be emptied. Parking provision for 5 cycles was to be provided in a central location between the flat blocks.

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

The Planning Officer addressed the Committee and stated that the proposal had been considered by the Committee at its previous meeting and had been deferred to enable the provision of additional information. The latest statistics for any accidents at the junction on Oxney Road after 2008 had been requested and Members were advised that this information had been provided in Appendix 1 attached to the main committee report. Since the spring of 2008 there had been four incidents that had occurred, all of which being of a similar nature to accidents which had previously taken place at the junction. Highways did not therefore feel that the proposal would make any material impact on road safety at that junction. An update on any traffic management plan that there may be on the Newark Road and Oxney Road junction had also been requested and Members were further advised that no scheme had been designed at that time, but there was to be a scheme implemented at some point during the financial year. The Committee had also requested Officers to approach the applicant to request a reduction in the number of properties contained within the proposal. The applicant had indicated that he did not wish to revise the scheme. The applicant had also appealed against the non-determination of the application. This meant that the application could not be decided by the Committee at that time.

Members were required to establish whether they wanted to indicate to the planning inspector that the authority was happy with the proposal as presented, or whether the authority was not happy with the proposal and the elements of the scheme it was not happy with. This determination would form the basis of the evidence to be presented at the forthcoming appeal.

Members' attention was drawn to additional information contained within the update report.

In the event of proposal approval, two additional conditions had been requested by Highways in relation to cycle parking provision and the development of a wheel wash system to clean the wheels and chassis of construction vehicles entering and exiting the site.

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

- The proposal was inappropriate for the size, location and character of the surrounding area
- The traffic infrastructure was not adequate to support the proposal
- The additional information which had been provided by the Planning Officers was still inaccurate, as not all accidents in the area were reported to the police
- If the Planning Officers did not have all of the facts available to them, how could they form an accurate judgement?
- Why had the non-injury accidents figures been omitted from the committee report?

- Between 19 April 2010 and 26 May 2010, there had been six incidents witnessed by Mr Lyons
- The development would attract more vehicle movement to Oxney Road
- The increase in traffic movement would be a danger to the children walking to and from school
- There should be no more high density developments in the Oxney Road area until the traffic infrastructure had been improved
- Residents had not been consulted on the previous applications
- The proposal contravened section T8 of the Local Development Plan
- The proposal contravened section DA2 of the Local Plan

The Highways Officer addressed the Committee and stated that the accident data was not wholly accurate as the data was taken from police reports only. If incidents were not reported to the police they did not get fed back. There was a traffic management scheme being looked into for Newark Road in order to slow vehicles down, and whilst there was no funding allocated for the scheme at present, it had been agreed that a scheme would be implemented before the end of the financial year. Members were also advised that when the impact of the proposal had been assessed, it was highlighted that 8 dwellings would not have a substantial impact on the already large numbers of vehicles travelling down Oxney Road.

After debate and questions to the Planning Officer and Highways Officer regarding the traffic management works due to be undertaken down Oxney Road, the lack of onsite parking provision, the anti social behaviour that the design of the proposal may encourage, the increased levels of traffic down Oxney Road and the design of the proposal, a motion was put forward and seconded to approve the application in the context of the pending appeal against non-determination. The motion was carried by 5 votes for and 4 votes against.

RESOLVED: (5 for, 4 against) to approve the application in the context of the pending appeal against non-determination, as per officer recommendation subject to:

1. The signing of S106/Unilateral Undertaking to meet the infrastructure needs of the development
2. The conditions numbered C1 to C23 as detailed in the committee report
3. The additional highways conditions numbered C24 and C25 as detailed in the update report

Reasons for the decision:

Subject to the imposition of the 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 design of the flats was compatible with the general appearance of the existing residential development near to the site in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely impact upon the amenities of the nearby residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely affect the health of the trees to be retained within the site and those alongside the eastern boundary of the site in accordance with policy LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)
- The required vehicle to vehicle visibility splays from the junction of the access to the site and Oxney Road could be achieved and the necessary vehicle turning and parking provisions within the site were satisfied in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)

5.5 09/01294/FUL – Construction of 2 x two storey 4 bed detached dwellings and 1 x two storey 3 bed detached dwelling at Peterborough City Lawn Tennis Club, Park Crescent, Peterborough

Planning permission was sought for the construction of three detached properties on the site. The two properties proposed at the front of the site would be two storey high 4 bedroom houses, and the property at the rear of the site, a two storey high 3 bedroom coach house.

