

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 9 OCTOBER 2012

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

- 1. Apologies for Absence**
- 2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.
- 3. Members' Declaration of intention to make representations as Ward Councillor**
- 4. Minutes of the meeting held on 4 September 2012** **1 - 16**
- 5. Development Control and Enforcement Matters**
 - 5.1 12/01134/FUL - All About Your Dog Day Care Ltd, 6 Milnyard Square, Orton Southgate, Peterborough** **17 - 24**
 - 5.2 12/01284/TRE - 7 Enfield Gardens, Netherton, Peterborough, PE3 9RP** **25 - 28**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

In accordance with Standing Orders, Members are asked to determine whether agenda item 3.2, E1 Enforcement Action in Stanground Central Ward, which contains exempt information relating to an individual or would be likely to reveal the identity 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 when this report is discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

5.3 E1 - Enforcement Action In Stanground Central Ward

29 - 36

Committee Members:

Councillors: Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



**MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL
PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 4 SEPTEMBER 2012**

Members Present: Councillors Casey (Vice Chairman), Hiller, North, Stokes, Todd, Shabbir, Sylvester, Harrington and Kreling

Officers Present: Nick Harding, Group Manager Development Management
Richard Kay, Group Manager Strategic Planning, Housing and Environment
Simon Pickstone, Strategic Planning Officer
Julie Smith, Highway Control Manager
Sarah Hann, Acting Senior Engineer (Development)
Ruth Lea, Lawyer – Growth Team
Helen Turner, Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Serluca and Lane.

Councillor Kreling was in attendance as a substitute.

2. Declarations of Interests

There were no declarations of interest.

3. Members' Declaration of Intention to Make Representation as Ward Councillor

Councillor Todd declared that she would be making representation as Ward Councillor on item 5.1, David Harrison Metals, 13-14 Astore Park, Peterborough.

4. Minutes of the Meetings Held on:

- 4.1 10 July 2012
- 4.2 24 July 2012
- 4.3 14 August 2012

The minutes of the meetings were approved as a true and accurate record subject to the following amendments:

- 4.1 10 July 2012 - Page 7, first bullet point. Change 'would almost double the size of the current property' to 'would more than double the size' and

likewise within the fourth bullet point.

- 4.2 24 July 2012 - Page 25, 3.2 under resolved should read 5 For and 3 Against, not Abstentions.

5. Development Control and Enforcement Matters

5.1 12/00881/MMFUL – Change of use to metal recycling yard, David Harrison Metals, 13-14 Astore Park, Padholme Road East, Fengate, Peterborough

The site was located within Fengate at the eastern end of Astore Park within the Eastern General Employment Area (SA11 GEA3). The site was set back from Padholme Road East to the south and was accessed by a private road. Industrial units in Leofric Square lay to the north, the rear of the site, and a Builders merchant lay directly to the east with separate access. The character of the area was of an industrial nature. The 14 units comprising 'Astore Park' were granted permission under application P0546/87 and were of a consistent and uniform design with a one way system designed to ease traffic movements through the 'park'. Units 13-14 had since been subject to two temporary permissions for the current use.

The proposal was for a permanent change of use to a metal recycling yard following two temporary permissions for this usage.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. It was advised that the application was retrospective, due to the last temporary consent having expired in January 2012. The development previously given temporary consent had only two parking spaces and it was proposed to increase this in order to address concerns that had been highlighted in relation to parking on the site and on the street. The recommendation was one of approval.

Councillor Marion Todd, Ward Councillor, addressed the Committee on behalf of Astore Park Businesses and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The unsuitability of the site for the location;
- The congestion along the road outside the site;
- Vehicles struggled to use the entrance and exit to Astore Park due to the congestion;
- The development was too large for the site;
- The business had been operating without permission since January 2012;
- Managers of businesses across Astore Park would like to see the activities cease altogether on the site;
- The recommendations which had been made by Officers would have little impact on the day to day operating of the site.

Mr Hoppe, addressed the Committee on behalf of Astore Park Residents Association and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- When originally built, the road was one way and parking was required at the front of the units. This had worked well for twenty years until the Applicant had moved into the premises and started to trade as a scrapyards, without any permission;
- Scrap metal was stored on the site where the vehicle parking would normally have been located, so there was no room for visiting vehicles;
- The road had become congested and it had encouraged on road parking;
- The fence around the building was put up only for storage, this had been erected without permission;
- It was strongly advised that the fence be removed, even if the scrap yard was no longer in situ.

Following comments and questions to the speakers, Members expressed concern in relation to the proposal. It was commented that the location was less than ideal for the particular type of business undertaken on the site. It was further commented that the Applicant had been trading without consent since January 2012 and this showed a disregard for due process, as did the erection of the fence upon the site.

In response to Members concerns, the Group Manager Development Management advised that there had been no previous complaints in relation to the site and the operator had been advised by Officers historically that the area currently used for storage was acceptable.

Following debate and further questions to the Planning Officer, a motion was put forward and seconded to issue a temporary operating consent for a period of 12 months, with an additional condition requiring the removal of the fencing at the front of the site once the planning permission had expired. The motion was carried by 6 votes, with 3 voting against.

