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

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

Officers Present: Nick Harding, Group Manager Development Management
Julie Smith, Senior Engineer (Development)
Carrie Denness, Senior Solicitor
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Serluca and North.

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. Development Control and Enforcement Matters

4.1 12/01189/WCMM - Variation of condition 1 of planning permission 10/00488/WCMM to vary the completion date of the permitted infilling from 31/07/2012 to 31/07/2013 - Cross Leys Quarry, Leicester Road, Wansford, Peterborough

The Committee was informed that item 4.1 had been withdrawn from the agenda.

4.2 12/01528/FUL- Construction of 2.4m high green palisade fencing, Limesquare Estates, Enterprise Way, Bretton, Peterborough

The application site formed part of Bretton General Employment Area 2 (GEA 2) as set out within Policy SA11 of the Site Allocations DPD (2012). The site was comprised of three industrial buildings (Ashwood, Elmhurst and Oaklea), all of which were currently undergoing refurbishment. The site was screened by a mature landscaping buffer, which ran parallel to Bretton Way. There was a pedestrian footway/cycle path to west behind this landscape buffer, and the East-Coast railway line ran north/south to the east of the site. The site had two vehicular accesses; Enterprise Way (south) and Marholm Road (north).

The Applicant sought retrospective planning permission for the erection of a 2.4m high palisade fence (green).

Referring to the Application forms, the palisade fence commenced along the west and north boundary on 15 August 2012, however the Parish stated that the works had

commenced in July 2012. However, notwithstanding that the fence had been implemented, and would tie in with a security gate and turning head at Enterprise Way (south), which were approved earlier this year under Planning Applications 12/00859/R4FUL and 12/00653/R4FUL.

The Committee was asked to note:

- The request for an amendment to delete C3 as submitted in the application as this was no longer a requirement due to the retrospective nature of the planning application;
- Removal of some panels within the fencing in order to allow for wildlife to pass through; and
- The submission from Councillor Sandford.

The Officers Recommendation was to grant the application subject to the imposition of relevant conditions.

Bretton Parish Councillors Clements and Merrill addressed the Committee. In summary the issues highlighted included:

- The residents appreciation of the greenery surrounding Bretton and the differences the changes industrial buildings had made to the area;
- Concerns raised over the damage to Bretton's landscape and wildlife corridors;
- Bretton Parish Council (BPC) were not trying to stop development or prevent security of the area;
- Concerns raised over alterations to the original development plan and the new position of the fence, as that there was no reason from a police point of view to change its position;
- The landscape buffer had been removed to make way for the fence;
- Trees had been removed that had screened the view of the building from passers by;
- Linking the urban areas with the countryside was against objective three of the Core Strategy in BPC's view;
- Bretton may not be a conservation area, however, is was the first township of Peterborough that had added value and distinctive landscape which was met by objective 20 of the Core Strategy, within the DPD;
- There was a need to protect bio diversity; and
- Concerns were raised over the fact that there were no plans submitted to replace the trees that had been removed.

Following questions to the speakers, Members commented that there had been conditions applied to the application to produce a plan to attempt to replace the trees that had been lost. Councillor Clements confirmed that the plans had been reviewed at a recent Bretton Parish Council meeting; however, the replacement did not seem to cover the amount of tree line that had been lost.

The Group Manager Development Management advised that Planning Permission was not required for the removal of trees and that those trees in question were not protected by a tree preservation order.

Following further debate and questions by Members regarding planning permission being sought retrospectively, the Legal Officer reminded the Committee that the application must be determined on its own merits and considered as a brand new submission, it was irrelevant that the matter was retrospective. Also, any adjustment to the value of surrounding land should not be considered as part of the debate as this was immaterial.

A motion was put forward and seconded to grant the application subject to relevant conditions. The motion was carried by 4 voting for, 1 voting against and 1 abstaining.

