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MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 19 NOVEMBER 2013

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

Officers Present: Theresa Nicholl, Development Management Support Manager
John Wilcockson, Landscape Officer
Jez Tuttle, Senior Engineer (Development)
Sarah Hann, Acting Senior Engineer (Development)
Ruth Lea, Planning and Highways Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Simons and Councillor Lane.

2. Declarations of Interests

Councillor Todd declared that item 5.1, Anteon UK Ltd was in her ward, but this would in no way affect her decision.

Councillor Shabbir declared that item 5.1, Anteon UK Ltd was in his ward, but this would in no way affect his decision.

3. Members' Declaration of Intention to Make Representation as Ward Councillor

There were no declarations of intention to make representation as Ward Councillor.

4. Minutes of the Meeting held on 22 October 2013

The minutes of the meeting held on 22 October 2013 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 13/01292/OUT – Erection of shelter to encapsulate a holding food freezer to rear of site (retrospective). Anteon UK Ltd, Newark Road, Fengate, Peterborough

The application site comprised a large detached storage and distribution warehouse (Use Class B8) set centrally within its plot and surrounded entirely by concrete hardstanding. The existing unit was of dual pitched design with buff brick construction to the ground floor and metal cladding at first and second floors. The principal elevation of the unit was entirely glazed. Parking was provided on-site to the front and sides of the unit, with vehicular access taken from Newark Road to the south-western corner of the site. The area of hardstanding to the rear of the unit was previously used for the manoeuvring of delivery vehicles and overflow car parking. The building was set back from the adopted public highway by a small strip of landscaping comprising grass, semi-mature trees and shrubbery.

The site lay within the allocated Eastern General Employment Area with the surrounding area comprising a mix of industrial and commercial units.

The application sought planning permission for the construction of a detached cold storage building to the rear of the site measuring 23.75 metres (width) x 61.275 metres (length) x 11.6 metres (height to eaves). The development had been substantially completed and as such, the scheme was retrospective.

The Development Management Support Manager provided an overview of the application and the main issues for consideration. It was advised that there had been no consultation responses received, but three representations had been received from local residents. It was further advised that, should Members be minded to grant the application, a condition was requested from Highways to 'restrict delivery vehicles from accessing the site during normal working hours owing to conflict with visitor parking and the site entrance'. The officer recommendation was to grant the application subject to the imposition of relevant conditions and the amended condition from as proposed by Highways.

Mr Mark Foster, an objector on behalf of the Lindum Group, addressed the Committee and responded to questions from Members. In summary, key points highlighted included:

- There were serious concerns regarding the development;
- A large investment had been placed in the surrounding site;
- There had been no permission sought for the development and no regard to planning procedures;
- The development was out of keeping with the buildings in the surrounding vicinity and existing buildings were dwarfed by its overbearing appearance;
- The development was not in line with a number of planning policies, including Policy CS16, Policy PP2 and PP3;
- The scale of the development meant that there was a lack of car parking on site;
- There were a number of concerns around the impact that the development would have on highways safety;
- How could the condition C1 'no delivery vehicles shall enter or exit the site during the hours of 8.30am to 5.30pm' be enforced? Such a condition would require daily monitoring, this was unfeasible; and
- The development would have an impact on expansion opportunities in the future.

Following questions to the speaker, Members debated the application and raised points for and against. Further clarification was also sought from the Highways Officer as to the enforceability of the requested condition. In response, it was advised that the condition would be enforceable as neighbours would advise of any breaches.

Concerns remained as to the enforceability of the aforementioned condition along with concerns regarding the overbearing nature of the structure. There had been no representation made by the Applicant in support of the application and therefore the Committee had been unable to ascertain the rationale behind the build. It was felt that special dispensation for the size of the structure should not be granted just because the building was situated within commercial development, the surrounding development being mainly single storey in nature.

The Applicant was present within the audience and requested permission to address the Committee. A vote was taken and this request was denied with three voting for, four voting for and one not voting.

A motion was put forward and seconded to refuse the application, contrary to officer recommendation. The motion was carried by 3 votes, with 1 voting against and 3 not voting.