RESOLVED: (6 For, 3 Against) to grant the application as per Officer recommendation, with revised conditions, subject to:

1. The temporary operating consent being issued for a period of 12 months;
2. Additional condition C1 to read:

C1 The use hereby permitted shall be discontinued and the perimeter fence and gates removed on or before 17 September 2013.
Reason: The use has been operated in the past on the basis of temporary planning permissions and car parking and access issues have arisen. The development hereby approved provides for more parking but the local planning authority needs to be sure that the site parking is properly managed to stop the problems continuing. The fence is provided to protect from theft valuable scrap metals stored outside and is not required other than for this reason. This is in accordance with Policy CS16 of the Peterborough City Council Core Strategy DPD 2011 and Policy PP10 of the Peterborough City Council Planning Policies DPD (Proposed Submission) 2012.

3. Revised condition C2 (originally listed as C1 in the committee report) to read:

C 2 No outside storage of any material is permitted unless it is contained within skips to be located only in the area shown on Drawing 01. The area shown hatched on Drawing 01 shall be used for the parking and turning and manoeuvring of vehicles and shall not be used for any other purpose hatched on the approved drawing 01.

Reason: In the interests of avoiding pollution and in order to reduce on street parking , loading and unloading of vehicles which restrict the movement of vehicles along Astor Park. This is in accordance with Policies CS2, CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Policy PP10 of the Peterborough City Council Planning Policies DPD (Proposed Submission) 2012.

Reasons for the decision:

Subject to the imposition of the conditions and the issuing of a temporary 12 month 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 site was within a General Employment Area (SA11) which in principle was an appropriate location for waste recovery and recycling uses (CS18).
- The open storage of materials was required by the Environment Agency to be over sealed drainage to prevent pollution; therefore to satisfy Policy CS39 it was necessary to condition out the use of open areas for storage at the site.
- Through conditioning out the use of open areas for storage additional space would be available within the development site, reducing the detrimental impact of visitor parking and loading/unloading on Astore Park. This would also have the effect of reducing the visual impact of the site, thus satisfying Policies CS2 and CS34.

5.2 12/01054/FUL - Change use of land for all year round storage of up to 150 touring caravans, Whitepost Cottage, White Post Road North, Newborough, Peterborough

The site was located within the open countryside 1km to the east of Newborough Village and 270 metres to the west of a roundabout junction of the recently opened realigned A1078 road. The site lay immediately to the south of the B1443 Thorney Road and very close to White Post Road that flanked the western flank boundary of land in the ownership of the Applicant. The latter road was bisected by the realigned A1078 road such that Whitepost Road was no longer a through route for traffic. The site itself would occupy an area of 0.43 hectares, the depth of the site being 80 metres and the width 50 metres. The site area was located centrally within a group of four fields that internally were marked out with substantially sized native hedgerows with heights being in excess of 4-5 metres and widths of up to 8 metres. The two fields either side of the application field also had external

boundaries defined by mature hedging of similar substantially sized hedgerows as did the northern boundary of the application immediately beyond through which ran a ditch separating Thorney Road from the application site. The fields had an entirely grassed coverage and could not be viewed from anywhere other than within the site.

There was a detached dwelling known as Whitepost Cottage on the eastern side of Whitepost Road approximately 160 metres from the junction of Whitepost Road and Thorney Road. This was served by a 5 metre wide vehicular access immediately to the south. This access also served an established car repairs business to the east of the dwelling and also the aforementioned fields beyond. The car repair business was comprised of a detached barn and parking areas which were not visible from outside of the site. The field immediately to the south east of the application field was being used as a certified touring caravan site for up to five caravans. The two larger fields had been used for many years for caravan rallies. The application field and the field immediately to the east had on occasion been used for caravan rallies comprising up to 50 caravans at a time. There was a hamlet of four dwellings within Speechly Drove to the north of its junction with Thorney Road.

To the north of the dwelling there was small florists shop with a small accompanying tea room.

The application sought planning permission for the use of part of the land for the open storage of up to 150 caravans all year round. However, based on the site area and the requirements of each storage pitch it was likely that no more than 100 caravans could be sited within the application field. The site was to be accessed via the existing 5 metre wide vehicular access shared access with the dwelling house, the car repair business and the fields. The access had an entrance width of 5 metres with visibility splays. The proposal was to retain all of the mature hedgerows both that surrounded the application site and the existing neighbouring fields. The proposal did not propose any areas of hard standing within the site other than an area of gravel at the entrance to the site off the access road.

The current application represented a revised submission following the refusal of an application, (reference 09/00231), for the storage of 204 caravans and within an area of 1.26 hectares. The width of that application site being significantly larger than the current proposal which also involved the removal of all of the existing hedgerows to be replaced with a 2 metre high earth bund along all of the boundaries. The appeal against the refusal had been dismissed.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. The reasons for the dismissal of the appeal were outlined and it was advised that all of the issues considered by the Inspector had been addressed within the new proposal. The recommendation was one of approval, however it was to be noted that the recommendation proposed was slightly amended to that as outlined in the committee report in that permission was recommended for a permanent site, with up to 100 caravans to be stored on site.

Members' attention was drawn to additional information contained within the update report. A copy of the Design and Access Statement had been made

available to the Committee alongside a copy of the appeal decision letter. Revised conditions C1 to C5 were also contained within the report.

Councillor Paula Thacker and Mr and Mrs Clarke, the Applicant's, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Councillor Thacker had know the Applicant's for 42 years and they ran their businesses extremely professionally;
- The storage facility would compliment their business;
- The facility was a much needed one in the area;
- The storage field would only be open from 9.00am until 4.00pm, with a secure electronic gate;
- CCTV cameras were in place;
- The road was now a no-through road;
- There had been no objections received from Highways or the Parish Council;
- The Applicant had worked on site for 20 years;
- The storage site was required as an additional income due to the eventual retirement of Mr Clarke from the garage business;
- The field proposed for the storage had been used for caravan rallies in the past, these would cease if planning permission was granted;
- The hedgerows would be maintained.

