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MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 11 JUNE 2013

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Todd, Sylvester, Shabbir, Lane and Ash

Officers Present: Nick Harding, Group Manager Development Management
Carrie Denness, Senior Solicitor
Sarah Hann, Acting Senior Engineer (Development)
Vicky Hurrell, Principal Development Management Officer
Emma Naylor, Strategic Planning Officer
Gemma Wildman, Principal Strategic Planning Officer
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Simons.

2. Declarations of Interests

There were no declarations of interest.

3. Minutes of the Meeting held on 23 April 2013

The minutes of the meeting held on 23 April 2013 were approved as a true and accurate record.

4. Development Control and Enforcement Matters

4.1 13/00347/HHFUL - Double storey side, single storey side and front porch - 15 Kirby Walk, Netherton, Peterborough, PE3 9UD

The application site was a detached dwelling of standard brick and tile construction located at the end of a pedestrian walk, with no through routes. The application site lay on a large plot with an open front garden and fully enclosed rear garden. The property had been previously extended with a single storey extension to the rear. Parking for the property was to the rear, accessed via a separate access.

There were three trees in close proximity to the dwelling. Two trees were located within the front garden, a conifer and maple, the latter benefits from a tree protection order. The crown of a large sycamore tree overhung the application site. None of the trees were likely to be affected by the proposals.

The dominant character of the area was of plain, brick and tile, semi detached dwellings with small enclosed porches and render bands at ground floor level, front to back dual pitch roofs and brick piers at the extremities of the frontage. The application site was mirrored by a single identical property directly opposite the application site.

Permission was sought for:

- The erection of a single storey side extension measuring 1.97 metres wide by 3.6 metres deep;

- A front porch measuring 2.7 metres wide by 1.69 metres deep; and
- A 4.67 metres wide by 7.3 metre deep two storey side extension, with a dual pitch roof measuring 4.7 metres above ground level at the eaves and 6.6 metres at the apex.

The proposed extensions would increase the number of bedrooms from three to four.

The Group Manager Development Management addressed the Committee and provided an overview of the proposal. The officer recommendation was to refuse the application due to the size of the proposed extension.

A written submission in favour of the application had been submitted by Councillor Arculus, Ward Councillor. The main points contained within the submission included:

- There were no main objections to the application from residents; and
- The size difference was not so significant and that other houses in the area could alter or be altered accordingly, which removed the issues of symmetry.

Mr Andy Barker, the Applicant addressed the Committee and responded to questions and comments from Members. In summary the comments and responses included:

- The differences from the previous plans of 600m would take away space between the bed and wardrobe in the master bedroom and it would prove difficult to install a king sized bed;
- Land for the extension had been purchased from Horrells farms to avoid building on the south side of the property;
- The proposed extension would only be visible by 60 degrees from the footpath and would only be visible to the Postman;
- None of the Neighbours were in objection to the proposed extension;
- The symmetry of the pathway had already been closed up due to a neighbour's extension;
- Redesign options had been exhausted in order to reduce previous proposals to fit in with Officer's requirements;
- The extra room was needed in order to improve quality of living. The daughter was 15 years of age and was sleeping in a box room. The extension would provide her with a bigger room.

Following questions, Members debated the application further. In summary the points raised had included:

- In general Members felt that there were no issues with the proposal as some of the other houses in the area were also heavily extended;
- Extra land had been purchased to extend the property so there was no danger of it dominating the streetscene;
- The only concern raised through the Applicant's proposal was with regard to the access and egress of a neighbour's garage to ensure that it was not impaired in any way whilst the building was being undertaken;
- Concerns were raised that the Planning Inspector felt that the proposed extension was 4.9 metres too wide and that although there was no strong objection to the proposals consideration should be given to implementing conditions regarding the overall size; and
- Most of the houses in the area were equal or larger in size than that of others in the street.

The Group Manager Development Management put forward a proposal that if the Committee was minded to refuse the Officer recommendations and approve the application, consideration should be given to introducing the following conditions:

- The materials used for the extension should match the original building; and
- An adequate soak away to be installed to manage the water drainage from the extension.