Two car parking spaces were proposed for each property, all car parking spaces were at the rear of the site behind plots 1 and 2.

The site was the last remnants of a tennis club that had been on site for about 100 years. Part of the site was developed for housing in the 1970's, leaving a wooden clubhouse and four grass tennis courts, which was the subject of this application. The courts were not currently in use.

The site fell within the Park Conservation Area and lay opposite Central Park. The front boundaries of this and many nearby sites were marked by distinctive diaper work fences and hedging. The adjoining houses were modern (having been built around 1970), although the overall character of the area reflects its history as an Arcadian Victorian/Edwardian residential area.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that a previous scheme for flats had been refused on the grounds of inadequate provision being made for alternative tennis facilities as part of the development proposal. The scheme in front of the Committee was now for houses, which followed the same footprint as the flats. The previous refusal had been appealed and the inspectorate had agreed with the Council that there were not firm enough proposals for alternative tennis provisions being made as part of that application, therefore the current application sought to address that issue. The applicant's proposal was to provide the sum of £100,000, which would be put into a joint account between the Local Authority and the applicant and the money would be used within twelve months to provide two new floodlit all weather tennis courts at Bretton Gate. If that did not happen within twelve months, then the Local Authority could draw the £100,000 and use it to improve existing tennis facilities in its own ownership. The £100,000 had been checked to see if it would be sufficient both internally and with a third party contractor and it had been confirmed that the funds would be sufficient.

Members' attention was drawn to additional information contained within the update report. A number of additional conditions had been requested by Highways regarding parking provisions, turning areas and bin stores. The Broadway Residents Association had submitted an updated letter of objection and Mr Stuart Jackson MP had also submitted an email of objection. Members were also advised that the tennis club, since 2008, had merged with the Peterborough Town Sports Club at Bretton Gate and both parties were committed to the provision of the alternative facilities.

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

- The application before the Committee was not much different to those which had gone before and had previously been refused
- The Park Conservation Area ensured the preservation of this area, the whole purpose of the designation of Central Park and its surroundings as a

conservation area in 1988 was to preserve the character of the area which was unique to Peterborough, this had since been re-enforced by the approval of the Park Conservation Area Appraisals Report and Management Plan in March 2007. Commitment had been given by Councillors to manage new development, so as to avoid harming key elements of the Park Conservation Area

- The proposal would be significantly higher than the surrounding properties and trees, and would take up the green area
- Development of sports facilities was covered by Government Planning Guidance in the form of PPG17, the Council had adopted this guidance into its Local Plan under policy LT3. The guidance dictated that sporting facilities should not be re-developed unless there was provision for facilities elsewhere which were at least as accessible to existing and new users
- The planning inspectorate had stated in their report that there was no definite timescales, locations, details of tenure or planning permission granted for alternative courts. It had also been stated that whilst the money allocated was a substantial sum, it could not be confirmed that the £100,000 would be sufficient for the new site.
- The club could not provide details of new courts
- There was no formal agreement with the Bretton club
- There had been no application for conservation demolition of the existing site
- What would the £100,000 provide if the new courts were not built?
- The Council could use the money in another part of town less accessible to members
- The proposal did not accord with Local Planning Policy or guidance
- Transparency and probity were all important when the Council could gain financially from the S106 agreement
- The local concern regarding the matter was extremely high, with a large number of signatures received on two petitions from both adults and children
- There was cross party representation against the proposal and Mr Stuart Jackson MP had also objected
- Sport England had expressed concern as a suitable replacement location had yet to be found
- The Bretton Sports Club was leasehold, when was the lease due to expire?
- At a recent AGM of the Bretton Sports Club, opinion was divided as to whether they wished to have an arrangement with the Peterborough Lawn Tennis Club on the Bretton site
- There was talk of the hospital site next door to the Bretton Sports Club wanting more land, therefore there would be the possibility that the land would be lost to the hospital
- The Officers had accepted that there were no proper terms, and accordingly the proposal was contrary to policy IMP1, there should be no permission until the proposals were certain and were enforceable
- With regards to open space, particularly in relation to policy PPG17, it was not clear that the Council should approve any application for the removal of a facility without an assessment of open space. According to the Councils own open space study undertaken in Park Ward "there was a sufficient shortage of open space for public access in the ward"
- It had recently been confirmed by the law courts that planning decisions in respect of developments proposed to be carried out in conservation areas must give high priority to the objective of preserving and enhancing the character or appearance of the area, if any development should conflict with that development there would be a strong presumption against the grant of the proposal
- If the club was really committed to tennis in Peterborough, then discussions should be undertaken with the Council's Recreation Officers and the Leisure