Following questions to the speakers, it was commented that the facility was much needed and was naturally extremely well screened. 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 revised conditions C1 to C5 as detailed in the update report. These being:

C1 The caravan storage use hereby approved shall commence within 3 years of the date of this permission.

Reason: To comply with the provisions of the Town & Country Planning Act.

C2 The number of caravans stored on the site shall be limited to 100 in number.

Reason: This number of caravan is considered to be the capacity of the site and any more than this would risk the site becoming unsustainable in terms of its location.

C3 The vehicle access to the site shall be solely via the existing vehicular access to the application site off Whitepost Road.

Reason: In the interests of highway safety in accordance with policy CS14 of the Peterborough Core Strategy DPD (2011).

C4 No lighting of the site or erection of security fencing shall be

implemented unless in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the immediate countryside in accordance with policy CS1 of the Peterborough Core Strategy DPD (2011).

C5 None of the hedgerows surrounding the application site shall be removed or have their heights altered unless otherwise agreed in accordance with details to be submitted in writing by the Local Planning Authority. Thereafter any such works shall accord with the approved details.

Reason: In order to protect the visual amenities of the open countryside in accordance with policy LNE12 of the Peterborough Local Plan 2005 (First Replacement).

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 proposal would not adversely impact upon the character and visual amenities of the immediate rural scene due to the retention of the mature hedgerows that surround the application site and the adjoining fields in accordance with policy CS1 of the Peterborough Core Strategy DPD. (2011)
- A permanent permission with a restriction of 100 caravans would not be detrimental to highways safety in accordance with policy PP10 Peterborough Planning Policies DPD (Submission Version 2012)

Councillor Harrington stated that for the next item, due to reasons of bias, he would withdraw from the meeting.

5.3 12/01062/HHFUL - Construction of two storey side, conversion of garage to habitable space and single storey rear extension, 19 Plough Lane, Newborough, Peterborough, PE6 7SR

The site consisted of a two storey detached property, built circa late 1990's on a modern estate in Newborough. The dwelling had light red brick elevations, white upvc windows and doors and a terracotta coloured pantile roof.

Planning permission was sought for the construction of a two storey side extension, the conversion of the existing garage into habitable space and a single storey extension to link the proposed side extension with the converted garage. The two storey side extension measured 2.6 metres (Width) x 8.5 metres (Depth) with a ridge and eaves height the same as the existing dwelling. The single storey link element measured 3 metres (width) x 1.8 metres (depth) with an eaves height of 2.3 metres and a ridge height of 3.3 metres, matching that of the existing garage.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. The recommendation was one of refusal as per the reasons outlined in the committee report.

Councillor Stokes declared that she knew one of the speakers present but this would in no way affect her decision.

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

- Mr Simons had lived in the neighbouring property for a number of years;
- The proposal was opposed due to it being overpowering, overbearing, overshadowing front and back, and the loss of daylight;
- The extension would exceed the front of Mr Simons' bungalow causing extensive overshadowing in his bedroom;
- At the rear, it would overshadow the conservatory, this being part of the families main living areas;
- The development would have a detrimental impact on the family's lives and property.

Miss Jane Mann, the Applicant, addressed the Committee. In summary the issues highlighted to the Committee included:

- Planning permission had been requested for the needs of Miss Mann's growing children;
- The plans had been amended to be more in keeping with the recommendations made by the planning department;
- The extension had been kept to a minimum in order to appease neighbour concerns;
- Many of the surrounding properties had had internal adjustments to their properties;
- Miss Mann's property was not large enough for internal adjustments, hence the planning application.

Following questions to the speakers, it was commented that the extension was extremely large and would be overbearing to the neighbour's property, depriving them of natural light. It was also felt that the extension would have a negative impact on the streetscene.

A motion was put forward and seconded to refuse the application as per Officer recommendation. The motion was carried unanimously.

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

1. The reasons R1 and R2 as detailed in the committee report

Reasons for the decision:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

- The proposal, by reason of its odd juxtaposition and dominating appearance set alongside a neighbouring bungalow at no.21 Plough Lane would have a harmful impact on the character and appearance of the area. The proposal was therefore considered contrary to Paragraphs 56 and 60 of the National Planning Policy Framework 2012 and Policy CS16 of the Peterborough Core Strategy DPD 2011.
- The proposed extensions on the site would cumulatively increase the impact on neighbour amenity to an unacceptable level in terms of overshadowing. As a result, this proposal was deemed to be contrary to Policy CS16 of the Peterborough Core Strategy DPD 2011.

Councillor Harrington re-joined the meeting.

5.3 12/01100/FUL - Temporary residential accommodation for occupation by managers of Peterborough Dairies, Peterborough Dairies, 3 John Wesley Road, Werrington, Peterborough

The Committee was advised that the application had been withdrawn from the agenda.