The Senior Solicitor addressed the Committee and advised that further instruction would be issued to address the issue of the access and egress of the neighbour's garage, which was to be kept clear whilst extension works were being conducted.

A motion was put forward and seconded to approve the application, contrary to officer recommendation, subject to the imposition of relevant conditions. The motion was carried unanimously.

RESOLVED: (Unanimous) to grant the application, as per officer recommendation, subject to the addition of the following conditions and informative:

- The materials used for the extension should match the original building;
- As adequate soak away to be installed to manage the water drainage from the extension; and
- An informative to be placed concerning the access and egress to the neighbour's garage.

Reasons for the decision:

The smaller side and porch extension did not impact on the appearance street scene or the neighbour in terms of amenity. Whilst the two storey side extension was large, it had been reduced in size in relation to that refused at appeal and had been stepped back. These changes together with the fact that there were limited street scene views were considered to make the proposal acceptable. The proposal was therefore considered to be in accordance with Policies CS16 of the Adopted Peterborough Core Strategy and Policies PP2 and PP3 of the Peterborough Planning Policies DPD.

4.2 13/00424/HHFUL - Proposed two storey and single storey extensions - 9 Grafton Avenue, Netherton, Peterborough, PE3 9PD

The application site was a two storey detached dwelling with detached single garage and off street parking for three vehicles. The streetscene was comprised of detached and semi-detached two storey properties with off-street parking.

The Applicant sought consent to erect:

- A single storey extension with a floor area of 5.5 metres (d) x 8.9 metres (w) and proposes to stand at 2.3 metres to eaves and 3.4 metres to ridge. An existing conservatory would be re-used, which had a floor area of 3.5 metres (d) x 3.2 metres (w) and was proposed to stand at 2.3 metres to eaves and 3 metres to ridge. Combined, the single storey rear extension and conservatory would have a total depth of 9 metres;
- A two storey rear extension would have a floor area of 3.8 metres x 6.65 metres and was proposed to stand at 4.8 metres to eaves and 6.8 metres to ridge; and
- A first floor side extension would have a floor area of 2.2 metres (w) x 4.5 metres (d) and was proposed to stand at 4.9 metres to eaves and 6.6 metres to ridge. Due to officer concerns with this part of the scheme, this element had been removed from the proposal.

The conservatory was constructed out of UPVC; the remaining works would be constructed out of matching materials. First floor side windows were proposed to serve existing bedrooms.

The Committee was advised that a further objection had been received from a neighbour, which had been included within the update report. Key points included:

- The amended scheme did not mitigate impact on No.11;
- The proposal would be too close to neighbours, which would result in loss of light, create a shadow and overlook neighbouring properties;
- The proposal would be out of keeping (with the street) and would set a precedent in the area;
- The mono-pitch roof to the single storey side extension would result in water draining into No. 7 Grafton Avenue and would result in a loss of light to the rear kitchen window and would be out of character with No.7's flat roof garage;
- The first floor side windows would result in loss of privacy; and
- The side elevation of the two storey side extension would be visible when using the rear room from No.7.

The officer recommendation was to grant the application subject to relevant conditions and the entering into of a S106 legal agreement.

Mr Robotham, a local resident, addressed the Committee in objection to the application. In summary the concerns highlighted included:

- Neighbouring residents were concerned that the proposal, if approved, would have an overbearing impact on the surrounding properties;
- The surrounding green space would be lost;
- The proposed extension was large for the existing plot as it would extend by nine metres in length with the bulk of the extension being seven metres in height;
- The high walls and would create a tunnel effect;
- Lose of sunlight particularly for No. 7 after midday; and
- The three windows, including a bedroom window, would look directly onto the neighbouring property.

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

- The proposal had been changed from the initial submission based on what Planning Officers had advised. Following advice the plans for part of the extension was to reduce from a two storey to a single storey building;
- The family had just experienced the new arrival of a third child, which had made a total family size of five members;
- Mr Saghir's wife was currently living with her parents and had suffered from medical conditions; and
- Mr Saghir was the main carer for his wife and required the extension in order to cope with her needs.

