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MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 23 JULY 2013

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

Officers Present: Nick Harding, Group Manager Development Management
Louise Lewis, Senior Development Management Officer
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Senior Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Todd.

2. Declarations of Interests

There were no declarations of interest.

3. Development Control and Enforcement Matters

3.1 13/00849/WCPP- Variation of condition C2 (operational hours) of planning permission 10/01598/FUL – installation of external downlighting to tennis courts 3 and 4. Longthorpe Memorial Hall, 295 Thorpe Road, Peterborough, PE3 6LU

The courts were situated within the Longthorpe Memorial Hall grounds which comprised a community centre, car park, four no. tennis courts, a bowls green, play area and playing fields. This complex was situated at the heart of the urban village of Longthorpe, a predominantly residential area of varied character and form. The properties surrounding the site were predominantly large detached two storey dwellings with rear gardens facing on to the site, albeit there were terraced properties facing on to Thorpe Road. The site was located within the identified Longthorpe Conservation Area.

Parking was provided to the front of the site in an area of car park accessed from Thorpe Road adjacent to the Post Office. This was a shared facility between the Tennis Club, Memorial Hall and bowls green. A public footpath ran to the south of the site.

Planning permission was granted for the installation of all weather surfacing on Courts 1 and 2 (retrospectively) and Courts 3 and 4 to allow usage of the courts throughout the year under application reference 09/01435/FUL.

The application sought planning permission to vary Condition C2 of planning permission reference 01/01598/FUL which granted permission for the installation of external downlights to tennis courts 3 and 4.

To date, the floodlights in operation at the site had strictly adhered to the following hours: not before 09.00am and after 20.30pm on Mondays, Tuesdays, Thursdays, Fridays and Saturdays; not before 09.00am and after 21.30pm on Wednesdays; and not before 09.00am and after 18.00pm on Sundays and Bank Holidays.

The proposed variation sought to increase the hours of use of the floodlights by rewording condition C2 as follows:

The floodlights hereby approved shall not be illuminated before 09.00am and after 20.30pm on Tuesdays, Thursdays and Saturdays; before 09.00am and after 21.30pm on Mondays, Wednesdays and Fridays; and not before 09.00am and after 18.00pm on Sundays and Bank Holidays.

The Group Manager Development Management provided an overview of the application and the main issues for consideration. It was advised that there had been a number of further letters of objection received following the publication of the committee report along with a petition from local residents; these were outlined within the update report. A submission had also been received from Councillor Matthew Dalton, Ward Councillor. The Officer's recommendation was one of approval.

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

- Councillor Arculus wished to echo the comments made by Councillor Dalton;
- If the Committee was minded to grant the application, a set of conditions should be attached in order to balance the situation for both the tennis courts and residents;
- The application was located within a Conservation Area;
- Longthorpe Tennis Club was not the only tennis facility available within West Ward;
- In increasing the hours to 21.30pm, three days per week, this would mean an overall increase of 100 hours over the year. This was unreasonable for the adjoining neighbours;
- A discussion should be held between the tennis club and local residents in order to come to a better compromise i.e. the extended hours to be permitted during summer months when it would likely that there would be less disturbance;
- It was felt that a greater disturbance was caused during the winter months;
- The club had had an increased use during the past years; and
- Denying the application would not cause the club to fail as it was so popular.

Mr Nick Kennedy, a local resident and objector, addressed the Committee and responded to questions from Members. In summary key points highlighted included:

- The history of the club including the large numbers of members that the club now had, including 110 senior members and a number of junior members;
- The vast majority of the members came from outside Longthorpe;
- There had been a significant increase in vehicle activity on the site;
- Local residents had experienced a loss of amenity due to the increased use of the site;
- The club had been in place since the 1950s, only becoming an all weather pitch in 2008;
- The floodlighting would intensify the site to the detriment of neighbour amenity;
- League matches could be played during daylight hours;
- What would the usage of the site be when league matches were not being played i.e. September to March?
- There was nothing in the application that specified adequate reason for the overturning of the original decision to extend the hours;
- This application was part of an ongoing process to increase the hours that tennis could be played and the club had become too large for the village environment; and

- The main issues were the noise and traffic caused by the intensification of the site.