5.4 12/01102/FUL - Change of use to storage of shop goods with proposed alterations including reposition of entrance, installation of roller shutter, increased wall height, addition of roof, rendering and painting of elevations – Resubmission, Store Adjacent To 29, Hankey Street, Peterborough

Hankey Street for the most part was residential in character comprising two storey dwellings. The application site used to be comprised of seven lock up garages with vehicular access alongside no.25 Hankey Street. These garages had been part demolished and the retained flank boundaries had been added to by way of breeze blocks and brickwork to form a storage building. At the time of the site inspection the breeze block work had not been rendered. The storage building covered the majority of the site with a set in of 1 metre to the western flank boundary. The eastern boundary was part open for the first 6 metres to the frontage of the building. Thereafter the eastern elevation of the storage building formed the common boundary with no.25 for a depth of 12 metres. The storage building had a shallow pitched roof that was 3.4 metres high at the frontage with a rear elevation with a height of 3.8 metres.

The front of the building was set back by 3.2 metres from the back edge of the pavement. The store floor area measured 18 metres deep by 9.3 metres at its widest. At the time of the site visit there were no openings within the front elevation of the building. However there was an opening, with a width of 2 metres, protected with a roller shutter, set back by 6 metres from the eastern side frontage of the building. The front of the building had retained the rear elevations of three of the former garages and the height had been added to but not with matching brickwork. There were movable bollards at the back edge of the pavement with the front

elevation of the building set back 3 metres from these. To the west of the site at the southern side of the junction of Hankey Street and Gladstone Road was a retail shop.

The application sought part retrospective planning permission to use the building for the storage of goods related to the retail store at no. 233-237 Gladstone Street. Associated with the proposal was an opening to the front of the building to a width of 3 metres. This was to be protected by a sliding timber door. The steel roller shutter door in the recessed part of the storage building was to be retained. The proposal was to retain the height of the building at 3.4 metres to the front elevation and 3.8 metres to the rear elevation. The external walls of the building were proposed to be rendered and painted. The application had been re-submitted following refusal of the same scheme under application reference 12/00771/FUL. That application was refused planning permission on the grounds that the storage building would have a detrimental impact upon the appearance of the street scene and it would impact adversely upon the amenities of the occupiers of the adjoining residential properties.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. The recommendation was one of refusal as per the reasons outlined in the committee report.

Members' attention was drawn to additional information contained within the update report and it was advised that an additional letter of support had been received from Councillor Nadeem in relation to the proposal.

The speakers registered were not in attendance.

Following questions to the Group Manager Development Management in relation to the next steps if the proposal was refused, namely that an enforcement notice would be served, the Highways Officer addressed the Committee and stated that should the Committee be minded to refuse the application as per Officer recommendation, an additional condition was sought in relation to the loss of off street parking in the area due to the development on site.

A motion was put forward and seconded to refuse the application as per Officer recommendation, along with the additional condition recommended by the Highways Officer. The motion was carried unanimously.

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

1. The reasons R1 to R3 as detailed in the committee report;
2. An additional reason for refusal R4 to read;

R4 The development has resulted in the loss of off street parking in an area of considerable on street parking congestion. There proposal is therefore likely to make the parking congestion worse to the detriment of highway safety. The proposal is therefore contrary to Policy PP10 of the Peterborough City Council Planning Policies DPD (Proposed Submission) 2012 which seeks to ensure that new development do not have an

unacceptable impact on the transportation network.

Reasons for the decision:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

- The storage unit was of a design and appearance that was completely out of keeping with the dominant residential character of Hankey Street to the detriment of the visual amenities of the street scene. Therefore the proposed retention of the storage unit would be contrary to policy CS16 of the Peterborough Core Strategy.
- The scale and siting of the storage unit close to the flank and rear boundaries of the adjacent residential properties would result in an adverse overbearing impact to the detriment of the amenities of the occupiers of those properties. Therefore the proposal was contrary to policy CS16 of the Peterborough Core Strategy DPD.
- The use of the recessed opening of the storage building, including the vehicular access to it, for the off loading of goods would increase the general levels of activity in this area of the site by way of noise and disturbance to the detriment of the amenities of the occupiers of no.25 Hankey Street. Therefore the proposed retention of the storage unit would be contrary to policy CS16 of the Peterborough Core Strategy.
- The additional reason R4 as outlined above.

5.5 12/01123/FUL – Construction of fencing to contain rugby/football balls, Peterborough Regional College, Park Crescent, Peterborough, PE1 4DZ

The application site was comprised of an area of playing fields associated with the wider site of Peterborough Regional College and was sited immediately adjacent to the College Sports Hall. The site boundary was currently comprised of 2.4 metre high steel palisade fencing and to the south west by mature shrubbery which separated the site from the residential premises on Tait Close. To the east was a public footway lined by an area of open space with mature Lime trees which were the subject of group Tree Preservation Order. Beyond this were residential properties on Derby Drive whose gardens faced towards the site.

The application sought planning permission for the erection of 5 metre high black chain link fencing along the south eastern boundary of the site and 1.8 metre high black netting to the south western boundary which could be raised to a height of 5 metres when the pitches were in use. The fencing/netting was proposed to ensure that footballs and rugby balls were contained within the site whilst matches were being played and to prevent balls from straying into gardens and the public realm.

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

Members' attention was drawn to additional information contained within the update report and it was advised that two additional letters of objection had been received from neighbours.

The Chairman addressed the Committee and stated that Councillor John Shearman, Ward Councillor, was in attendance and wished to speak alongside Councillor John Peach, Ward Councillor. As Councillor Shearman was not a listed speaker, the Committee's approval was required. Following a vote, it was unanimously agreed to permit Councillor John Shearman to address the Committee.

