

**MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL  
PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 17 SEPTEMBER 2013**

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

**Officers Present:** Nick Harding, Group Manager Development Management  
Jez Tuttle, Senior Engineer (Development)  
Phil McCourt, Solicitor  
Jim Daley, Principal Built Environment Officer  
John Wilcockson, Landscape Officer  
Alex Daynes, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Harrington and Lane.

Councillor Ash was in attendance as substitute.

**2. Declarations of Interests**

There were no declarations of interest.

**3. Members Declaration of intention to make representation as Ward Councillor**

There were no intentions made.

**4. Development Control and Enforcement Matters**

The Chairman addressed the Committee and advised that there had been a request received from the press to be permitted to take photographs throughout the proceedings. The Committee's approval was sought and this was agreed unanimously.

Following a request from the Chairman, the Committee agreed to change the order of the agenda so that item 4.3 would be taken as the last item of business.

**4.1 13/00660/FUL - 270 Eastfield Road, Peterborough, PE1 4BE**

The Committee received an application for the demolition of an existing office building and erection of two blocks of student accommodation incorporating eight flats and 31 studios. The Planning Officer introduced the application advising the Committee that the current proposal was to demolish the property on the site and construct two blocks of student accommodation. This accommodation would be a combination of shared flats and small studios; a total of 77 bedrooms (reduced from an initial proposal for 90 bedrooms). A reception area, common room and laundry would also be provided. The existing driveway would be re-used and would lead to parking spaces along the north-west, west and south of the site.

Councillors Peach and Shearman addressed the Committee on behalf of residents in Park Ward and highlighted concerns such as the impact on neighbours and local residents by way of noise, traffic and on-street parking, the design did not enhance the

area, the current building should be on the list of buildings of local importance and there was no alternative design put forward to retain the current building.

Mr Stewart Jackson MP addressed the Committee opposing the application on behalf of residents raising issues including the proximity to the Park Ward conservation area, the design was not in keeping with the area, the building would overlook neighbouring properties, no official demand for an increase in student accommodation had been made from the University Centre and other sites were already being developed to provide student accommodation.

Mr Rex Gibson addressed the Committee on behalf of residents opposing the application, highlighting concerns including that it was contrary to national and local planning policies, the design was not in keeping with the area, increase in traffic and resultant noise, the proposed density was higher than the immediate surrounding area, the location of the bin store would create smell and was deemed to be of insufficient size, insufficient parking spaces and access to parking would lead to noise for neighbours.

Mr Bob Seery and Mr Michel Kerrou addressed the Committee on behalf of the applicant raising issues including the application abided by local and national policies, the existing building was not on the list of buildings of local importance, current extensions to the building were already made but would be removed, the University Centre supported the proposal, the application should be deferred not refused.

The Committee considered the application and the issues raised.

**RESOLVED:** (Unanimous) to refuse the application, as per officer recommendation.

**Reasons for the decision:**

1. The existing house on the site had been assessed against the Local List criteria, and was considered to be worthy of inclusion on the list of Buildings of Local Interest. As a non-designated Heritage Asset, the building was subject to consideration against paragraph 135 of the National Planning Policy Framework. The Local Planning Authority was required to give weight to the harm caused to the heritage asset by the development. The proposed demolition would remove the heritage asset entirely. Demolition of a heritage asset could only be justified if the public benefits of the proposed development outweighed the loss of the heritage asset, and the design of the proposed development is of equal quality. In this case, the developer had failed to demonstrate that there was a pressing need for this level of student accommodation. Although the University Centre and the Regional College had expressed support, no further evidence such as a business plan or growth strategy had been provided. In addition, the applicant had failed to demonstrate that retention of the existing building would render re-development or re-use of the site unviable. The proposal was therefore contrary to Policy CS17 of the adopted Peterborough City Council Core Strategy DPD, Policy PP17 of the adopted Peterborough City Council Planning Policies DPD, and the relevant provisions of the National Planning Policy Framework, in particular paragraph 135.

And additional reasons as agreed by the Committee:

2. Whilst it was acknowledged that the proposal was for student accommodation, it could not be assured that levels of car ownership would be so low as to be able to be accommodated by the proposed number of car parking spaces. There was therefore a risk that cars associated with the development would have to park on street. The locality suffered from high levels of on street parking and further on street parking was likely to be to the detriment of the free flow of traffic and highway

safety. The proposal was therefore contrary to Policy PP12 and PP13 of the Peterborough City Council Planning Policies DPD which seek to ensure that developments did not have an unacceptable impact on the transportation network, including in terms of highway safety and that they provided sufficient number of parking spaces to serve the development.