Trust regarding the surrender of the site to the Council for grass courts, with arrangements for hard courts at the park and floodlighting for evening play, this would keep the tennis local and accessible, would keep a facility in the park and would keep the area green

- Was the proposal for the good of tennis or rather for profit?
- The site was worth approximately £500,000 so why was there only £100,000 going towards tennis at the other side of town?
- The cost of two new tennis courts would be over £100,000 as stated by Sport England
- All the neighbours to the property disagreed with the overlooking and their living conditions would be adversely affected
- The bin store would be almost directly adjacent to one local residents patio
- The Bretton Sports Club had provided no confirmation of an agreement
- The proposal was contrary to the Council's well established planning policies for the protection of conservation areas and the local amenity, these being CBE3, DA1 and DA2

A member of Broadway Residents Association, Mr Tony Newell and Mr David Jervis, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Membership of the club had been frozen, but many local residents wished to join the club and to help re-invigorate it
- Numerous local residents who had signed the petition wished to keep the site alive as a playing facility
- The planning inspectorate had upheld the previous Committee decisions on national and local policy grounds
- There was no greater certainty in the planning application or the S106 agreement since it had been rejected by the planning inspector
- There was no greater certainty as to the whereabouts of the new facilities or equivalent, would they be as useful and as attractive?
- The proposed houses on plots 1 and 2 would dominate the nearby houses due to their size and siting this would lead to considerable light and shading issues
- The lengths of the houses would mean small gardens and lack of parking provision
- There would be a loss of pathways to make way for driveways
- The development layout was poor as it utilised the same size blocks that had been planned for flats and which were unnecessarily large
- One of the houses provided no garages and totally inadequate parking
- The area was a nice area and tennis should remain local

Mr John Dadge and Mr Andrew Stanley, the agent from Barker Storey Matthews and a representative from the tennis club, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- A letter which had been received from Bretton Tennis Club signed by Mr Peter Leaton, the Chairman of Peterborough Town Sports Club and the Secretary of the club, stated how the two clubs would work together going forward, confidence was high that working together would help provide the facilities so greatly needed in Peterborough
- The club was not closed for new members and new members had been taken on in the current season
- The club membership was diverse and contained people from areas outside Peterborough

- The design of the site did follow closely the design of the previous application, however, it was now three dwellings, this being in response to the current climate in relation to flats and the Council's perceived requirement for the provision of prestige homes within the urban area
- At the appeal, the design and layout of the site had received no issues or objections and were considered to be compatible with the conservation area
- In terms of the S106 agreement, discussions had been undertaken with Planning Officers regarding the format of the agreement and to ensure that the proposal placed before the Committee met all set requirements. Legal officers had also been involved in the meetings to ensure that had happened and legal counsel had been taken on behalf of the tennis club
- The original financial contribution came from discussions with the Lawn Tennis Association, whose objectives were the promotion of hard surface, floodlit tennis courts which could be played on throughout the year. This was what the scheme sought to achieve

Councillor Lowndes addressed the Committee and declared that she knew Mr Peter Leaton as he was married to her cousin, but this would in no way affect her decision.

