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Minutes of a Meeting of the Planning and Environmental Protection Committee  
Held at the Town Hall, Peterborough on 10 April 2012

## **Members Present:**

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

## **Officers Present:**

Lee Collins, Area Manager, Development Management  
Adrian Day, Licensing Manager  
John Wilcockson, Landscape Officer (Item 5.1)  
Janet Maclennan, Senior Development Management Officer  
Ruth Lea, Lawyer, Growth Team  
Gemma George, Senior Governance Officer

### **1. Apologies for Absence**

Apologies for absence were received from Councillor Stokes, Councillor Lane and Councillor Martin.

Councillor Winslade was in attendance as a substitute.

### **2. Declarations of Interests**

Councillor Todd declared a personal, non-prejudicial interest in item 5.2, in that she knew Mr Branston, one of the speakers in attendance.

### **3. Minutes of the Meeting held on 20 March 2012**

The minutes of the meeting held on 20 March 2012 were approved as a true and accurate record.

### **4. 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.

### **5. Development Control and Enforcement Matters**

The Chairman addressed the Committee and stated that, with Committee's approval, it was proposed to take item 5.2 first. The Committee agreed to the proposal.

#### **5.1 12/00212/FUL – Change of use of storage building to 24 hour taxi call office. 787 Lincoln Road, Peterborough, PE1 3HE**

The application site was formed by a large detached single storey store building which was permitted under application reference 03/01334/FUL with a lawful storage and distribution use (Class B8). The site lay to the rear of No. 789 Lincoln Road, a vacant

shop unit. The surrounding area was characterised by a mixture of uses, with residential dwellings to the south east, commercial buildings to the north east and a car sales unit directly opposite. Access was currently gated and situated between Nos. 785 and 789 Lincoln Road with an area of hardstanding surrounding the building, used for car parking. This part of Lincoln Road had recently been altered to restrict on-road parking.

The application sought planning permission for a change of use of the site from B8 storage and distribution, to a 24 hour taxi call office. The proposal would only be for the use of employees taking calls and would not be open to members of the public, or be a base for taxis.

The Area Manager, Development Management addressed the Committee and gave an overview of the proposal. The main issues for consideration were highlighted, those being the impact on residential amenity and highways implications. The recommendation was one of approval.

With regards to the impact on residential amenity, a petition had been submitted signed by all those residents living in the immediate vicinity. Two further letters of objection had been submitted and objections had also been raised by the Millfield and New England Regeneration Partnership (MANERP). Due to the nature of the proposal, in that it was not to be used as a taxi base, just for taking calls, it was in the view of Officers that the impact on residential amenity could be mitigated by conditions, as outlined in the report and the update report.

Highways had raised no objections to the proposal as the site had an established access and the proposal would not increase the number of vehicle movements.

Members' attention was drawn to additional information contained within the update report. As previously outlined, there was an amendment to condition C2 requested which would ensure that no private hire vehicles would frequent the site, apart from once a week to drop off takings, and not outside the hours of 08.00 to 18.00. An additional condition had also been requested stating that no more than six members of staff were to work from the site.

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

- The vision of drivers would be obscured due to a low wall at the front of the premises;
- There were a number of children that walked in front of the premises on their way to school. An amendment to the time for the taxi drivers to be able to drop off their takings was therefore sought, this to be 09.00 in the morning instead of 08.00;
- There was no time specified for drivers being allowed to park on the premises. A time limit was therefore sought of around half an hour;
- There were strong rumours that the owner may wish to close his other business and therefore increase the number of taxis travelling along the road to the premises along Lincoln Road. A temporary three year licence was therefore sought;
- Parking in the area was not restricted to residents only;
- There had been problems experienced with noise coming off the gravel drive when cars passed over and also security lights turning on at night time;
- Cars visiting surrounding businesses only tended to stay for short periods of time;
- From 18.00, the gates to the premises would be closed, where would the vehicles park then, and would they not cause noise?