3. The design of the buildings, in terms of their mass, form and design as well as the proportion of the site which was to be developed, did not relate well to the character of the site and its surroundings and failed to enhance local distinctiveness. Consequently the development detracted from the quality of the local built environment rather than making a positive contribution toward it. The proposal was therefore contrary to paragraph 64 of the NPPF, Policy CS16 of the Peterborough City Council Core Strategy DPD 2011 and Policy PP2 of the Peterborough City Council DPD 2012 which both sought to ensure that new developments are of an appropriate design and quality.
4. Notwithstanding the angled windows designed into the building, due to the proximity of the proposed buildings to the boundaries to the site and the fact that the first floor rooms would be intensively occupied, the neighbouring residents would be subject to unacceptable levels of overlooking and hence loss of privacy. The proposal was therefore contrary to Policy PP2 and PP3 of the Peterborough City Council DPD 2012 which sought to protect the amenity of adjacent occupiers from unacceptable levels of overlooking and loss of privacy.
5. Given the proximity of the development to the boundaries of the site in relation to the form and bulk of the proposed buildings, it would have an overbearing impact on the outlook from the surrounding residential properties to the detriment of the amenity of the occupiers. The proposal was therefore contrary to PP3 of the Peterborough City Council DPD 2012 which sought to protect the adjacent occupiers from developments that have an overbearing impact on them.
6. The access road, serving the development, wrapped around the edges of the site and facilitated access to several areas of car parking, many of which were located around the edges of the site. Notwithstanding the proposed fencing, use of the access and the parking areas would be likely to generate significant noise and disturbance to nearby residents to the detriment of their amenity. In addition the nature of student occupation would be such that the development would be likely to result in a level of noise and disturbance incompatible with the residential character of the area. The proposal was therefore contrary to PP3 of the Peterborough City Council DPD 2012 which sought to protect the adjacent occupiers from developments that would have resulted in them being subject to unacceptable levels of noise and disturbance.
7. The bin store was located immediately adjacent to the gardens of three residential properties. Given the scale of the proposed development, the bin store was of a substantial size and the volumes of waste kept there would be such that nearby residents would suffer from noise and disturbance arising from frequent use of the bin store and unpleasant odours. The proposal was therefore contrary to PP3 of the Peterborough City Council DPD 2012 which sought to protect the adjacent occupiers from developments that would have resulted in them being subject to unacceptable levels of noise and disturbance or odour problems.

#### **4.2 13/00765/HHFUL - 26 Apsley Way, Longthorpe, Peterborough, PE3 9NE**

The Committee received an application for the construction of a two storey rear, first floor front and single storey front extension, and installation of a first floor side facing window (part retrospective). The Planning Officer introduced the application advising

the Committee that the application was submitted following a report by a member of the public of unauthorised development and investigation by the Planning Compliance Team. The shell of a two storey rear extension had been erected; however the roof had not been finished. The shell projected 4 metres over two floors and ran for the full width of the dwelling. No other works to which this application related had commenced.

Mr Leedham and Mr MacDonald addressed the Committee in opposition to the application and highlighted issues including the extension was not in keeping with the green and open character of the area, the correct planning process was not followed, a smaller extension would be more acceptable.

The Applicant, Mr Usman Arif, addressed the Committee and raised issues including the extra space was required for his family, planning officers have approved the design and had already reduced the size of the extension as instructed.

The Planning Officer clarified what was allowed under 'permitted development rights' before planning consent was required.

The Committee considered the application and the issues raised.

**RESOLVED:** (6 For, 2 Abstentions) to refuse the application, contrary to officer recommendations.

**Reasons for the decision:**

1. The design of the rear extension in terms of its depth, width and height in relation to its proximity to neighbouring properties would be such that it would have a significant overbearing impact on the amenity of the occupiers. The proposal was therefore contrary to PP3 of the Peterborough City Council DPD 2012 which sought to protect the adjacent occupiers from developments that have an overbearing impact on them.
2. The design of the rear extension in terms of its depth, width and height would have a significant impact on the open character of the immediate area and did not relate well to the appearance of the property and its surroundings and failed to enhance local distinctiveness. Consequently the development detracted from the quality of the local built environment rather than making a positive contribution towards it. The proposal was therefore contrary to paragraph 64 of the NPPF, Policy CS16 of the Peterborough City Council Core Strategy DPD 2011 and Policy PP2 of the Peterborough City Council DPD 2012 which both sought to ensure that new developments were of an appropriate design and quality.
3. The proposed first floor side window would result in unsatisfactory levels of overlooking of the neighbouring garden and would result in a significant loss of privacy. The proposal was therefore contrary to Policy PP2 and PP3 of the Peterborough City Council DPD 2012 which sought to protect the amenity of adjacent occupiers from unacceptable levels of overlooking and loss of privacy.

**4.4 Provisional Tree Preservation Order 3\_2013, Gericia, St Martins Road, Newborough, Peterborough**

The Committee received an application to confirm a tree preservation order following public consultation. The city council's Landscape Officer introduced the application advising that the tree, T1 (Ash), was located on the northern boundary of Gericia, against St Martin's Rd at the western edge of Newborough village, the tree was in good condition and health with no sign of Ash Die Back disease and it provided significant public visual amenity value as viewed from St Martin's Road, Soke Road and Thorney

Road. The tree was therefore considered worthy of protection by way of a Tree Preservation Order.

The Committee considered the application and **RESOLVED** (Unanimous) to confirm the Tree Preservation Order.

**Reasons for the decision:**

1. The tree offered public visual amenity value and it was considered that the loss would be of detriment to the greater public and the landscape in this location.
2. Newborough was one of the villages with lowest tree cover, so where appropriate, Peterborough City Council was to seek to protect any trees that were considered to be under threat and worthy of retention in line with the formally adopted Trees and Woodlands Strategy.
3. It was the opinion of the Case Officer that the tree could provide over 50 years visual amenity value based on its current condition.

**4.3 D1 - Immediate Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 Restricting Permitted Development Rights - Walton Ward**

Members were asked to determine whether agenda item 4.3, D1 – Immediate Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 Restricting Permitted Development Rights, contained information which revealed that the authority proposed (a) to give under any enactment a notice by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment as defined by Paragraph 6 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when this report was discussed or whether the public interest in disclosing this information outweighed the public interest in maintaining the exemption. Disclosing the information was likely to lead to work that would harm the character and appearance of the built environment.

The Committee unanimously agreed to the exemption and the press and public were excluded from the meeting.

The Committee received a report to consider and determine any action required in relation to a planning matter in accordance with section 2.5.1.2 of the Committee's terms of reference in the City Council's Constitution.

**RESOLVED:** (Unanimous) to authorise the issue of the Direction.

**Reasons for the decision:**

An Article 4 Direction coming into effect immediately had the clear advantage of removing the threat of the demolition of the building without first obtaining planning permission.

1.30pm – 4.45pm  
Chairman