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

- Councillor John Peach was speaking mainly on behalf of the residents of Derby Drive;
- The application had been ongoing for a long time;
- The residents had no previous issues with balls and did not see the need for such a large fence;
- The fence would look unsightly;
- There had been issues in the past relating to drug use along Tait Close parkway, which ran alongside the fence. Further obscuring of this area would be inadvisable;
- School children used this pathway to walk to school;
- Why were two different heights of fence/netting required?
- The proposal was contradictory to planning Policy CS16 and should be rejected;
- During the autumn and winter months, the fencing, at the proposed height, would have a detrimental impact on the visual amenities of the local residents;
- Why could the fencing along Derby Drive not be lowered and raised as required? As per that proposed along Tait Close?
- The residents were not against the use of the pitch in any way;
- There was no history of balls going into residents' gardens, but if it was necessary, could the fencing be as per that which was proposed for the Tait Close end?
- Could the football pitch location be altered?

Ms Yvonne Locke and Ms Ros Skeels, Local Residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Along Tait Close, where the fence was already located, there was a gate in situ that was locked and this could be accessed if required. This had never been used;
- Ms Skeels had lived in the area for 19 years and she had never had a ball go into her garden;
- Ms Locke had never had a ball come into her garden;
- The football pitch appeared to have increased in size and the back of the football pitch was now located nearer to the residential properties;
- There was no objection to football being played on the pitch however there was no need for the proposed fence;

- The football pitch could be turned around;
- The trees situated around the residents houses were extremely tall, these would block a football;
- Residents would not object to a fence which could be lowered and raised, as that proposed along Tait Close, however it was felt that any fence was a waste of funds;
- The black chain link fence would still be visible through foliage.

Mr David Shaw, the Agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Sporting activity at the Regional College was increasing;
- Sport was an important part of a healthy lifestyle, and a healthy lifestyle was an important component of the Council's Community Strategy;
- The college would like to turn the pitch into a rugby pitch, meaning there would be balls kicked higher and further than at present. The safety aspect was therefore an issue for consideration;
- Players would want to focus on playing the game and not on retrieving lost balls;
- If the other side of the fence was changed to enable it to be raised and lowered also, this would take away from the training time, as it took on average 10-15 minutes to raise and lower the fences each time;
- In Mr Shaw's opinion, the temporary fencing did not look as neat as the permanent fencing, which was more firm;
- There were other houses with similar chain link fences at the rear of their properties;
- The imposition of the fences would help the future of Peterborough's sportsmen and women;
- The repositioning of the pitch had been considered but had not proved feasible;
- It was not possible to decrease the size of the pitch;
- The fencing was not a legal requirement but it was felt that it would be of benefit to both local residents and students;
- There would be many training sessions, comprising of only 2 or 3 people, therefore raising two fences would take time.

Following questions to the speakers the Group Manager Development Management addressed the Committee and advised that planning permission was not required to mark out a playing pitch in the first instance. It was further advised that the chain link fencing along the south eastern boundary had been proposed due to the proximity of the residential properties in relation to the pitch, these being quite close in comparison to those properties located where the netting fence was proposed.

Members commented that the fences should have as little impact on local residents as necessary, and there could be no reason discerned as to why netting fencing, which could be raised and lowered, would not be acceptable for both sides of the pitch. A motion was put forward and seconded to approve the application in part, with both fences being retractable net type fences and an amendment to a current condition ensuring that the fences were kept in the lowered position until

they were required. The motion was carried unanimously.

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

1. The Condition C1 as detailed in the committee report;
2. The amended Condition C2 to read:

The netting shall be kept at a height of 1.8 metres in the down position except for those times when the pitches adjacent to the netting fences are in use during which their height shall not exceed 5 metres.

Reason: In order to protect the amenities of neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP1 of the Peterborough Planning Policies DPD (Submission Version 2012).

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 and specifically:

- The proposed netting would not appear incongruous or overbearing within the public realm and would not result in harm to the character, appearance and visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP1 of the Peterborough Planning Policies DPD (Submission Version 2012);
- The proposal would not result in harm to the amenities of neighbouring residents by virtue of overbearing or overshadowing impact, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (Submission Version 2012); and
- No harm would result to the line of trees protected by way of a Tree Preservation Order immediately adjacent to the site, in accordance with Policy LNE9 of the Peterborough Local Plan (First Replacement) (2005) and Policy PP14 of the Peterborough Planning Policies DPD (Submission Version 2012).

6. Peterborough 'Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule (PDCS) and Infrastructure Delivery Schedule (IDS)

The Committee received a report which sought its comments in relation to the proposals as set out in the document, prior to its consideration by Cabinet on 24 September 2012.

The purpose of the report was to draw attention to important proposed changes to the way in which Developer Contributions were collected and administered in the light of recent statutory and regulatory changes instigated at the national scale.

An overview of CIL, the Proposed Preliminary Draft Charging Schedule, and the IDS was given and key points were outlined as per the committee report and the supporting documents.

