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## **MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 24 JULY 2012**

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

**Officers Present:** Nick Harding, Group Manager Development Management  
Carrie Denness, Senior Lawyer – Growth Team  
Karen S Dunleavy, Governance Officer

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

Apologies for absence were received from Councillors Lane and Shabbir.

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

Councillor Todd declared that although she did not have a disclosable pecuniary interest (DPI) in relation to item 3.2, Enforcement Action in Central Ward, she would not be speaking, voting or taking part on the item.

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

#### **3.1 12/00979/FUL - Land to the South of Eyebury Cottages, Eyebury Road, Eye, Peterborough**

The Group Manager introduced the application which sought planning permission for the construction of a four bedroom dwelling with attached double garage and detached stables. A similar application for the area had been previously approved; however, the design was much smaller and more simplified compared to the new design in respect of the current application.

The Officers' report had raised concerns regarding the design of the dwelling in that its appearance was too complicated and not in keeping with the dwellings in the surrounding area. Concerns had also been raised regarding the proposed materials to be used to construct the dwelling such as brick instead of stone and the type of slate in respect of the roofing. The Group Manager Development Management outlined the Planning Department's recommendations to the Committee for refusal of planning permission. It was further advised that if the Committee was minded to grant planning permission for the application; consideration should be given to introducing conditions to include the use of preferred materials to construct the dwelling, such as stone instead of brick and replica Collyweston roof tiles.

The site was located in open countryside approximately half a mile to the south of Eye village. Eyebury Road was located alongside the western most boundary of the application site that connected Eye village to the Eastern Industry area of the city and the North Bank Road to Whittlesey. To the west of the site beyond Eyebury Road and behind a lengthy 1.8 metre high stone wall was a large two storey barn that had been converted to residential use. The barn was formerly within the curtilage of Eyebury Farmhouse, which was a grade II listed building, to the west of the barn.

The barn itself was approximately 70 metres away from the western most curtilage of the application site. The western boundary of the application site was delineated by close boarded fencing to a height of 1.8 metres. To the north/north west of the site were two attached dwellings known as Eyebury Cottages. These were stone wall/concrete tiled construction, of simple design, one and a half storey dwellings. Both dwellings were grade II listed. To the east of the cottages was a substantial sized, steeply pitched roof double garage that served the eastern most of the two cottages. The southern most boundaries of the two cottages were comprised of 1.8 metre high close boarded fencing. Other than the presence of the close by dwellings the site was surrounded by open countryside. Immediately to the north of the site and running alongside the front of Eyebury Cottages was Tanholt Lane. This was an unmade track that provided a vehicular access to the eastern most of the two cottages and had formed part of the route of the Peterborough Greenwheel. The track formed a 'T' junction with Eyebury Road and had restricted visibility in either direction.

The application site was entirely open and dominated by overgrown vegetation. A number of deciduous trees were scattered along all boundaries of the western most half of the site with a mature length of leylandii conifer trees to the south boundary. The middle and eastern most area of the site did, in the recent past, contain three large prefabricated barns. One of these barns was located on the site of the proposed dwelling.

The proposal sought planning approval for the erection of a substantial four bed detached dwelling of brick and natural slate construction to the southern side of Tanholt Lane.

The dwelling was to have a width of 14.7 metres and a depth of 9.5 metres. The roof of the dwelling was to be of pitched roof design with a ridge height of 8.9 metres. The west facing (i.e. to the rear) elevation of the dwelling was to feature a two storey high gable centrally located with two storey vertically emphasised glazing. This was to have a width of 5.1 metres.

To either side of the gable were single storey projections with mono-pitched roofs. The side elevations of the dwelling comprised no windows in the upper storeys. The front elevation, facing to the east, comprised two projecting rearward facing gables, both with a width of 5 metres each of which would have projecting bay window features to the ground floor.

Between the existing double garage, that served the eastern of the two Eyebury Cottages, and the dwelling house was a substantially sized double garage with a footprint measuring 7.6 metres in width and a length of 9 metres.

A store was shown within the roof space with two roof lights facing the dwelling. The building was to include a steeply pitched roof with the ridge height proposed at 7.2 metres. The garage doors were proposed to be of vertical timber construction. Four parking bays were shown aligned horizontally to the front of the dwelling off the access drive. The vehicular access to the dwelling was to be off Tanholt Lane, 20 metres past the Eyebury Cottages. The entrance to the access was to comprise a five bar gate.

The proposal also included a three bay stable block to the east of the dwelling. This was to have a width of 11.7 metres and a depth of 4 metres and was to abut the southern boundary. The stables were to be of principally timber construction with a black corrugated profile. Whilst the application detail did not specify, there was a large area of open space to the east of the dwelling which it was assumed would be used as a paddock. The (assumed paddock) area of the site had dimensions of approximately 50 metres in width and 90 metres in depth.