Following the representations, Members debated the application further. In summary the points raised included:

- Although it appeared the extension could cause a loss of light, there were garages either side of the property that would add to the loss of light in neighbouring gardens;
- The extension, if approved, may alter the nature of the road and the houses

either side of the property;

- The Applicant appeared to have worked with the Planning Department in order to find a balance, by moving windows and reducing the height of part of the extension, and had worked towards mitigating the impact of an overbearing extension for the neighbours;
- The proposed extension would be located to the rear of the building where there was ample garden space;
- Properties within the area had been extended over time and had appeared to be different in length along the street;
- The neighbours had been used to having an open aspect from the rear of their properties and in general most people used their garden as an extension to their property; and
- Concerns were raised over the mass of the second storey extension located near both garages on either side of the neighbouring properties, however, the single storey extension design was acceptable.

A motion was put forward and seconded to refuse the application, contrary to officer recommendation, under planning policy CS16 as the extension was not felt to be of a high quality design or appropriate to the area, and under PP1, PP2 and PP3.

The motion was defeated by 5 votes against and 4 votes in favour.

A motion was put forward and seconded to approve the application, as per officer recommendation and subject to the imposition of relevant conditions.

RESOLVED: (5 For, 4 Against) to grant the application, as per officer recommendation, subject to:

1. The conditions numbered C1 to C4 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 extension would not result in an unacceptably adverse impact on the appearance of the dwelling or visual amenity of the streetscene;
- The design of the extension would not result in an unacceptably adverse impact on neighbouring amenity and would provide sufficient amenity space and living conditions for future occupiers; and
- The proposal would not result in a highway safety hazard and could accommodate sufficient off street parking.

The proposal was in accordance with Policy CS16 of the Peterborough Core Strategy (2011), the NPPF (2012) and Policies PP1, PP2, PP3, PP4 and PP13 of the Peterborough Policies DPD (2012).

- 4.3 13/00530/FUL - Construction of single storey front extension to public house and external alterations to create shop fronts. Change of use of ground floor to form A1 retail and A5 takeaway units, including the installation of extraction equipment. Change of use of existing hotel rooms, construction of first floor side extension, and installation of dormer windows to form three x 2 bed apartments and first floor commercial unit. Construction of second floor extension to side to form 1 x 3 bed and 1 x studio apartments. Change of use of garden area to parking, and reinstatement of parking provision at front - part-retrospective - 85 Mayors Walk, West Town, Peterborough, PE3 6EY**

The application site comprised of a two storey semi-detached former public house located within an identified Local Centre. The site occupied a prominent position within the streetscene at the junction of Mayors Walk with Alderman's Drive and Nicholl's Avenue and benefited from a double frontage. The existing building was unique within the locality, with architectural detailing including double storey brick and timber bay windows, projecting gable roofs and stone cills and lintels. Parking was provided within a single storey garage to the rear of the site, adjacent to No. 165 Alderman's Drive.

The application sought planning permission for the following:

- Construction of a single storey front extension and external alterations to create new shop fronts;
- Change of use of ground floor to either retail shop (Class A1), professional/financial services (Class A2), restaurant/café (Class A3), retention as a drinking establishment or A5 takeaway unit, including the installation of extraction equipment;
- Change of use of existing hotel rooms and construction of a first and second floor side extension, including the installation of dormer windows, to form three no. two-bed apartments, one no. three-bed apartment, one no. studio apartment and commercial unit; and
- Change of use of the garden area to provide car parking and reinstatement of parking provision to the front.

The change of use of the ground floor to Classes A1, A2 or A3 did not require the benefit of planning permission (including any potential subdivision to create additional units within these classes).

It should be noted that works had already commenced on site and accordingly, the application was part-retrospective.

This application scheme had been amended following refusal of planning application reference 12/01119/FUL by Members on 19 February 2013. The scheme had been amended following the refusal in the following ways:

- Reduced width, altered elevation and altered fenestration treatment to the eastern elevation along Aldermans Drive and retention of single storey garage drive-through;
- Improved shop front design including kick plate and slimline lighting;
- Reduction in the number of units by one (from six units to five), thereby reducing the number of proposed bedrooms by two (from 12 bedrooms to 10); and
- Introduction of first floor commercial office unit (floor area approximately 38 square metres).