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

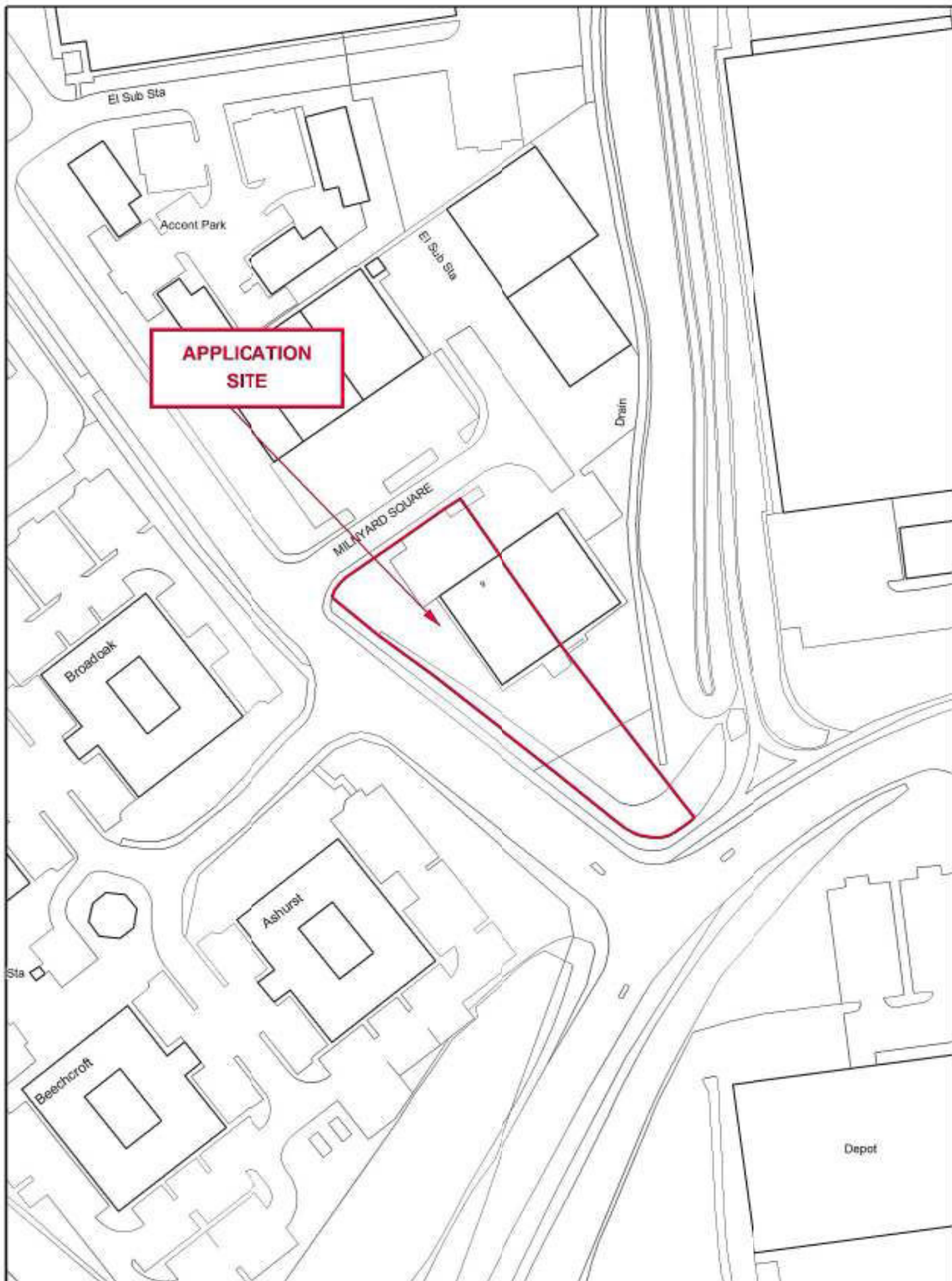
- CIL discretionary relief would only be considered in exceptional circumstances;
- There was a disparity of charge per square metre between local authorities, this may be questioned. Peterborough was pitched roughly in the middle;
- The comparison data between local authorities would be available for inspection throughout the consultation period via the Planning Advisory Service website, CIL Watch page;
- The charges were subject to inflation each year and the Council was entitled to amend them, subject to repeating the consultation process;
- Different rates of charge could be set for different geographical areas in the future, subject to repeating the consultation process;
- All CIL money must be spent on infrastructure, this infrastructure being listed on a schedule. There was flexibility as to the contents of the schedule. Cabinet were to be asked to agree an updated schedule each year, with a delegation to a portfolio holder (to be agreed at Cabinet) allowing individual projects to be added or removed as required;
- 5% of the funds would be allocated to Neighbourhood Committees and the remaining 95% would be spent as per the infrastructure schedule;
- The current Planning Obligation Implementation Scheme (POIS) scheme and CIL were not like for like, POIS being worked out on bedrooms and CIL floorspace. Broadly they were very similar;
- A couple small typo was highlighted and noted for correction within the document;
- The inclusion of the University within the list of education projects would be explored;
- CIL would only be charged on new floorspace and a house extension under 100 square metres would not pay a CIL charge;
- A thematic package referred to the different pots funds were split into such as education and transport;
- CIL would still be required in relation to off site highways infrastructure to serve a number of sites.

Following debate and questions, Members commented that the document was extremely well prepared and very informative. Members were advised that their points raised would be relayed to Cabinet and the minor typos identified would be rectified within the document.

