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Minutes of a Meeting of the Planning and Environmental Protection Committee held at the Town Hall, Peterborough on 22 March 2011

Members Present:

Councillors – North (Chairman), Hiller, Serluca, Todd, Winslade, Ash and Swift

Officers Present:

Nick Harding, Group Manager, Development Management
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Lowndes, Thacker, Burton, Lane and Harrington.

Councillor Winslade and Councillor Swift attended as substitutes.

2. Declarations of Interest

There were no declarations of 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 Meetings held on:

- 4.1 8 February 2011
- 4.2 22 February 2011

The minutes of the meetings were approved as true and accurate records.

5. Development Control and Enforcement Matters

The Chairman addressed the Committee and stated that a member of the public had requested permission to record the meeting on a digital recorder. Approval from the Committee was required as per the Council's Constitution and Members agreed to allow the recording.

5.1 10/01705/FUL – Proposed two storey side extension and ground floor rear extension at 90 Vere Road, Peterborough (Part retrospective)

The Chairman addressed the Committee and advised Members that the item had been withdrawn at the applicant's request. The item would be brought back to the next meeting for consideration.

5.2 11/00138/WCPP – Variation of condition C6 to allow restaurant to open between the hours of 05.00am to 01.00am Sunday to Thursday and 24 hours on Friday and Saturday – (Subject of previous planning permission 00/00930/FUL condition C6

– hours of opening and further variation of C6 under planning references 05/00099/WCPP, 06/00693/WCPP, 08/00094/WCPP and 10/00999/WCPP) – at McDonalds, Lincoln Road, Glinton, Peterborough

Permission was sought for the variation of condition C6 of planning application number 00/00930/FUL to allow the restaurant to open between the hours of 05.00am to 01.00am Sunday to Thursday and 24 hours on Friday and Saturday. The current permitted hours were 05.00am – 00.00 Monday – Sunday.

The site was situated approximately 350 metres south of the village of Glinton and close to a group of dwellings, situated 30 metres to the south on Lincoln Road. The site was located at a roundabout on the A15 trunk road accessing the north of the city and the outlying villages.

The site was separated from the dwellings to the south by a landscaped bund approximately 20 metres in width. There was pedestrian access from a turning head in front of the Lincoln Road properties adjacent to the petrol station and McDonalds.

Members were advised that the Case Officer had identified the application as being retrospective, however this was not the case.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issue for consideration was the effect of the proposal on the amenities of the occupiers of the nearby dwellings. The recommendation was one of approval for a six month temporary consent for the proposed opening hours.

Members were advised that the closest part of the application site was situated 55 metres away from the boundary edge of the nearest dwelling, that being number 5 Waterworks Lane and 100 metres away when measured building to building.

Members were further advised that there was a large layby area situated adjacent to the petrol station which was sometimes utilised by larger vehicles calling into the McDonalds drive through restaurant of an evening. The distance between the layby and the boundary edge of the nearby dwelling was 15 metres and 30 metres to the side elevation of the dwelling. The layby was utilised during the day by members of the public using the filling station and the McDonalds restaurant. On the application site, signage was located stating that all users should be considerate to local residents and there were also a number of litter bins.

There had been one objection received from a property located 130 metres away from the application site, and 85 metres from the layby area. The main concerns highlighted were in relation to noise, disturbance, litter and traffic. Members were advised that if the extended opening hours did cause issues in relation to any of the points raised by the objector, these could be considered at such time as an application was put forward for the retention of the opening hours on a permanent basis after the six month trial period.

Members' attention was drawn to additional information contained within the update report and it was highlighted that the applicant had requested a twelve month temporary period rather than six months. A revised licensing application, which would incur costs, would be required in order to extend the opening hours and therefore it would not be cost effective to have a six month period only. However Members were advised that, in the Planning Officers opinion, the six month period would be adequate.

Members were further informed that there had been a number of changes made to the recommendation due to the error in identifying the application as being retrospective. These changes were highlighted in the update report.

Councillor John Holdich, Ward Councillor, addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There had been three applications for the petrol station to open twenty four hours and each application had been turned down due to the petrol station's location
- If the McDonalds was granted twenty four hour opening, this would set a precedent for the petrol station
- When McDonalds was first built, there had been noise issues in the area due to people parking in the car park late at night. Subsequently a gate had been implemented which was closed at 23.00pm, blocking off the entrance to McDonalds
- Under the Road Traffic Act section 52, a roadside restaurant was required to prove the need for it to be open for twenty four hours. The road nearby was very quiet in the evenings, therefore there was no proven need for this restaurant to be open all night
- Opening the restaurant twenty four hours would attract people coming out of the pubs and clubs and this would create nuisance and noise
- Opening the restaurant twenty four hours would not be viable unless people were to come from farther afield
- There were plenty of other eating places in and around town that people could use later on at night
- There was a big problem with litter in the area
- The layby caused noise problems which affected the nearby residents. This was due to lorries and cars parking in them with their engines running
- The proposed opening hours for the restaurant were not acceptable for such a village location

In response to the point raised by Councillor Holdich with regards to a need for the proposal being required, the Planning Officer advised Members that under planning policy there was no requirement for the applicant to demonstrate a need for the proposal.

Members queried whether there had been any consultation undertaken with the police on the application and whether there had been any police involvement with any recent altercations on the site. The Planning Officer advised that the police had not been consulted on the application and no information was available with regards to police involvement with recent altercations on the site.

Following debate and further questions to the Planning Officer with regards to how the implementation of the extended hours would be monitored and how future incidents on the site would be identified, Members commented that the application would be intrusive in such a rural area and it would impact on the amenities of nearby residents. A motion was put forward and seconded to refuse the application as it did not adhere to Peterborough's Core Strategy Policy C16. The motion was carried by 6 votes, with 1 voting against.

RESOLVED: (6 for, 1 against) to refuse the application, against officer recommendation

Reasons for decision:

The proposal would result in an increase in night-time activity adjacent to residential development. This would cause an unacceptable level of noise and disturbance to the

detriment of the amenity of those residents. The proposal was therefore contrary to Peterborough's Core Strategy Policy CS16 which stated that:

"Development should not result in unacceptable impact on the amenities of occupiers of any nearby properties."

5.3 11/00213/FUL – Construction of single storey rear extensions to enlarge existing kitchen and shower room at 12 Lime Tree Avenue, Peterborough

Planning permission was sought to extend a semi detached residential dwelling to the rear of the property.

The extension was to be located to the south east of the property, in order to extend the existing kitchen and shower room. The footprint of the proposal was to be 2100mm in width and 6000mm in length and the height of the proposal was to be 3300mm at the ridge and 2500mm at the eaves.

There was also an extension proposed to the southern most elevation of the property with a projection of 3000mm which was deemed as 'permitted development' by virtue of the Town and Country Planning (General Permitted Development) Order 1995 and accordingly did not require planning permission from the authority.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact of the development on neighbour amenity and the impact of the development on the character and appearance of the area. The Planning Officer commented that the application was in keeping with the surrounding area and would not cause detriment to the neighbouring property. There were also no issues with poor outlook or overlooking, the recommendation was therefore one of approval.

A motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (Unanimously) to approve the application, as per officer recommendation, subject to:

1. The conditions numbered C1 to C2 as detailed in the committee report

Reasons for decision:

In light of all policy considerations, the proposal was considered to be in keeping with the character and appearance of the area and would not have any significant impact on residential amenity. Subject to the conditions the proposal was therefore acceptable.

13.30 – 14.06
Chairman