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## **MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 9 OCTOBER 2012**

**Members Present:** Councillors Serluca (Chairman), Casey (Vice Chairman), North, Stokes, Todd, Shabbir, Harrington and Lane

**Officers Present:** Nick Harding, Group Manager Development Management  
Andy Cundy, Area Manager Development Management (Item 5.1)  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Senior Solicitor  
Gemma George, Senior Governance Officer

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

Apologies for absence were received from Councillors Hiller and Sylvester.

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

There were no declarations of interest.

### **3. Members' Declaration of Intention to Make Representation 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 4 September 2012**

The minutes of the meeting held on 4 September 2012 were approved as a true and accurate record.

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

#### **5.1 12/01134/FUL – Change of use from light industrial/offices to a day care unit for dogs, dog training and external fencing, All About Your Dog Day Care Ltd, 6 Milnyard Square, Orton Southgate, Peterborough**

The site was one of six small industrial units located within Milnyard Square, a small industrial estate within the Orton Southgate General Employment Area. The site was attached to unit No. 5 and had areas of open space to the side and rear of the unit.

Permission was sought for a change of use from light industrial/offices to a day care unit for dogs and dog training. Permission was also sought for solid external fencing to create an external area for the dogs. The applicant had given a figure of approximately 30 dogs as a maximum number of dogs to be located on the premises at any one time.

The application was a resubmission of application number 12/00708/FUL.

The Area Manager Development Management addressed the Committee and gave an overview of the proposal. It was advised that the Applicant had submitted a mitigation strategy in order to address issues in relation to dog barking and car parking. This

included staggering the arrival times of dog owners, offering a dog collection service, introducing a rigorous assessment process in order to identify a dog's suitability and proposals for a heavy duty hardwood perimeter fence. Officers considered that, notwithstanding the mitigation proposals, development would still result in unacceptable noise disturbance from barking to the detriment of the amenity of adjacent sites, in particular the attached unit. Officers also considered that ten parking spaces were insufficient and this would have an adverse impact on the safety and freeflow of traffic along the adjoining public highway. It was further advised that the proposal to stagger drop off times could not be conditioned, as it would be impossible to enforce. The recommendation was therefore one of refusal.

Councillor Sue Allen, Ward Councillor, addressed the Committee on behalf of the Applicant. In summary the issues highlighted to the Committee included:

- The business would employ three to four members of staff;
- There had been no objections raised from any of the three Ward Councillors;
- The site was ideal for the proposed use;
- Councillor Allen had visited a number of the surrounding units and talked to a number of employees. No one had raised any issues with the proposal;
- There were a number of empty units in the area;
- The dogs would be entertained and would therefore not bark;
- You would not be able to hear dog barking over the traffic travelling around the A605 roundabout;
- There was sufficient car parking on the site;
- The Council strived to bring new businesses into the City, why was this application therefore not being supported?

Mrs Presland, the Applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Dogs that were entertained and supervised by experienced dog handlers did not bark excessively;
- Mrs Presland had full support from Mr Mizen, a local veterinarian, Mr Stewart Jackson had also written a letter of support and the Parish Council and Ward Councillors were also in full support;
- There were no other facilities of this type in the area;
- Mrs Presland was part of a dog obedience group and they found it extremely difficult to find appropriate areas to train dogs;
- The building could be used for the dog training groups;
- Mrs Presland had looked at rural areas and had been advised that the location of the proposal was an ideal location for this type of activity;
- Not all dogs were suitable for dog care and each dog would be assessed;
- There would be trained and experienced carers working with the dogs;
- The dogs would not be outside all day;
- The parking allocation was 12 spaces, three of which would be allocated to staff and eight for drop off and collection;
- It would be beneficial for Mrs Presland to implement staggered drop offs, as she did not want all dogs arriving at the same time;
- Comparing like for like, the proposal had many more parking spaces available than some childcare nurseries in the town;
- A dog pick up service would be offered if it was required;
- The dog training would take place during the evenings and weekends;
- The day care would operate between 8.00am – 6.00pm;
- Mrs Presland had been associated with dog training for five years and she was completing a diploma in dog behaviour.

Following questions to the speakers, Members commented that the application was extremely well thought out and it was commendable that local consultation had been undertaken, with no negative responses received. The application would create jobs and fill an empty unit and there was ample parking available.

The Highways Officer addressed the Committee and stated that the concerns highlighted around parking were more in relation to the smooth flow of traffic along the access road being impeded should a large number of vehicles wish to manoeuvre in and out of the site during a certain period of time. Staggering the arrival times would mitigate against this, however this was not considered to be an enforceable condition, hence the recommendation for refusal. It was further advised that a temporary permission may permit further investigation to take place in the future.