Mr Wappat, on behalf of the Applicant, addressed the Committee and responded to questions from Members. In summary key points highlighted included:

- Since receiving planning permission from the Committee in April 2011, the club had enjoyed significant success. It was awarded a £21k Olympic Legacy Award for downlighters in December 2011 and it was making good progress on the goals set by Sport England;
- Mini tennis had been expanded with a number of active members;
- There was a strong junior section, one member of which was due to appear at Wimbledon;
- The senior membership had increased and the club was trying to get more people actively involved in sport;
- The over 60s group was expanding and the club had more inter-club tennis, hence more league matches;
- During May and August, the lights may be required for league matches at dusk;
- The club generally tried not to use the lights too often as this cost money;
- The extra hour was a contingency to allow people to finish their matches;
- The agreed curfew times would be adhered to by an automatic override;
- The downlights were an excellent facility;
- The proposal was good for the village and its facilities;
- A letter had been put around to all of the surrounding houses and there had been no correspondence received in response; and
- The parking provision had been doubled in size.

Following questions to the speakers, Members debated the application and raised points for and against. The club was extremely well run and an asset to the local village, an additional two hours would be of benefit to the club and local facilities. However, the club was situated within a Conservation Area and the additional use of the lights during the winter months could be detrimental to the amenity of surrounding residents. That being said, a number of concerns expressed within letters received from objectors had been in relation to parking issues and the number of people accessing the site causing noise disturbance rather than specifically relating to the lights, there had also been no reports or complaints received regarding any breach of conditions or highways issues.

Following debate, a motion was put forward and seconded to approve the application as per officer recommendation and subject to the conditions specified within the committee report, for a 12 month period, after which the hours of operation for the lights to automatically revert back to the originally approved operational hours. The motion was carried by 6 votes, with 3 voting against.

RESOLVED: (6 For, 3 Against) to approve the application, as per officer recommendation, subject to:

1. The application being approved for a temporary 12 month period; and
2. The conditions numbered C1 and C2 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 proposed increase in usage of the lights would not result in any unacceptable impact upon neighbour amenity, either by virtue of noise disturbance or light intrusion, in accordance with the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- The proposal would allow an existing sport/recreational facility within the City to expand and develop, in accordance with the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- The proposal would not result in any unacceptable impact upon the visual amenity of the surrounding area or the character, appearance or setting of the Longthorpe Conservation Area, in accordance with the National Planning Policy Framework (2012), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012);
- The proposed increase in operating hours would not in itself generate any further significant demand for car parking, or increased vehicular movements to and from the site and as such, no harm would result 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); and
- The proposal would not result in any additional impact upon the ecology of the site and its surroundings, in accordance with the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

3.2 13/00656/HHFUL – Construction of a first floor rear extension and alterations to the existing roof to form a hipped roofline, with eaves height raised to match that of adjacent pitched roof to the main house. 294 Cromwell Road, Millfield, Peterborough, PE1 2HR

The application site comprised a two storey end-terrace residential property located at the junction of Cromwell Road and Taverners Road. The property occupied a prominent position within the streetscene, with both the front, side and rear elevations clearly visible from the public realm. The property was of traditional Victorian design, with an existing two storey rear projecting 'wing' with a mono-pitched roof. The dwelling had previously been extended to the rear at single storey beyond the rear wing and to the side, running adjacent to the shared boundary with No. 292 Cromwell Road.

Parking was provided to the rear of the dwelling, within a paved parking area/amenity space. This area was enclosed by 1.8 metre high close boarded fencing and vehicular access is granted via a gated entrance and dropped kerb crossing from Taverners Road. Adjacent to this access sat an existing single storey outbuilding of lean-to construction with poly carbonate roofing.

The application sought planning permission for the construction of a first floor rear extension and reconfiguration of the existing two storey 'wing' to form a single dual-pitched roof along the entire projection.

The proposal as it stood had been revised following refusal of planning application reference 12/01547/FUL which sought planning permission for the construction of a first floor rear extension, including alterations to the existing two storey 'wing' to form a single mono-pitched roofline with raised eaves height.

The Group Manager Development Management provided an overview of the proposal and advised that a letter of objection had been received from the immediately adjoining neighbour; the points raised being summarised within the update report. A further exempt letter had been received from the Applicant and circulated to the Committee Members for consideration. The recommendation was one of refusal.

Ward Councillor Nazim Khan addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposal would have a significant detrimental impact on the neighbouring property;
- The proposal would have an impact on Taveners Road, with a big blank wall facing the residents;
- It was understood that the Applicant did not live at the property, why was an extension required?
- Councillor Khan supported the officer recommendation.