RESOLVED: (4 for, 1 against and 1 abstention) to grant the application, as per Officer recommendation subject to:

1. The conditions C1 to C3 as detailed in the committee 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 weighing against relevant policies of the development plan and specifically:

- the design of the fence did not result in an unacceptable adverse impact on the appearance character or visual amenity of the street scene;
- the design did not result in an unacceptable adverse impact on neighbouring amenity;
- the proposal did not result in a highway safety hazard and can accommodate sufficient off street parking;
- subject to conditions the proposal would provide a suitable landscaping scheme and measures to improve biodiversity connections within and adjacent to the application site; and
- the proposal would help prevent crime in the area.

Hence the proposal was in accordance with Policy CS16 of the Peterborough Core Strategy (2011), Policy SA11 of the Peterborough Allocations DPD (2012), the NPPF (2012) and Policies PP1, PP2, PP3 and PP13 of the Peterborough Policies DPD (emerging)

4.3 12/01543/WCPP - Revised application for regeneration of the Werrington Centre, comprising demolition and alteration of existing buildings including erection of new supermarket, shop units and public house, alterations to car park and access, together with landscaping and other ancillary works including off site highway works, new roundabout at the junction of Davids Lane and Staniland Way Specifically variation of Condition 1 of 11/01582/NONMAT (approved drawings/documents) and C21 of 08/01471/FUL (off site highway works) and removal of conditions C3 (details of contamination - petrol station), C4 (contamination), C7 (tree protection), C8 (tree specification), C9 (arboriculture method statement), C15 (acoustic barrier), C22 (visibility splays) and C29 (service yard management plan) of 08/01471/FUL (part retrospective) Werrington Centre, Staniland Way, Werrington, Peterborough

The application site formed part of the Werrington Centre. Located in the north of Peterborough, it was the smallest of five District Centres which served the city. The application area was comprised of a number of different buildings and uses. The eastern part of the site was characterised by single storey retail units, which included a 2845 square metre supermarket (now occupied by Tesco), a public house, a petrol filling station and a two storey office building (Olympus House) which had its own parking area comprising forty four spaces. An additional 26 space car parking bay lay to the south of the retail units. At the rear (further east) of the retail units was a bus lay-by accessed from Goodwin Walk and a dedicated bus lane. Within the western part of the site there were two retail car parks comprising of 335 spaces and another two storey office building (Sundance House) with its own 49 space parking area. Access to Sundance and Olympus House, the car park and the petrol filling station was from Staniland Way. To the south of the application site but still within the District Centre

boundary was a dental surgery, health centre, a small parade of retail units and a terrace of four dwellings. Access to them was from Skaters Way. Residential properties outside of the District Centre were located on the southern side of Skaters Way and immediately to the south west of the application site. The properties to the south west were blocks of flats owned by Minster Housing Association.

To the west of the application site, and separated from it by Foxcovert Walk footpath/cycleway, was a library, sports centre and the Ken Stimpson Community School. The library and sports centre formed part of the District Centre. These facilities had no separate parking areas. School staff and visitors used the Werrington Centre car park and the newly created 100 space community car park adjacent to the bowling green. Delivery access to the school was via Staniland Way.

There were dwellings to the north of the Centre, on the other side of Staniland Way and to the east on the other side of Goodwin Walk.

The application before Committee was to consider the alteration of the design of the proposal, Committee Members were reminded that they were unable to consider and alter any part of the previously approved decision.

Members were informed that the application site was now within two ownerships, as such Tesco could not be required to commit to any obligations outside of their control.

During demolition, there was a requirement for the store to provide temporary shopping facilities, which would take up one hundred and seven parking spaces.

The Officers recommendation was to grant the application subject to the applicant entering into a S106 planning obligation and the imposition of relevant conditions.

The Group Manager Development Management also summarised a submission received from Councillor Judy Fox, which had included the following:

- Concerns raised over the reduction of car parking compared to the original approved scheme;
- Concerns raised over the service yard location and highway safety;
- Proposed goods yard was of a bland design and would be visible from the car park; and
- Concerns were raised over the loss the pub and that there was a strong community desire to ensure it was replaced within the first phase of the redevelopment plans rather than retain the petrol station.