Mr Branston and Mr Khan, the Agent and Applicant, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- With regards to the obscured vision, splays had been included in the original application but a request to remove these had been made by the Highway Authority;
- The payments were all made through bank transfer so there would be hardly any drop offs at the site;
- It was preferred that the gates be closed early evening as the Applicant did not want taxis coming into the site and also for security reasons;
- There would be no taxis kept on the site;
- There would be one person in the office, so there would only be one car parked in the car park at any time;
- A radio had not been applied for as all of the calls were taken via the telephone and dealt with via computer;
- There would be very few occasions when vehicles would need to access the site;
- Mr Khan had set up the business for his sons, and there would be three to four taxis to start with;
- A taxi licence for the site could not be obtained until planning permission had been granted.

Following questions to the Area Manager, Development Management in relation to the condition outlining the times that private hire vehicles would be allowed to visit the site, the Licensing Manager addressed the Committee and gave a brief overview of the differences between private hire and Hackney taxis, and the legislation around taxis having to return to their base during slow times.

The Legal Officer addressed the Committee and reminded Members that Licensing issues were not to be taken in consideration at this time.

Following brief debate and questions to the Area Manager, Development Management with regards to conditions which could be imposed to mitigate against possible lighting and noise issues, a motion was put forward and seconded to approve the application subject to an amendment to condition C2 to state that drop offs would only be permitted Monday to Friday, once per week, between the hours of 09.00 to 14.00 and the imposition of additional conditions in relation to the permitted number of staff allowed on site, external lighting and noise levels. The motion was carried by 6 votes with 2 voting against.

**RESOLVED:** (6 For, 2 Against) to approve the application, as per Officer recommendation, subject to:

1. The conditions numbered C1 and C3 to C5 as detailed in the committee report;
2. The amended condition C2 to state:

‘No taxis or private hire vehicles shall visit or operate from the site, other than a frequency of once per week Monday to Friday only in which to drop off any takings and not outside the hours of 09.00 to 14.00.’

3. The additional condition C6, in relation to the number of employees permitted to work at the premises, as detailed in the update report;
4. An additional condition in relation to the submission and approval of details of any external lighting by the LPA prior to installation; and
5. An additional condition in relation to the level of noise permitted to be emitted from

the premises.

**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 weighing against relevant policies of the development plan. Specifically, the proposed use as a 24 hour taxi call office would not give rise to any significant harm to the amenities of neighbouring occupants, would not result in a significant increase in vehicular movements to, within and from the site and would not result in any harm to the safety of the public highway.

The proposal was therefore in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011).

**5.2 12/00360/TRE – Fell sycamore tree T20 of TPO Ref 1995\_07, 24 Atherstone Avenue, Peterborough, PE3 9TX**

The proposal was to fell a mature sycamore tree, protected by a Tree Preservation Order. The tree was located on the grass area abutting the public footway at the front of a detached property with gardens fronting onto 24 Atherstone Avenue.

The Landscape Officer addressed the Committee and gave an overview of the proposal. The applicant had sited that the tree roots had damaged drains and man holes, lifted block paving slabs and that the branches were potentially a threat to school children. The evidence had been supplied in the form of a report provided from a drainage company. The report highlighted the damage caused, the causes of that damage and the costs of repairs. The tree was in good structural order with no defects and there was no arboricultural justification for felling the tree. The tree offered high amenity value, this being the main reason for the TPO being placed on the tree in the first instance alongside a number of other trees situated along Atherstone Avenue.

In order for a TPO tree to be approved for felling, the applicant was required to provide evidence in support of the proposal; this had been done so via a Drainage Engineers report. Having assessed this report, it was in the opinion of the Landscape Officer that the findings had not categorically demonstrated that the tree itself was causing the damage. An outline of other possible causes were given to the Committee and it was advised that once repair had been undertaken on the pipes, due to the nature of those repairs, this would prevent future root ingress into those pipes. In respect of all other points of concern raised within the Drainage Engineers report, all could be addressed without the need to fell the tree. The recommendation was therefore one of refusal.