RESOLVED: to comment on the draft Peterborough 'Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule (PDSC)' and Infrastructure Delivery Schedule (IDS)

1.30pm – 4.40pm
Chairman

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LOCATION PLAN 12/01134/FUL

6 Milnyard Square, Orton Southgate, Peterborough

Scale NTS **Date** 26/9/2012 **Name** AA Department Planning Services

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PCC GIS

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Application Ref: 12/01134/FUL

Proposal: Change of use from light industrial/offices to a day care unit for dogs, dog training and external fencing

Site: All About Your Dog Day Care Ltd, 6 Milnyard Square, Orton Southgate, Peterborough

Applicant: Mrs Heidi Presland
All About Your Dog Daycare Ltd

Agent:

Referred by: Head of Planning Services

Reason:

Site visit: 07.09.2012

Case officer: Mr D Jolley

Telephone No. 01733 453414

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The site is one of 6 small industrial units within Milnyard Square a small industrial estate located within the Orton Southgate General Employment Area. The site is attached to unit 5 and has areas of open space to the side and rear of the unit.

Proposal

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

This application is a resubmission of application number 12/00708/FUL with additional details regarding the management of arrivals and supporting documentation regarding the reasons for dog barking and mitigation strategies to address issues arising from dog barking.

2 Planning History

Reference	Proposal	Decision	Date
12/00708/FUL	Change of use from light industrial/offices to a day care unit for dogs, dog training and external fencing	Application Refused	02/07/2012

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

Peterborough Local Plan (First Replacement) (2005)

OIW06 - Non Employment Uses in General Employment Areas

Will not be permitted unless there is no unacceptable impact on amount/quality of employment land, there are no adverse traffic impacts and where appropriate it accords with the sequential test principles.

4 Consultations/Representations

Parish Council

No comments received

Transport and Engineering Services (09.08.12) - Objects

The proposed development would not provide adequate facilities within the curtilage of the site for the parking, turning, loading and unloading of vehicles associated with the dropping off of dogs at the facility and as a result the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on safety and free flow of traffic on the adjoining public highways.

FAO Emma Doran Pollution Team

The proposal presents difficulties for predicting the likely impact upon neighbouring units from noise/dog barking.

Such noise could not be controlled by Statutory Nuisance provisions.

Should the proposal be permitted it is recommended that a temporary permission be considered to allow appropriate evaluation of those impacts.

(These comments were received in relation to application number 12/00708/FUL, There have been no material changes between this application and the current application and the previous comments are still considered to be valid).

Police Architectural Liaison Officer (31.07.12)

I confirm that I have viewed the application and have no objections, recommendations.

The proposed fencing appears adequate for the safety/security of this site.

Building Control Surveyor (08.08.12)

The proposal will require building regulations approval which will include the need to insure disabled access.

Local Residents/Interested Parties

Initial consultations: 11
Total number of responses: 0
Total number of objections: 0
Total number in support: 0

No representations were received in relation to the proposal.

N.B. No representations were received in relation to the previous application 12/00708/FUL.

5 Assessment of the planning issues

The main considerations are

- The impact of the proposal on the users of nearby units
- The siting of a non employment use in a general industrial area
- The impact upon the highway infrastructure

The impact of the proposal on the users of nearby units

The Local Planning Authority appreciate that the location of the site, within a general employment area, means that uses within these locations can and often are noisy uses, however the sound generated by an industrial use is usually contained within the building, with some sound leaking out through doors and windows. This applicant has stated that they would ideally wish to care for up to 30 dogs and propose an outdoor area for the dogs to play. This number of animals is considered very likely to result in unacceptable levels of barking. It is unlikely that this noise could be contained within the area and would potentially cause nuisance to the users of adjacent units, particularly the unit attached to the application site and the office development adjacent on Bakewell Road.

Environmental health have stated that noise emanating from the site could not be controlled through statutory noise nuisance, if permission was given it would be impossible to retrospectively seek mitigation for the noise generated or restrict use. For this reason it is considered that the use is likely to result in unacceptable impact upon the uses of nearby units.

The information supplied by the applicant suggests that dog barking is unlikely to be an issue and that measures can be taken to mitigate for excessive dog barking however it is not possible for the council to ensure that such measures are always carried out and that the potential harm to neighbouring units through noise disturbance is not adequately mitigated for by these measures.

The siting of a non employment use in a general industrial area

The use applied for is considered to be a sui generis use and must therefore be assessed under policy OIW6, this policy deals with non employment uses in employment areas. The definition of a non employment use is not clear; this use will provide employment, albeit at a low level of an equivalent of 2.5 full time employees. This level of employment is somewhat below what could be expected for a unit of this size and therefore it is considered proper to assess the application under OIW6.

This policy contains 6 criteria, the proposal is considered to be acceptable under two of these criteria, namely that (d) development should not generate levels of traffic or parking which would result in unacceptable congestion or road safety hazard. The Local Highways Authority have objected on the basis that the 10 spaces available on site are not sufficient to provide parking,

turning and unloading for staff and the potential number of visiting members of the public. The proposal is also considered to fail (b) That development should not unacceptably inhibit or prejudice the activities of an existing or future employment use. The LPA considers that the noise generated by the potential 30 animals the applicant wishes to care for would result in a level of noise disturbance that could prejudice future uses of the site and act as a deterrent for businesses in the vicinity of the application site expanding or relocating to the site.

The impact upon the highway infrastructure

The applicant submitted a proposal to stagger the arrival times of dog owners in order to overcome the previous objection of the Local Highways Authority (LHA). The LHA have stated that if the staggered arrival times could be controlled by way of a planning condition that they could recommend that the proposal be given a 1 year temporary consent in order to assess how successful this arrangement was. If the staggered arrivals could not be controlled by way of condition they recommend refusal of the application. However it is considered that a system of staggered arrivals **could not** be controlled by condition as it is not enforceable as the applicant does not have direct control over the behaviour of the users of its service.