The officer recommendation was to grant the application subject to relevant conditions and the entering into of a S106 legal agreement.

Following a submission from a local resident regarding concerns raised over parking arrangements and light fixings, an additional condition, C10, had been included within the officer recommendations in order to accommodate the lighting concerns.

Following a request to speak, the Committee agreed that Mr Hussain be permitted to provide his representation.

Mr Hussain addressed the Committee and responded to question from Members. In summary the concerns included:

- It was felt that the takeaway may create a noise nuisance;

- There would be an increase in parking and traffic volume in the area that would affect local business and residents' parking;
- The takeaway may produce extra litter in the West Town Park especially in the summer months;
- There was a primary school located next to the site and there was a concern that school children may be tempted to purchase fast food from the takeaway; and
- There had been noise pollution when the site was operating as a public house; however, residents felt that they were not prepared to retain the same level of noise that a takeaway may cause.

Councillor Yasmeen Maqbool, West Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Councillors Arculus and Maqbool had visited the site and had been in consultation with Mr Ali and the Planning Department over the development details;
- Ward Councillors had received mixed views from residents;
- The development was located close to the city centre which was within a growing development area;
- The proposed takeaway was to be of a high standard;
- There were properties located on Aldermans Drive that appeared to be over developed;
- There would not be a substantial impact on traffic volumes;
- In general most residents would be in favour if the site was not over developed;
- Ward Councillors were working with the Police over traffic incidents in the area; and
- The original application was over ambitious, however this application was more in keeping with the original features of the building;

Mr David Turnock, the Applicant, addressed the Committee and responded to questions from Members. In summary the key points included:

- Careful consideration had been given not to over develop the site;
- Opening up the ground floor with a variety of shops was intended to enhance the streetscene;
- A condition was recommended regarding the floor space of the takeaway within the officer's report;
- The Applicant wanted the option of including a takeaway;
- The existing garage access would be retained which lead through the courtyard to the rear;
- There were traffic lights near the entrance of the parking area, which seemed to create a calming effect as motorists would wait for vehicles to enter and leave the parking access area;
- The parking situation had been addressed and there was a condition stating that a bollard should be installed and a further condition addressed the issue of cars parking on the front of the development; and
- The swan shaped lighting was in keeping with the character of the building.

The Group Manager Development Management reiterated that there was no scope to change the hours of operation due to the existing licensing status attached to the site.

The Committee debated the application and raised comments and concerns. In summary the main points highlighted included:

- This application was a vast improvement to the original applications;
- The takeaway was the biggest concern with regards to the parking arrangements in front of the building and that there was a risk of dangerous parking;
- The rear courtyard parking was an issue in terms of the safety of the access and egress of the site;
- Some Members felt that the courtesy of drivers near the access and egress of the site may create a smooth flow of traffic;
- Concern over the increased commercial use of the building;
- The building was used as a public house and would have created late trading, so there was no difference in it becoming shops or a takeaway;
- The condition over signage and lighting would be strong enough to ensure that there was no impact to the residents;
- In general Members were in favour of the mix of urban residential with commercial settings and could benefit the area; and
- Must ensure condition two in the report was adhered to and would like to see firm sways of casual parking.

The Group Manager Development Management and The Acting Senior Engineer (Development) responded to comments and concerns raised. In summary the comments included:

- The Highways Department had recommended refusal of the application due to inadequate visibility on the access and egress of the parking area;
- Highways had requested cycle parking for users; and
- There was a good quality shop front proposed and the Planning Department was minded to achieve a good quality lighting scheme.

Following questions and debate, a motion was put forward and seconded to approve the application, as per officer recommendation, subject to the imposition of relevant conditions and an additional condition relating to lighting. The motion was carried unanimously.