Members commented that it was disappointing that the Inspectors report had not been appended to the main Committee report. In response, the Planning Officer highlighted the main points contained within the inspectors report.

Members sought further clarity as to what had changed since the previous refused application. Members were advised that Bretton Gate was now the indicated as the alternative location of choice, a rough layout drawing had been provided of where the courts would go on the site, an assessment had been undertaken by a Planning Case Officer which had stated that there was no reason why the location would not be suitable. In addition if the Council were to provide improved facilities at one of its own facilities, there was a list of suitable sites which could be approved for the use of the £100,000. If an alternative site was not found within twelve months of the sale of the site, the Council would be able to draw on the money.

After debate and further questions to the Planning Officer regarding the insufficient evidence of an alternative site, a motion was put forward and seconded to refuse the application. The motion was carried by 6 votes, with 1 voting against and 2 not voting.

RESOLVED: (6 for, 1 against, 2 not voting) to refuse the application, contrary to officer recommendation.

Reason for the decision:

- The proposal did not comply with the provisions of PPG17 and Adopted Local Plan Policy LT3 (Peterborough Local Plan, First Replacement, Adopted 2005) in that there was insufficient assurity that the alternative provision of tennis facilities could actually be provided in a suitably timely way to a standard that adequately reflected the location of the resource that was proposed to be lost to development.

The meeting was adjourned for ten minutes.

5.6 10/00204/FUL – Construction of five bed dwelling and detached garage on land at The Haven, Wothorpe, Stamford

The proposal was for the construction of a five bedroom house and garage within the garden of an existing house fronting Second Drift. The house had two storeys with no accommodation in the roof and was similar in its characteristics to the three houses

built in recent years immediately to the south of the site. Access was via an existing gated access to the northern edge of the site.

The application site was the rear half of a garden and measured approx 27m x 36m. It was served by an access drive approx 40m long which ran between The Haven and Cromwell House, approx 5 m from Cromwell House and 7m from The Haven. The site sloped in several directions and a small stream ran along the eastern edge. There were a number of trees within the site, most of which were to be retained.

There was a tradition of large plots, some with development in the rear, in Wothorpe, including adjoining sites where there was a bungalow and opposite where the replacement of one house with four new houses was allowed on appeal; despite this history, the character of the area remained one of large houses in large plots.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues.

Members' attention was drawn to additional information contained within the update report. There had been additional comments received from six local residents highlighting issues such as de-valuation of property, damage to wildlife, overlooking, overdevelopment, loss of amenity and increased risk of flooding, among numerous other points. The Parish Council had also reiterated its original comments as highlighted in the committee report.

Mrs Anne Marshall and Mr John Finch, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There was a planning application for two houses on the front of The Haven, the two applications should not be considered separately, there was not enough room for three properties on the plot
- Wothorpe was about to be made an exception area in from planning, therefore rushing through applications at the last minute made no sense
- The application flew in the face of the Council village design guidelines that were published on the Peterborough City Council website
- Local MP Mr Shilesh Vara had written to the Chief Executive of Peterborough City Council expressing his concern against the application
- The house which had been approved in February 2009 and had outline planning permission had a much smaller footprint with integral garage. The proposal before the Committee had expanded including a number of additional bedrooms and a detached garage
- The proposal would not enhance the amenity value of the area
- The special character and uniqueness of The Drift would be lost
- The proposal was big and bold and would completely dominate surrounding properties
- Its mass contravened policy DA1, creating adverse visual impact
- The proposal was two storeys high next to two bungalows
- The proposal contravened policy DA2 as it had a number of large windows which would lead to the surrounding properties being overlooked, meaning a loss of privacy
- The clearance of The Haven plot had had an adverse affect on the bird population
- The planting scheme was insufficient
- The access road went against policy T1 in that a safe access road would not be provided for all user groups

- The problems with parking in the area and the safety of the children playing the area

Mr John Gibson, the applicant from Hereward Homes, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The principle of building a house in the location had already been established
- The proposal was on a similar outline to the reserved matters application which already had permission
- The proposal was 20% smaller than the new houses recently constructed in Wothorpe
- The driveway was the same as the already approved reserved matters application
- The house had been set back to combat the overlooking issues as had the imposition of a detached garage

After debate, Members sought clarity as to whether the proposal was of similar size to the application which had already had permission granted. The Planning Officer clarified to the Committee that the sizes were the same and a copy of both of the proposals was circulated for Members to see.