Mrs Zahida Azam, the neighbour and objector, addressed the Committee and responded to questions from Members. In summary key points highlighted included:

- Mrs Azam and her sister had owned the neighbouring property for the last 18 to 20 years, so she was fully aware of the improvements made to the property over the years;
- The dining room on the side of the property, which had been there for many years, was already detrimental to Mrs Azam's courtyard and obscured light into her lounge. The height of the wall had also been increased a number of times;
- The proposal would also obscure light into the bathroom and the kitchen;
- No complaints had been made by Mrs Azam about the increase in size to the wall and Mrs Azam had been accommodating in the past by removing trees in her garden to permit a bungalow to be built at the bottom of the neighbouring garden;
- The window proposed for the upstairs would overlook Mrs Azam's courtyard and kitchen and bathroom windows;
- Privacy had already been lost due to the bungalow being built. This proposal would affect the amenity of the property further and would decrease the value of Mrs Azam's property; and
- Mrs Azam was in agreement with the content of the officer's report.

Mr Arif, the Applicant, and Mrs Lyn Hayward, the Agent, addressed the Committee and responded to questions. In summary the key points highlighted included:

- The reasons for the proposed extension were genuine. These related to health issues and could be supported with documents if needed;
- The height of the proposed extension had been reduced to that which was existing;
- The overbearing nature of the proposal had been restricted;
- Mr and Mrs Arif were due to move back into the house;
- The proposal would not affect the amount of sunlight within the neighbour's courtyard; and
- There would be dormer windows within the roof space.

Following questions, Members debated the application and raised concerns. The extension would be extremely overbearing and would create a tunnel effect for the neighbours.

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

RESOLVED: (Unanimous) 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 specifically:

- The proposed first floor rear extension and resultant two storey form of the dwelling, would result in an unduly dominant and overbearing feature within the streetscene, at odds with the scale and massing of the existing built form along Taveners Road. Accordingly, the proposal would result in an unacceptably harmful impact upon the character, appearance and visual amenity of the surrounding area and was therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012); and
- The proposed first floor rear extension, by virtue of its height, depth and proximity to the shared boundary, would result in an unacceptably overbearing impact upon both the private outdoor amenity area and primary habitable rooms of the neighbouring dwelling, No.292 Cromwell Road. As such, the proposal would result in an unacceptably harmful impact to the amenities of neighbouring occupants and was therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

The meeting was adjourned for ten minutes.

3.3 13/00789/HHFUL – Construction of two storey side and rear extensions, first floor side extension, single storey rear extension and canopy at front - retrospective

The application site comprised a two storey semi detached dwelling of brick and tile construction. A low rise brick wall flanked the blocked paved front garden. This area provided off road parking for 2 vehicles. The rear garden was fully enclosed by close boarded timber fencing. The surrounding character was residential in nature comprising a mixture of two storey semi detached and detached dwellings. It was noted that a number of the nearby properties had two storey side extensions.

Planning permission for a two storey side, two storey rear and single storey rear extension was granted under application number 12/00383/HHFUL. The development had been built out on site. However, the development had not been constructed in accordance with the approved permission and a subsequent application reference 13/00240/HHFUL was submitted in an attempt to regularise the development as built. This application was refused under delegated authority for two reasons;

- The negative impact of the development on the character of the area; and
- The adverse impact of the development on neighbour amenity.

The Applicant had submitted an appeal against the refusal of 13/00240/HHFUL on 20 June 2013. The outcome of which was awaited at that time.

The retrospective application presented before the Committee remained exactly the same as the earlier refused application reference 13/00240/HHFUL.

Retrospective permission was sought for the erection of a two storey and single storey rear extension. The two storey rear extension projected 4.7 metres from the rear of the dwelling house, with a width of 8.1 metres and a dual pitch roof 5.2 metres above ground level at the eaves and 8.1 metres at the apex. The single storey rear extension measured 5.5 metres deep by 4.7 metres wide with a dual pitch roof measuring 2.3 metres above ground level at the eaves and 4.2 metres at the apex.

The differences from the approved application reference 12/00383/HHFUL were:

- 1) The two storey rear extension had been built approximately 700 mm longer than shown on the approved plan;
- 2) The total ground floor projection as built was approximately 10.1 metres long, approximately 1.1 metre longer than shown on the approved plan;
- 3) The roof on the side extension had been built higher so that it was flush with the existing ridge line, rather than being subservient to the existing roof, as shown on the approved plans;
- 4) The introduction of a front canopy that extended across the full width of the property; above the bay window, front door and French doors; and
- 5) The use of different fenestration including the introduction of French doors to the front of the side extension rather than the garage doors shown on the approved plans.