As stated above the Local Highways Authority have objected to the proposal on the basis of insufficient parking stating that the parking, turning, loading and unloading of vehicles likely to be generated by the use would have an adverse effect on the safety and free flow of traffic on the adjoining highways. The applicant has stated that they would like to care for a maximum of 30 dogs, whilst it is appreciated that not all 30 owners would arrive at the site at once it is considered that at busy times of the day, before and after work, there is potential for numbers of vehicles in excess of the number of spaces available, especially if employees also parked on site. This is contrary to both policies OIW6 and CS14 of the Peterborough Core Strategy (DPD) 2011.

Other matters

The Local Planning Authority has no objection to the fencing element of the proposal.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**

R 1 The use of the site as day care unit for 30 dogs, with associated outdoor play area, would result in unacceptable noise disturbance from barking to the detriment of the amenity of users of adjacent units. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 which states;

CS16: Development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

R 2 Given the scale of the proposed use of approximately 30 animals, it is considered that the 10 parking spaces available would not be sufficient to accommodate employees and the numbers of visiting members of the public. This is likely to have an adverse impact upon the safety and free flow of traffic on adjoining public highways. This is contrary to policies

OIW6 of the Peterborough Local Plan (First Replacement) and policy CS14 of the Peterborough Core Strategy (DPD) which state;

OIW6: Planning permission will not be given for non employment uses in general employment areas if (d) the development would generate unacceptable levels of traffic or parking which would result in unacceptable congestion or a road safety hazard.

CS14: Development should reduce the number of personal injury accidents amongst all travellers.

Copy to Councillors Stokes J, Elsey G A and Allen S

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LOCATION PLAN 12/01284/TRE
 7 Enfield Gardens, Netherton

Scale NTS Date 26/9/2012 Name MKB Department Planning Services

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PROPOSED: Willow tree (TPO 7_95) at 7 Enfield Gardens, Netherton.
Thin crown by 30%, repollard at historic knuckle points and provide lightpole clearance of 2m or 45 degrees from head height to the top of the pole of if required to allow light spread to reach the public right of way.

REFERRED BY: Head of Planning, Transportation & Engineering.

REASON: Applicant is Peterborough City Councillor Mr C. Ash.

CASE OFFICER: John Wilcockson

TELEPHONE: 01733 453465

E-MAIL: john.wilcockson @peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

An application has been received to carry out works to a Willow tree protected by Tree Preservation Order 7 of 1995. These works are to prevent crown failure and to provide clearances over the street light that is located next to the tree.
The application has been referred to the Planning Committee as the applicant is Councillor Ash.

No objections or comments have been received.

The Head of Planning, Transportation & Engineering recommends that CONSENT is granted

3 POLICY

Decisions must be taken in accordance with the Policy and Legislation below.

The main considerations are:

- **Are the works deemed appropriate in line with Arboricultural best practice?**
- **Will the works be detrimental to the visual amenity value of the tree?**

Peterborough Trees & Woodlands Strategy 2012.

PP 1.2: No objection or consent for works will be provided if the Council is satisfied that:

- *The work is necessary for the continued retention of the tree.*
- *The work is consistent with good arboricultural practice.*

Town and Country Planning Act 1990(Tree Preservation)(England) Regulations 2012.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The tree is a mature Weeping Willow growing in the western corner of the rear garden of the applicant's property. The tree has been pollarded historically and is approximately 20m high and has a crown spread in excess of 7m. The lower crown is less than 2m from ground level in places and is overhanging the boundary fence and the public right of way that links Wilton Close through to Meynell Walk. There is a PCC street light that is also partially obscured, the clearance of this vegetation in proximity to the light was requested by the Street Lighting Team prior to the Case Officer's initial inspection.

5 CONSULTATIONS/REPRESENTATIONS

INTERNAL

None

EXTERNAL

None

NEIGHBOURS

None

COUNCILLORS

No comments received

6 REASONING

The works were prescribed to the applicant by the Landscape Officer in an effort to avoid limb failure and to provide clearances to the street light.

7 CONCLUSIONS

It is the opinion of the Case Officer that the works are deemed appropriate the following reasons:-

- At present the light is partially obscured by the crown of the tree, this work is in fact an exemption under the TPO regulations.
- The visual amenity value of the tree will be reduced in the short term, but within 2 growing seasons, the tree will have formed a new crown.
- Once a tree has been pollarded, there is a need to manage as such thereafter, if this is not done, failure can occur once the tree develops a full crown.
Essentially, with the creation of a new pollard, the tree is responding to an “attack” whereby it puts out a proliferation of new re-growth. This new growth is weakly attached and if the tree is not re-pollarded, excessive end weight can cause the failure of limbs.

8 RECOMMENDATION

The Head of Planning, Transport & Engineering recommends that **CONSENT** is granted.

Copy to Councillors Arculus N, Dalton MJ, Maqbool Y

Item No. 5.3 (E1)

Enforcement Action in Stanground Central Ward

REFERRED: HEAD OF PLANNING SERVICES

CONTACT OFFICER: NICHOLAS HARDING

TELEPHONE: 01733 454441

E-MAIL: NICHOLAS.HARDING@PETERBOROUGH.GOV.UK

1 SUMMARY

The committee is asked to consider appropriate enforcement action in relation to an unauthorised development in accordance with section 2.6.1.3 of the City Council constitution.

2 NATURE OF EXEMPT INFORMATION

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

REASON

Disclosing the information is likely to identify an individual or company where prosecution is being considered.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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