After further debate and questions to the Planning Officer regarding the slight movement of the proposal nearer to the boundary and the comments which had been received from the Senior Drainage Engineer as highlighted in the committee report, a motion was put forward and seconded to approve the application. The motion was carried by 7 votes, with 1 against and 1 not voting.

RESOLVED: (7 for, 1 against, 1 not voting) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C10 as highlighted in the committee report
2. If the S106 had not been completed within a reasonable time i.e. 4/5 weeks of the decision, the Head of Service be delegated to refuse the application

Reasons for the decision:

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

- The proposed house design was acceptable, would not cause any material loss of amenity, would provide acceptable access and parking and a contribution under the Council's POIS in accordance with policies DA1, DA2, DA6, T1 and IMP1 of the Peterborough Local Plan (First Replacement).

Councillor Ash left the meeting.

5.7 10/00554/FUL – Retention of dwelling, including alterations to rear boundary wall and window glazing at land rear of 78-80 Welland Road, Dogsthorpe, Peterborough

The application sought planning permission for the retention of the bungalow on the site which was complete and occupied. A dwelling was granted permission under application reference 01/01585/FUL albeit the dwelling was not built in accordance with the approved plans.

There had been several applications submitted to regularise the situation however none had been successful and at that time, the dwelling had no planning permission. The revised scheme had been submitted following extensive discussion between the Applicant, Officers, Ward Councillors and local residents of Figtree Walk. The revisions to the dwelling included alterations to the glazing of the rear elevation and the construction of a new boundary wall. The scheme proposed replacement of three no. double patio doors with fixed standard glazed windows and insertion of a 400mm strip of obscure glazing to all windows and doors in the rear elevation. The scheme also proposed a 1.9 metre rear boundary wall to be constructed of bricks to match the surrounding area.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that their approval was sought for some alterations to the structure which had already been built, these alterations were summarised by the Planning Officer. A previous application to rectify the faults with the application had been refused at Committee and had subsequently gone to appeal, the appeal inspector considered a series of points including the option of the wall as a barrier, which was considered to be oppressive to the occupiers of the properties on Figtree Walk. The current proposed wall was 20cm less in height than was previously refused, the inspector also considered the option of frosted glass in the patio doors, it was considered not appropriate as it would be oppressive to occupiers of new build house, therefore it was now proposed to frost the tops of the windows only. The scheme was recommended for approval as it was felt that it was a reasonable compromise for protecting the neighbour's amenity and having the development amended to the satisfaction of the Planning Officer in a way that would not be significantly detrimental to the occupier of the property.

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

- The situation had been going on for a long time and was a worry for all parties involved
- It was a shame that the applicant had not followed the original plan
- The aim was to make sure the dwelling did not have an undue impact on Figtree Walk
- The gardens in Figtree Walk were very small and the wall would make the garden very oppressive
- The inspectors report highlighted that the property was less than 21 metres away from the neighbouring property, this was against planning policy guidance
- The wall would still be extremely tall
- A condition should be added stating that suitable materials be used for the wall
- The inspector had highlighted that the Council had not complied with its own policy DA6
- Had enough been done to mitigate against the overlooking issues?
- A condition or informative should be added to make sure that any external lighting did not have any undue impact on neighbouring properties
- Had all of the issues in the inspectors report been addressed?

Councillor Lucia Serluca addressed the Committee and stated that she knew the speaker about to address the Committee, but that it would in no way affect her decision.