Mr Paul Sharman, the Agent for the application, speaking in support addressed the Committee highlighting issues which included:

- Revised application had been made after receiving refusal for the previous submission;
- Reasons previously given for refusals of the previous application was that there was little justification for a dwelling in the proposed location;
- The extant permission was granted on the condition that the large modern barns that were being used for car storage were removed and an open market house approved in place of which the permission expired in eight months;
- The size of the building was not in keeping with similar properties in the area. However, there were two buildings adjacent to the proposed dwelling, which had been restored, but not sympathetically;
- The proposed dwelling stood away from the recent renovated properties in the area by some considerable distance and was of a different type of use. There was no reason for the proposed building to mimic them apart from the small gables, which had been included in the design sheet;
- Though the proposed dwelling was not simple, for example, a flat fronted cottage or farmhouse design, it was of an understated style and quality that would sit well within the plot and was classic to the local vernacular;
- The proposed dwelling design was well laid out, proportioned and composed;
- The client did not wish for a cottage design;
- The planning conservation officer originally recommended the application for approval. However, comments received eight weeks later had changed 100% for the same building in the same location on the same plot;
- It was impossible to receive a Section 106 (S106) document when the agent had not been sent one by the planners. The S106 agreement document would be received after the planning permission had a resolution to approve;
- The planners report had accepted installation of the stables, but proposals to use surrounding land would require separate permission. The agent confirmed that the client would only use the land as a pony paddock area, to be used in conjunction with the stables;
- The gable end of the building was designed to be smaller at 5.8 metres rather than that of the extant planning permission which had been granted on the installation of a 7.6 metre gable;
- The extant dwelling design was more liking to a seventies dwelling with a flat front with a small canopy. No concerns had been raised by officers over this design; and
- The Agent's new proposal was well designed to fit in and enhance the location.

Responses to questions from the Committee included:

- The increase in size for the proposal compared with the extant approval was eighteen to twenty percent;
- The proposed build was to become a three storey property instead of two, which would also encompass installation of conservation roof lights within the design;
- The proposed garage was to become a two storey garage, which would be used as a 'do it yourself' room and storage for the clients hobby;
- The proposed stables would be used by the client for horses rather than for storage; and
- The materials proposed on the original design had changed from stone to brick due to the modern design of the house, which was the Agent's design preference rather than a cost saving exercise.

During debate, key points that were raised included:

- Members commented that the original proposal to build a modest family home of a seventies style, was of an uninteresting design. Villages were made up of various styles of properties and Members were of the opinion that the new proposal was of a handsome design. Although the proposed building size was thought to be slightly imposing, the garden was not oversized and the use of the stables by the client had been clarified by the Agent;
- The application proposed to build an attractive house in a village, which would be of benefit to Eye and surrounding Peterborough areas;
- Members raised a concern over the use of the stables, as previously the land had been used to store old cars. Members suggested that a condition should be included within the planning permission, if granted, for the part of land proposed to be used as stables;
- The Group Manager Development Management advised the Committee that if it was minded to approve the application, it may wish to apply a condition which would ensure that the land connected as part of the stables would become a designated garden and pony paddock. Emphasis should be outlined within the condition in order to specify which part of the land would be designated as the pony paddock. This was thought to ensure that no development or planting of shrubberies would take place in the future. The proposed condition would not specify that the land should not be used for the storage of cars; however, introducing the pony paddock condition, would cover the use of the land in accordance with planning regulations;
- Members commented that the main issue, which was highlighted by Planning Officers within the proposal, related mainly to the type of materials to be used for the construction of the dwelling. Historically some dwellings within the community had been constructed from brick, so it would be difficult for the Committee, in principle, to object to the proposal;
- Members commented that the new design proposal was more attractive than the original approved design; however, consideration should be given to the type of materials that were to be used in the construction of the property. If permission was granted then the property should be sympathetic to the surrounding area.
- The Group Manager Development Management, advised Members that the Planning Department had raised concerns over the new proposed design and its complexity and that it was important to highlight the issues with Planning Committee in order that a sound decision would be made. The new proposal had too many twists and turns and did not appear to be sympathetic to existing buildings in the area. Members were also advised that consideration should also be given to the type of materials used in construction of the dwelling and that it should match the simplicity of many existing listed buildings in the area;
- Members commented that planning decisions that had been taken in the past were not necessarily good ones; however, a line must be drawn under those decisions taken. The Committee should move to agree the planning application and disagreed with the planning officers' recommendation to refuse planning permission. The proposals sat well on the plot and the materials used should be outlined within the granted permission. Proposals for the garage were adequate and the garden area was found to be acceptable; however, the permission should include delineation of the pony paddock area in order to deter any adverse development of the land;

A motion was put forward and seconded to go against Officer recommendation and approve planning permission subject to the consideration of materials used; delineation of the garden and pony paddock area; pony paddock to be associated with the house; and the signing of a S106 Agreement. The motion was carried unanimously.

**RESOLVED:** To approve the application, contrary to Officer recommendation, subject to:

1. Materials of the main house to consist of stone and slate with the potential for alternative materials used for the garage;
2. Officers to negotiate delineation of the garden and pony paddock areas with the Applicant; and
3. The stable to be associated with the house only and neither the pony paddock or the stables to be commercially operated with other associated planning conditions such as planning officers subsequently see fit; and
4. The client was to enter into a S106 agreement in accordance with the Planning Obligation Implementation Scheme.

### **Reasons for the decision**

Although the property was felt by Officers to be not in keeping with countryside and other listed buildings, the conditions applied would provide a sympathetic approach in developing the dwelling.

Councillor Todd left the meeting.

### **3.2 E1 - Enforcement Action in 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 non-compliance with a planning condition in relation to obscure glazing.

Following debate, a motion was put forward and seconded to approve the Officers recommendation to initiate enforcement action. The motion was carried by 5 votes, with 3 voting against.

**RESOLVED:** (5 For, 3 Against), to agree that enforcement action be commenced, as per officer recommendation.

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

The Committee considered that enforcement action was required as per the reasons outlined in the exempt committee report.

1.30pm – 14.20pm  
Chairman

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