The Group Manager Development Management provided the Committee with an overview of the proposal and the main issues for consideration. It was also advised that comments had been received from Ward Councillor Ed Murphy in agreement with the officer's recommendation to refuse the application.

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

- Councillor Nawaz was speaking on behalf of the owner of the property;
- The owner had stated that the differences in build had been a mistake and a misunderstanding on the part of the builder; and
- A year had passed and the owner had spent a lot of money on the property.

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

- The works undertaken had a detrimental effect on the neighbour;
- The mistakes could have been rectified during the past 12 months;
- The proposal was against policy guidance and had a detrimental effect on the area; and
- It was believed the neighbour had suffered damage to his house whilst construction was underway.

Following questions to speakers Members debated the application and raised concerns. A previous application for the property had been refused by officers and a subsequent re-application had been approved, however the original application specifications had been used. This was deemed unacceptable by the Committee.

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

RESOLVED: (Unanimous) to refuse the application, as per Officer recommendation, and:

1. The reasons R1 and R2 as detailed within 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 specifically:

- The two storey rear extension by reason of its depth and massing, resulted in an unacceptable overbearing impact upon the neighbouring dwellings, numbers 18 and 22 Grange Road. In particular it resulted in unacceptable harm to the outlook of number 18, and created a sense of enclosure. Furthermore, the proposal resulted in unacceptable overshadowing of the amenity space and primary habitable room windows of number 22 Grange Road. This was contrary to Policy CS16 of the Adopted Peterborough Core Strategy (DPD) 2011 and Policy PP3 of the Adopted Peterborough Planning Policies (DPD) 2012; and
- The first floor side extension was not subservient to the existing dwelling, and given its relationship to the existing dwelling number 22 Grange Road create a terracing effect within the streetscene which would be harmful to the character of the area. The full width canopy and front facing french doors were considered to be incongruous features and had resulted in a cluttered confusing frontage with no main entrance to the dwelling, to the detriment of the character of the area. This was contrary to Policy CS16 of the Peterborough Core Strategy (DPD) 2011 and Policy PP2 of the Peterborough Planning Policies (DPD) 2012.

The Chairman advised that in relation to the next application, Mr Justin Brown, the Architect was present and available to answer any questions that Members may have with the agreement of the Committee. This was agreed unanimously.

3.4 13/00695/FUL – Construction of a new-build two storey primary school, works include refurbishment of the existing Veranda Centre and Community Centre in addition to two new build link buildings. Change of use of part of the public open space to a dual use of school playing facilities (during school hours only) and community sports facilities. Laying out of sports facilities including a Multi Use Games Area and construction of Weldmesh fencing. Closure of section of the existing off-road cycleway, and upgrading of footway to provide shared foot/cycleway. Relocation of children’s play area. Gladstone Park Community Centre, Bourges Boulevard, Peterborough, PE1 2AU

The Committee was advised that in the committee report, Bourges Boulevard was referred to “Old Bourges Boulevard” and the dual carriageway to the west of the site was referred to as “New Bourges Boulevard”.

The site was a long strip of land between Bourges Boulevard and New Bourges Boulevard. It was about 80 metres wide at the widest point, tapering to 15 metres wide at the southern end. The site was 320 metres north to south, with a further 100 metres or so of Gladstone Park beyond to the north. Part of the site was on Gladstone Park. The park overall, including the part which formed the application site, was fairly open, with trees to the sides and along some of the paths. Most of the park was a flat playing field, but the part at the northern end, which was outside the application site, was contoured and included tables and seats.

The site included the existing community centre building (to be retained) and Veranda Centre (currently used as a nursery), the car parking area to the south of the community centre, and an equipped children’s play area.

The east side of Bourges Boulevard was residential, mostly Victorian terraces and semi-detached houses, with one small modern flatted development (Berry Court) and one corner development known as Marcus House which had recently been granted consent for use as student housing.

There was an existing cycleway which ran along the west side of the site/park. This was part of the city-wide cycle network and formed a key part of the route into the city centre from areas to the north.