Mr Salvatore Cammarata, an objector speaking on behalf of a local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- This had blighted the residents of Figtree Walk for so long
- The property was big and very oppressive
- The roof was black and much higher than it was ever planned to be
- The reason that there were no dormer windows in the property was that the windows had been objected to by local residents
- It was an intrusion of privacy as you could hear everything going on in their house
- The wall which was proposed would make the gardens look like a prison compound

Mr John Dudge, the agent from Barker Storey Matthews, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The separation distance of 21 metres was in relation to two storey properties with habitable rooms
- The minimum Council guidance for gardens was a minimum of 10 metres, much shorter than the gardens in Figtree Walk
- The impact of the wall would be softened by landscaping up against it, there was not the space for planting matured trees, however climbers could be used on the applicants side
- The wall would reduce the noise levels from the property
- The proposal for obscure glazing at the top of the windows would genuinely stop inter-visibility between the houses
- The roof sloped away from the adjacent properties, so was receding from neighbouring properties
- An appropriate condition to provide planting should be added
- A wall may not necessarily be the best option available. Could a selection of different options be shown to residents for them to choose from?

After debate, Members commented that the original application had been breached and the neighbours preferred option had been to revert back to the original design. Members questioned whether a condition could be added requesting that no dormer windows be allowed to be implemented in the roof. Members were advised by the Planning Officer that if the Committee were minded to refuse the application then conditions could not be added at that stage, however if the inspector were minded to approve the application a condition could subsequently be added regarding the addition of dormer windows.

After further debate, a motion was put forward and seconded to refuse the application and to issue enforcement action. The motion was carried unanimously.

RESOLVED: (unanimously) to refuse the application, contrary to officer recommendation and:

1. To issue enforcement action against the property
2. To request a condition be added regarding the addition of dormer windows being placed in the roof, if at appeal the planning inspector was minded to approve the application

Reasons for the decision:

The proposal for the wall and window alterations had arisen as a response to the fact that the dwelling had not been built in accordance with the approved plans. The development had been constructed so it was taller and closer to the boundary with the

adjacent Figtree Walk properties with a greater area of fenestration facing them. The proposed wall, whilst preventing overlooking, would be of such a height that it would have an overbearing and detrimental impact on the amenity of the adjacent residents in Figtree Walk and would not overcome the overbearing impact of the dwelling itself which arose as a result of it being built significantly closer and taller than the previously approved plans. The proposal was therefore contrary to the provisions of Adopted Local Plan Policies DA2 and DA6 (Peterborough Local Plan, First Replacement , Adopted 2005).

Councillor Ash re-joined the meeting.

6. Peterborough Local Development Framework – The Peterborough District Hospital Site Supplementary Planning Document

A report was presented to the Committee which sought its comments on the Peterborough District Hospital Site Supplementary Planning Document (SPD) prior to its submission to Cabinet for adoption as formal planning policy for the site.

On 23 March 2010, the Planning Committee considered a draft version of the Hospital Site SPD and made its comments known to Cabinet on 29 March 2010. The draft version had subsequently been subject to public consultation, and the final version had been prepared for consideration and adoption.

Members were advised that the Peterborough District Hospital site would be vacated by the end of 2011 following the transfer of remaining medical services to the new city hospital on the Edith Cavell site. The site would become vacant and would require comprehensive regeneration. The purpose of the Hospital Site SPD was to provide detailed guidance to prospective developers as to the type and level of development the Council would expect to see come forward on the site, and in turn meet the objectives of the Local Plan, the emerging LDF, the Local Area Agreement and the Sustainable Communities Strategy.

Members were invited to comment on the document and after debate and questions to the Policy and Strategy Manager, the concerns and issues were summarised as follows:

- The density of the site
- The lack of schooling available on and surrounding the site
- The design of the properties on the site and their commercial saleability. People wanted homes for life
- The disability access across the scheme
- The protection of the historic buildings on the site

Members were advised that their comments would be reported to Cabinet prior to adoption of the Peterborough District Hospital Site Supplementary Planning Document.

RESOLVED: to comment on the Peterborough District Hospital Site Supplementary Planning Document before its submission to Cabinet on 14 June 2010, for adoption as formal planning policy for the site.

1.30pm – 6.47pm
Chairman

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