Mr Alan Smith, representing Werrington Neighbourhood Council and Councillor John Fox, Ward Councillor, addressed the Committee. In summary the issues highlighted to the Committee included:

- Concerns raised over the reduction of 107 car parking spaces, which was a significant reduction as approved in the original planning application;
- Consideration was to be given to provide a slip access to the community car park;
- Concerns raised over landscaping and the loss of 95 trees;
- Concerns raised over the intrusion of the service yard;
- Consideration to be given to include the south side of the District Centre within the landscaping improvement plans;
- Although the provision for £50k for community art was welcomed, it was not obvious what the design proposals were;
- Concerns raised that the redevelopment would involve improvements to

Tesco's and that the remaining area, such as the pub would become an after thought, as there was no time control over the redevelopment;

- Consideration should be sought to liaise with Werrington Neighbourhood Council over how the s106 money would be utilised to benefit the community;
- Concerns raised over the small piece of land located near the bus stop and that assurances were sought to ensure that it would not become run down;
- Comments were raised that Werrington Centre should be known as a vibrant place to visit and that it did not become a traffic congestion issue;
- The creation of one hundred spaces within a designated community car park should not be used as a buffer in losing the 137 spaces;
- Traffic safety concerns raised over the entrance to the loading bay location in relation to the entrance of the car park; and
- With reference to the previous planning application, consideration should be given to install the roundabout junction before any construction was commenced.

Following questions to the speakers, Members commented that it was evident that residents welcomed the proposed regeneration of the District Centre; however, grave concerns had been raised over road traffic safety, retention of car parking spaces and immediate replacement of the public house.

Mr Andy Simmons and Ms Lyn Nicolson addressed the Committee. In summary the issues highlighted to the Committee included:

- No indication was given by Tesco's over when the redevelopment would commence and when it would be completed;
- Small businesses would suffer, due to the fact that self employed clientele of the public house, sourced most of their work through socialising in the pub.
- Original plans of regeneration was supported by the community, however, there were concerns raised over traffic safety and location of the loading bay for the Tesco store; and
- The lease for the Jet garage, located in Werrington Village was not to be renewed by the current tenants, which would result in Tesco's financial saving offers over petrol, to cause traffic congestion for the District Centre.

Mr Mark Mann, agent for the applicant addressed the Committee. In summary the issues highlighted to the Committee included:

- Planning application had been granted by Committee In 2009 which was to achieve a multi million pound investment for the District Centre;
- The development would involve the installation of a new bus shelter, zebra crossing; contributions to public art, CCTV, community car park and a new roundabout;
- Although the retention of the petrol station would reduce the car parking spaces, there was a significant creation of community parking spaces was thought to compensate and accommodate the community's use of the store and district centre;
- A parking survey was conducted and revealed that at the busiest time during a fifteen minute period, there were 65 car parking spaces available;
- The parking survey had satisfied concerns raised by the community and was welcomed by PCC Transport Officers;
- It should be acknowledged that Ken Stimpson's school was the biggest user of Tesco's car park; and
- The proposed amendments were intended to enhance the scheme and to introduce an energy efficient building.

Following questions to the speakers, Members commented that it was clear that Tesco's had conducted consultation by writing to residents regarding the plans to retain the petrol filling station. Members were also advised that Tesco's did own the tenancy rights to the public house and that they intended to replace it, as agreed within the original planning consent. In addition, it was confirmed to Members that the current tenure of the pub had been granted to the Manager, Mr Simmons, on a temporary basis and that consent for the development plans were already in place at the time of renewal.

The parking scheme would increase the number of car parking spaces by 180, compared to the consented scheme, which had included the 100 spaces of community car park that Tesco's were part funding.