The proposal included the following key elements:

- A new two-storey teaching block set across the site, between the existing Veranda Centre and the playing field;
- This would provide an additional 480 school places, to take 8-11 year olds from Gladstone School. 5-7 year olds would remain at the existing Gladstone Street site;
- Conversion of the Veranda Centre to school use;
- Two new single storey links, one between the community centre and the Veranda Centre, one between that and the new teaching block. A joint entrance/reception would be provided leading to the community centre and to the school. The enclosed playing field/sports facilities would be access-controlled from this point;
- Some internal works to the Community Centre, to allow part of the existing hall to be used by the school for dining and inside activity during school hours. The remainder of the Community Centre would be available for community use at all times;
- An extension to the Community Centre to provide a dedicated school kitchen and storage;
- Enclosure of part of the existing playing field to provide for school sports facilities, with community use outside school hours;
- Additional car parking spaces within the existing car park and an extension to it. There were currently 48 parking spaces and an additional 42 would be provided;
- Relocation of the existing children's play area from the south of the site to the north of the site, where it would be part of the retained area of public open space;
- Closure of the cycle path to the west of the site, upgrading of the footway to the east of the site to provide a shared foot/cycleway;
- Solar panels on roofs (exact location to be clarified); and
- Associated landscaping, boundary treatments, cycle parking, lighting and so on.

The Senior Development Management Officer provided the Committee with an overview of the proposal and the key issues for consideration. The Officer's recommendation was to approve the application subject to the imposition of relevant conditions.

Members' attention was drawn to additional information contained within the update report. There were a number of comments from officers in relation to:

- The location of solar panels;
- The location and design of roof vents and flues;
- The status of the submitted travel plan;
- The clarification on timing of closure of the cycle route and provision of a new route;
- The use for basketball;
- The location of the Multi Use Games Area (MUGA) and revised conditions in relation to its construction; and
- Accident data.

All of the comments had been addressed and a number of additional conditions and reworded conditions were further highlighted with the report, alongside additional comments from a Governor of Gladstone School in relation to 20mph speed limit and the installation of speed bumps. The Local Highway Authority had responded that neither were required as part of the works, but the issues would be looked at outside of the planning process.

Ward Councillor Nazim Khan addressed the Committee. In summary the key points highlighted were as follows:

- Councillor Khan declared that he was employed by Gladstone Park Pre-School (PCA);
- He was in full support of the application. School places were desperately needed in Central Ward;
- Councillor Khan had been in negotiations with officers for over a year in relation to the new school and it was a worthwhile project and would bring much needed regeneration; and
- There had only been a couple of objections to the application.

Members debated the application and it was commented that the facility was of excellent design and was desperately needed in the area, the installation of solar panels was also to be commended.

Clarification was sought as to the safety of the foot cycle route for the pedestrians and cyclists. It was advised that the route would be designed in such a way that it would denote to motorists that they would have to give way. It was further advised that future schemes in relation to traffic safety would also be looked into.

A motion was put forward and seconded to approve the application, as per officer recommendation and subject to the conditions specified within the committee report and the update report. The motion was carried unanimously.

RESOLVED: (Unanimous) to approve the application, as per Officer recommendation, subject to:

1. Conditions numbered C1, C3 to C18 and C20 to C22, as detailed in the committee report;
2. The revised conditions C2 and C19 as detailed in the update report; and
3. The additional conditions C23 and C24 as detailed in the update 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 need for new school places had to be given significant weight;
- There was a presumption against the loss of public open space, however on balance this was considered to be acceptable as the remaining public open space would be upgraded, and taking into account the limited local options for the provision of school places;
- The new teaching block had been designed to make an efficient use of land and to make a positive contribution to the streetscene;
- Impacts on neighbour amenity could be satisfactorily controlled;
- The development made adequate provision for cycle and car parking, and for safe and convenient access to the site;
- The loss of trees was acceptable, and would be mitigated by the implementation of a new landscaping scheme which would encourage local biodiversity;
- Any archaeological remains would be adequately identified and any loss mitigated;
- The proposal was therefore in accordance with Policies CS10, CS14, CS16, CS17, CS19, CS21 and CS22 of the adopted Peterborough Core Strategy, Policies PP1, PP2, PP3, PP12, PP13, PP16 and PP17 of the adopted Peterborough Planning Policies DPD, and the relevant provisions of the National Planning Policy Framework, in particular paragraphs 32, 34-36, 61, 70 and 72-74.

4. Three Month Appeal Performance Report

A report was presented to the Committee which highlighted the Planning Service's performance at appeals.

The number of appeals lodged had increased during the last three months from three to eight, compared to the three months previous. A total of seven appeals had been determined, which was six fewer than the previous three months.

During the past three months the Council's decision had been upheld in 67% of the cases. A breakdown of the cases was given and a commentary highlighting scope for service improvement.

RESOLVED:

The Committee noted the past performance and outcomes of appeals during the last three months.

1.30pm – 3.35pm
Chairman

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