



Minutes of a Meeting of the Planning and Environmental Protection Committee
Held at the Town Hall, Peterborough on 6 March 2012

Members Present:

Councillors – North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Simons, Stokes, Todd, Harrington and Lane

Officers Present:

Nick Harding, Planning Delivery Manager
John Wilcockson, Landscape Officer (Item 5.1)
Peter Heath-Brown, Planning Policy Manager (Item 6)
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 Martin.

2. Declarations of Interest

There were no declarations of interest.

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

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

4. Minutes of the Meeting held on 7 February 2012

The minutes of the meeting held on 7 February 2012 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 Routine Health and Condition Works, Removal of Crossing Branches and Deadwood and to Provide Legal Clearances Over Road and Footpath at 494 Oundle Road - 1 Lime Tree TPO Ref: 1991_01

Approval was sought to carry out works to a lime tree, protected by a Tree Preservation Order. The tree was located outside a detached property, which had gardens fronting onto Oundle Road.

The owner of the property was a Peterborough City Council staff member and the item had therefore been referred to the Committee for consideration for the purposes of transparency.

The Landscape Officer addressed the Committee and advised that the applicant, being concerned for his liability with regards to the tree, had sought advice as to what works were required and appropriate.

The works which had been proposed works would be of no detriment to the tree and would not detract from the visual amenity value that the tree currently provided.

Following brief debate and questions to the Landscape Officer in relation to the nature of the works to be undertaken, a motion was put forward and seconded to approve the routine health and condition works to the lime tree. The motion was carried unanimously.

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

1. The two conditions outlined in the committee report

Reasons for the decision:

Subject to the imposition of the conditions, the works should be granted consent for the following reasons:

- The Applicant had sought advice from the Case Officer as to what works were required and appropriate;
- The works were deemed to be appropriate, would not affect the health of the tree nor detract from the visual amenity value that the tree currently provided. The works would also demonstrate that the Applicant was addressing his 'Duty of Care' under common law; and
- The removal of deadwood was considered an exemption under the regulations and the provision of the legal clearances over the road (5.2 metres) and footpath (2.4 metres) could not be reasonably denied as these were a legal requirement.

6. Peterborough 'Statement of Community Involvement', Neighbourhood Planning and Community Action Plans

The Committee received a report which was submitted following recent new and amended Acts of Parliament, in particular the Localism Act 2011 and the amended Town and Country Planning Acts, and recent and forthcoming changes to regulations governing matters such as plan making, planning applications and consultation with communities.

The Committee's views and comments were sought on a review of the Statement of Community Involvement, which was appended to the committee report. The Statement was due to be presented to Cabinet on 26 March 2012 for approval for the purpose of public consultation. If approved by Cabinet, consultation with stakeholders and the public would be undertaken in April and May 2012.

It was a statutory requirement for the Council to set out how it would consult the public on planning matters and this was set out in the Statement of Community Involvement (SCI). The Council had adopted its first SCI in February 2008 and during the past four years there had been considerable changes, especially since the Localism Act 2011 had been given royal assent in November 2011. A refresh of the SCI had therefore been recommended by Officers.

Parts of the SCI were in need of updating from the 2008 version in order to ensure that updated government guidance was properly reflected. There were also two new significant sections which had been added to the SCI relating to a 'Pre-application Advice Note' and 'Neighbourhood Planning'.

Full details of these additions were outlined in the committee report, but in summary, the Localism Act had put in place much stronger requirements for developers to undertake consultation with communities before submitting a formal planning application to the city council. The Act also enabled local planning authorities to prepare a local 'advice note' on

this matter which a developer was required to have regard to when undertaking pre-application consultation.

To ensure the city council was well prepared in this regard, a draft 'advice note' had been set out in the SCI and views were sought on it. A final version would then be prepared, taking account of both the consultation responses and any other national guidance issued in the interim.

The second significant new section in the SCI was entitled 'Neighbourhood Planning in Peterborough'. This section set out how the Council intended to take forward the wide range of issues which came under the 'Neighbourhood Planning' section of the Localism Act.

The SCI also touched upon what alternative options a local neighbourhood had if it did not want to undergo the formal neighbourhood planning process. This would include taking advantage of Supplementary Planning Documents and Community Action Plans which were in the process of being prepared by the Neighbourhood Managers

Members were invited to comment on the SCI and the following points were highlighted:

- Portions of the document were quite repetitive and may be confusing to members of the public;
- The document would be better split into three, separating out the Parish Councils and Neighbourhood Planning should be separate;
- The document did set out more clearly the processes; however it did not go into specific detail around costs, particularly in relation to Neighbourhood Planning. Members were advised that further guidance was being awaited on this point;
- The fifth bullet point down on page 48 of the document (not the agenda pack page numbers) stated that 'Sufficient evidence had been provided to show that the neighbourhood forum proposed had secured (or taken reasonable steps to attempt to secure) that its membership included at least two individuals from the following: (a) individuals who lived in the neighbourhood area concerned; (b) individuals who worked there (whether for business carried on there or otherwise); and (c) individuals who were elected members, any of whose area fell within the neighbourhood area concerned'. Members sought clarification as to whether membership would be two individuals from each of the categories, as it did not appear to be clear. It was advised that the wording would be looked at and amended as appropriate;
- It was highlighted in the document on more than one occasion that with regards to Neighbourhood Planning 'more than 50% of the community must be in favour of a plan for it to pass the public vote'. It was not clear whether this meant 50% of votes cast. Members were advised that this point would be looked into;
- The document stated that the requirement by developers to undertake pre-application consultations currently applied to 'residential developments of 200 or more new residential units'. This figure was low as a development of 50 units could have significant effect on the local community. In response, Members were advised that clarification on this figure was being awaited from government;
- Committee Members involvement with applications at the consultation process stage would have to be measured in order to prevent Members being predetermined on applications;
- A number of points contained within the overview of the Committee speaking scheme needed amending. This would be addressed.

Following debate, Members commented that overall the document was extremely good; however it needed to be less repetitive and collated in a more succinct manner to enable lay members to understand its contents fully. Members were advised that their points raised would be addressed and incorporated into the document.

RESOLVED: to comment on the draft Statement of Community Involvement, in accordance with the committee's delegations under paragraph 2.5.1.5 of the Council's Constitution, before its presentation to Cabinet on 26 March 2012 for approval for the purpose of public consultation.

1.30pm - 2.15 pm
Chairman