Following responses to questions, Members debated further and key points highlighted were:

- Following comments by Members over consideration to include a wider variety of species of trees and shrubberies, the Group Manager Development Management confirmed that the issue had been addressed with the developers;
- It was advised that the Committee would be unable to alter the original consented plans in terms of when the public house would be reinstated as this was not included within the s106 agreement;
- Members were also informed that Tesco's and the City Council were working towards avoiding any further delay to the redevelopment scheme of the District Centre. Members were also advised that if there were no good grounds to not agreeing to the scheme, the Committee should consider a resolution to grant approval;
- The Group Manager Development Management provided further clarification to Members over the reduction of the car parking survey undertaken which had identified a small peak period where the capacity would be almost full and that there would be no solid grounds to reject the application on this basis; and
- The Group Manager Development Management recommended the application to Members on the grounds that the scheme was to regenerate Werrington Centre, relocation of the goods yard and store, which would be further away from residents, retention of the petrol filling station that served the community well and improvements to the David's Lane junction and the recent installation of the community car park.
- Following clarification sought by Members over the future proof of parking for the District Centre, The Highways Officer confirmed that the surveys conducted by Tesco's were satisfactory and had met current up to date national standards in relation to comparing the future economic pressures;
- The Legal Officer reiterated to Members that provisions for a car park had been taken into account and mitigated up to the level PCC Highways Officers had deemed adequate;
- Members commented that it was clear that Tesco's aims within the application was not to create a flag ship store in a run down centre and that the regeneration opportunities being offered was what was important to take on board. Members further commented that they, as a Committee, had no influence over when the public house would be reinstated and that the community wanted to retain the petrol station in the original planning application, which was being captured within the resubmitted plans;
- The Group Manager Development Management informed Members that there was a danger that if the scheme did not go ahead, there would be an adverse impact on the retail assessment of the area.

Following debate, a motion was put forward and seconded to grant the application. The motion was carried by 4 votes, with 3 abstaining.

RESOLVED: (4 for, 3 abstentions) to grant the application as per officer recommendation, subject to:

1. The reference to Government Office as a Retail proposal under the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993;
2. The completion of a Section 106 Planning Obligation in respect of a financial contributions towards - payment for the existing community car park - public art - bus stop upgrades - a travel plan - travel plan monitoring contribution - CCTV provision – monitoring fee;
3. The conditions numbered C1 to C30 as detailed in the committee report;
4. The informatives numbered 1 to 29 as detailed in the committee report;
5. If the S106 has not been completed within 3 months of the date of the meeting without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report.

Reasons for the decision:

Subject to the imposition of 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 principle of retail development was considered to be acceptable in accordance with Policy CS15 of the adopted Peterborough Core Strategy and the National Planning Policy Framework;
- The highways impacts arising from the proposed development could be acceptably mitigated. The proposal was therefore acceptable in terms of highway safety and convenience. The site was also a sustainable location accessible by a range of transport modes and a Travel Plan would be secured. As such the proposal was in accordance with policy CS14 of the adopted Peterborough Core Strategy;
- The proposed car parking provision was acceptable in accordance with policy CS14 of the adopted Peterborough Core Strategy;
- Although the design of the proposed new buildings would be different from the surrounding residential dwellings this distinction was considered to be appropriate given the District Centre function of the site. The design details were also acceptable. As such the proposal was considered to be in accordance with policy CS16 of the adopted Peterborough Core Strategy;
- Given the proposed mitigation measures (e.g. noise management plan) it was considered that the development could be satisfactorily accommodated without significant adverse impact upon the amenity of the neighbouring residents. The proposal was therefore in accordance with policy CS16 of the adopted Peterborough Core Strategy;
- The proposed layout allowed for the protection and retention of higher quality trees on the boundaries of the site. A detailed landscaping scheme would also be submitted. The proposal was therefore in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement); and
- The community needs arising from the development would be met by the planning obligation in accordance with policy CS13 of the adopted Peterborough Core Strategy.

1.30pm – 3.25pm
Chairman

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