The Committee was invited to ask questions of the Landscape Officer, key points were highlighted and discussed as follows:

- The tree was in the region of 50 to 60 years old and had the potential to live to 250 years plus, dependent on growing conditions and pressures exerted on it in future;
- The tree would grow to a height that it needed to sustain itself, it would not just continue to grow;
- The tree did have the potential to grow a further 5 to 10 metres;
- There were smaller and more appropriate species of tree which could be planted outside houses;
- There had been no other trees with TPOs removed in the area in recent years;
- If consent to be felled was granted, this could set a precedent for felling other trees in the area;
- Replacing the tree with a more appropriate species could be considered;
- It was unknown whether sycamore trees were indigenous to the country;

- Just because a tree was high, this did not automatically make it dangerous;
- The recent dry conditions could have exacerbated the situation with the trees.

Following questions to the Landscape Officer, concern was expressed by Members at the prospect of the tree being felled. A motion was put forward and seconded to refuse the application. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to refuse the application, as per officer recommendation.

**Reasons for the decision:**

As the pipes needed to be repaired anyway and the other reasons provided to fell the tree could be addressed through tree management, it was considered that there was insufficient justification to fell a tree that provided substantial visual amenity value.

The felling of the tree was not deemed to be proportionate with the remedial works required.

The meeting was adjourned for ten minutes.

**5.3 11/02040/R4FUL – The construction of 21 dwellings comprising of 12 x 2 bed houses and 9 x 3 bed houses, together with associated external works and parking. Recreation ground, Honeyhill, Paston, Peterborough**

The site area was approximately 0.6 ha, grassed and formerly part of the Honeyhill Primary School Site, currently used as a Community/Children’s Centre. The site was enclosed to the south and west by a mature hedge and trees. There was a foot/cycle path directly to the west, a recreation ground to the east and Honeyhill Community Complex to the north. The surrounding character was predominantly residential and was comprised of Development Corporation housing, circa 1970s, built as part of the New Town Development for Peterborough.

The application sought permission for residential development comprising 12 x 2-bed and 9 x 3-bed, two storey affordable dwellings with associated parking. The site would be accessed off Paston Ridings.

The Area Manager, Development Management addressed the Committee and gave an overview of the proposal. The main issues for consideration were highlighted, those being the policy context and the principle of development, the design and layout of the scheme, the impact on neighbouring and residential amenity, highway implications, open space, landscaping implications, the impact on the historic environment, contamination and the S106 contribution. The recommendation was one of approval.

Members’ attention was drawn to additional information contained within the update report. It was highlighted that a revision to condition C7 was sought, should the Committee be minded to approve the application.

Following questions to the Area Manager, Development Management it was commented that the application was extremely well thought out and very impressive. A motion was put forward and seconded to approve the application, subject to a revision to condition C7 as detailed in the update report and an amendment to condition C3. The motion was approved unanimously.

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

1. The conditions numbered C1 to C2, C4 to C6 and C8 to C21 as detailed in the

- committee report;
2. The revision to condition C3 to state:

'No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation and evaluation by trial trenching has been submitted to, and approved by, the local planning authority in writing'.

3. The amended condition C7 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:

- This was an allocated housing site in the Local Development Framework Site Allocations Proposed Submission Document and would provide efficient and effective use of land and was in accordance with the spatial strategy for the location of residential development;
- The scale and design of the development would respect the character and appearance of the surrounding area;
- The development made adequate provision for the residential amenity of the future occupiers of the properties;
- The development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings;
- The proposal provided adequate parking provision for the occupiers of the dwellings and visitors and would not result in any adverse highway implications;
- The proposal would provide affordable dwellings and would meet an identified housing need;
- The proposal would not have an unsatisfactory impact on trees; and
- The proposal made satisfactory and justified off site provision for improvement to public transport and made a contribution towards the social and physical infrastructure demands that it would place upon the city.

Hence the proposal was in accordance with policies H15, H16, LNE9, LNE10 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS2, CS8, CS10, CS13, CS14, CS16, CS17 of the Adopted Peterborough Core Strategy DPD and the NPPF.

1.30pm – 3.21pm  
Chairman