RESOLVED: (Unanimous) to grant the application, as per officer recommendation, subject to:

1. The conditions C1 to C9 as detailed in the committee report;
2. An additional condition relating to the provision of details relating to external lighting; and
3. If the S106 had not been completed by 20 June 2013 without good cause, the Head of Planning, Transport and Engineering 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 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 provision of residential units was appropriate and supported the vitality and viability of the identified Local Centre, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011);
- The introduction of a hot food takeaway within the application site would support the vitality and viability of the identified Local Centre and was an appropriate use within the locality, in accordance with Policy CS15 of the Peterborough Core Strategy DPD (2011);

- The proposed extensions, alterations and new shop fronts would not result in any unacceptable harm to the character, appearance or visual amenity of the streetscene, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012);
- The proposal would not result in any unacceptable harm to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- The proposal would not result in any unacceptable impact upon the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- The proposal would provide an adequate level of amenity for future occupants, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012); and
- The development had made a financial contribution towards the infrastructure demands generated, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).

The meeting was adjourned for ten minutes.

5. Twelve Month Appeal Performance

The Group Manager Development Management introduced a report outlining the twelve month appeal performance for planning matters. It was considered useful for the Committee to look at the Planning Service's performance at appeals and to identify if there were any lessons to be learnt in terms of appeal outcomes. The Committee was advised that the report would help to inform future decisions and may potentially reduce costs in the future.

RESOLVED:

The Committee noted the past performance and outcomes.

6. Neighbourhood Planning – Application to Designate Neighbourhood Areas (Deeping Gate Parish Council; Glington Parish Council; Northborough Parish Council; and Peakirk Parish Council)

The Strategic Planning Officer introduced a report on the Neighbourhood Planning - Application to Designate Neighbourhood areas. The report was submitted to the Committee following the receipt of applications from Deeping Gate, Glington, Northborough and Peakirk Parish Councils for the designation of neighbourhood areas and in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement.

The purpose of the report was to provide the Committee with recommendations for the determination of the applications from Deeping Gate, Glington, Northborough and Peakirk Parish Councils to designate neighbourhood areas. The reasoning behind the recommendations was included within the report. It was expected that the Committee would determine the four applications following consideration of the recommendations and reasons provided.

The Strategic Planning Officer and Senior Solicitor responded to comments and question from Members. In summary responses included:

- The plans adopted for each area would remain irrespective of any boundary change;
- If the boundaries changed following the current boundary review, the plan would have to accommodate the changes;

- Adoption of the Neighborhood plan and would enhance what the local community wanted and how they wished to see their community develop; and
- A Neighborhood Plan would allocate sites and would expand on the policies of a local plan it can also reflect the needs of local areas.

RESOLVED:

1. Deeping Gate Parish Council's application to designate a neighborhood area was approved without amendment (Option A - approval without amendment);
2. Glinton Parish Council's application to designate a neighborhood area was approved subject to an amendment that included the whole of the parish area (Option B - approval with minor amendments);
3. Northborough Parish Council's application to designate a neighborhood area was approved without amendment (Option A - approval without amendment);
4. Peakirk Parish Council's application to designate a neighborhood area was approved without amendment (Option A - approval without amendment); and
5. None of the four neighborhood areas should be designated as business areas.

Reasons for the decision:

Deeping Gate

It was considered that the whole of the parish was a logical and appropriate area for designation as a neighbourhood area. As a rural area, it was considered that designation of only part of the parish would lead to a fragmented approach within the area.

Glinton

It was considered that the designation of only the village envelope as a neighbourhood area was not preferable. Due to the rural nature of the area, it was felt that the designation of only part of the parish would lead to a fragmented approach within the area, and may result in some or all of the remaining parish area being excluded from the neighbourhood planning process (i.e. it was unknown whether the parish council would apply to designate any further neighbourhood areas within the parish boundary). In light of this and of the comment received during the consultation period, it was considered that the whole of the parish was a logical and appropriate area for designation of a neighbourhood area. Therefore it was recommended that the amendment of the area to include the whole parish area was approved.

Northborough

It was considered that the whole of the parish was a logical and appropriate area for designation of a neighbourhood area. As a rural area, it was considered that designation of only part of the parish would lead to a fragmented approach within the area.

Peakirk

It was considered that the whole of the parish was a logical and appropriate area for designation of a neighbourhood area. As a rural area, it was considered that designation of only part of the parish would lead to a fragmented approach within the area.

1.30pm – 3.44pm
Chairman