Following further debate and questions to the Area Manager Development Management, a motion was put forward and seconded to go against Officers recommendation and issue a temporary operating consent for a period of three years, with conditions requesting the imposition of a solid 1.8 metre high fence, to limit the number of dogs on the site to 30 at any one time and the hours of use to be 8.00am to 8.00pm Monday to Friday and 9.00am to 4.00pm Saturday, Sunday and Bank Holidays. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to grant the application contrary to Officer recommendation, subject to the following conditions:

1. The use hereby permitted to be discontinued on or before 20 October 2015.

**Reason:** The development by its nature had the risk that it may result in noise nuisance to nearby properties. A temporary permission had been granted so that if noise problems did arise then this information could inform the consideration of a future application to make the use permanent. This was in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) Adopted 2005 and Policy PP2 of the emerging Peterborough Planning Policies DPD (February 2012).

2. Prior to commencement of the use, a solid 1.8 metre fence to be erected around the area to be used for the outdoor exercise of dogs such that the dogs could not see third party land. The fence should thereafter be retained in this form.

**Reason:** The fence would reduce the risk that dogs would bark excessively as they would be unable to see people beyond the confines of their exercise area. This was in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) Adopted 2005 and Policy PP2 of the emerging Peterborough Planning Policies DPD (February 2012).

3. The opening times for the public to be restricted to:

Monday to Friday 8.00am to 8.00pm  
Saturday, Sunday and Bank Holidays 9.00am to 4.00pm

**Reason:** In the interest of neighbour amenity. This was in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) Adopted 2005 and Policy PP2 of the emerging Peterborough Planning Policies DPD (February 2012).

4. No more than 30 dogs to be on site at any one time.

**Reason:** To reduce the risk of noise nuisance. This was in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) Adopted 2005 and Policy PP2 of the emerging Peterborough Planning Policies DPD (February 2012).

### **Reasons for the decision:**

Subject to the imposition of the conditions and the issuing of a temporary three year operating consent, the proposal was acceptable having been assessed in light of all material considerations, including weighing against relevant Policies of the Development Plan (Cambridgeshire and Peterborough Minerals and Waste Core Strategy July 2011 and Peterborough Site Allocations DPD April 2012).

- The loss of the unit to a non-B class use would not result in any significant reduction in the supply of land or buildings for employment use particularly given the number of vacant premises locally;
- The amount of car parking available for staff and customers was considered adequate given the proposed scale of the operation;
- It was anticipated that given the scale of the operation, noise from barking dogs was unlikely to have a detrimental impact on nearby properties, however, as this was unproven, only temporary planning permission had been permitted;

The proposal was therefore in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) Adopted 2005 and Policy PP2 of the emerging Peterborough Planning Policies DPD (February 2012).

### **5.2 12/01284/TRE – Willow Tree (TPO 7\_95) at 7 Enfield Gardens, Netherton. Thin crown by 30%, repollard at historic knuckle points and provide lightpole clearance of 2 metres or 45 degrees from head height to the top of the pole if required to allow light to spread to reach the public right of way.**

An application had been received to carry out works to a willow tree protected by Tree Preservation Order 7 of 1995. These works were to prevent crown failure and to provide clearances over the street light that was located next to the tree.

The application had been referred to the Planning Committee as the Applicant was Councillor Chris Ash and Members were advised that no objections or comments had been received.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. The recommendation was one of approval.

Following questions to the Group Manager Development Management in relation to the last time the works had been carried out, this being 10 years; 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.

### **Reasons for the decision:**

It was the opinion of the Case Officer that the works were deemed appropriate for the following reasons:

- At the current time the light was partially obscured by the crown of the tree, this work was in fact an exemption under the TPO regulations;
- The visual amenity value of the tree would be reduced in the short term, but within two growing seasons, the tree would have formed a new crown; and
- Once a tree had been pollarded, there was a need to manage it as such thereafter, if this was not done, failure could occur once the tree developed a full crown.

### **5.3 E1 – Enforcement Action in Stanground Central Ward**

Members were asked to determine whether the item, which contained exempt information relating to an individual or would be likely to reveal the identify of an individual and information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by Paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting during the item, or whether the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exemption and the press and public were excluded from the meeting.

The Committee received a report requesting it to consider appropriate enforcement action in relation to unauthorised development.

Following debate, a motion was put forward and seconded to agree that no enforcement action be taken. The motion was carried unanimously.

**RESOLVED:** (Unanimously), to agree that no enforcement action be taken, as per officer recommendation.

#### **Reasons for the decision:**

The Committee considered that no enforcement action was required as per the reasons outlined in the exempt committee report.

1.30pm – 2.25pm  
Chairman

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