RESOLVED: (3 For, 1 Against, 3 Not Voting) to refuse the application, contrary to officer recommendation.

Reasons for the decision

The development was contrary to:

- Policy CS16 in that the design should be of high quality, appropriate to the site and area, should improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents;
- Policy PP2 in that permission would only be granted for development which made a positive contribution to the built and natural environment; did not have a detrimental effect on the character of the area; was sufficiently robust to withstand/adapt to climate change; and was designed for longevity; and
- Policy PP3 in that permission would not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution and fail to minimise opportunities for crime and disorder.

Therefore the application was considered unacceptable.

5.2 13/01521/CTR – Section 211 Notice of intent to carry out works to trees in Eye Conservation Area. 25-27 High Street, Eye, Peterborough, PE6 7UP

A Section 211 Notice had been submitted by Councillor Dale McKean, a notification to carry out tree work at 25-27 High St, Eye, Peterborough. The notification was registered within the Local Planning Authority (LPA) on 11 October 2013.

The proposed works were to reduce (T1) Cypress by 2 metres and lateral reduction by 1 metre. To reduce (T2) Hazel by 2 metres overall and to reduce (T3) Twisted Willow by 2 metres overall.

The trees were located in the rear garden of the property and the garden was largely screened by surrounding properties.

The main considerations were:

- Were the proposals in line with sound Arboricultural practice, reasonable and justified having regard to any representations received?; and
- Were the trees worthy of inclusion into a Tree Preservation Order (TPO) in terms of public visual amenity value, condition and health?

The Landscape Officer gave an overview of the proposal and advised that the officer recommendation was that no objections be raised and the works be approved.

A motion was put forward and seconded to raise no objections to the notice, and therefore authorising the works. The motion was carried unanimously.

RESOLVED: (Unanimous) to raise no objections to the notice.

Reasons for the decision

Under a section 211, anyone proposing to cut down or carry out work on a tree in a Conservation Area was required to give the Local Planning Authority (LPA) six weeks' prior notice. The purpose of the requirement was to give the LPA an opportunity to consider whether a TPO should be made in respect of a tree.

The works to T2 Hazel and T3 Willow were repeat works for which a Notice was received in 2012 under 12/00191/CTR. No objections were raised by the Council to this application and the works were therefore approved. Neither tree was worthy of inclusion into a TPO due to lack of visual amenity value and the works were arboriculturally sound.

The works to the Cypress had been requested by the Applicant to allow more light into the garden. Whilst reducing the height of a tree for light was not considered to be sound Arboricultural practice, the Cypress was not worthy of inclusion into a TPO due to lack of visual amenity value.

5.3 TPO 5_2013 – Provisional Tree Preservation Order, 15 Park Crescent, Peterborough, PE1 4DX

Officers had served a provisional Tree Preservation Order (TPO) 5_2013 at 15 Park Crescent, Peterborough following the submission of a Section 211 Notice of intent to carry out works to a tree in a Conservation Area which threatened the loss of a Cedar tree. Following the public consultation period, objections had been raised.

The main considerations were:

- Was the tree worthy of inclusion into a TPO in terms of public visual amenity value, condition and health?; and
- Were the proposals reasonable and justified having regard to any representations received?

The tree T1 (Cedar) was located to the front of the Care Home at 15 Park Crescent, Peterborough PE1 4DX.

The tree was in good condition and health and provided significant public visual amenity value as viewed from Park Crescent and contributed significantly to the appearance of the conservation area. The tree was therefore considered worthy of protection by way of a Tree Preservation Order.

The Landscape Officer gave an overview of the proposal and advised that the owner of the tree had been approached with a proposal that remedial works be carried out as well as coming to a longer term arrangement regarding the tree's maintenance. This had been declined by the owner who had submitted a number of comments during the consultation period relating to the size of the tree, the needle drop of the tree causing a slip hazard and the tree causing access problems for emergency services.

The tree was of a good age and offered visual amenity value and added character to the area. The reasons proposed for the felling of the tree were considered to be inadequate and therefore the officer's recommendation was to confirm the TPO.

Members' attention was drawn to additional information contained within the update report. A letter had been submitted from a representative of the Park Vista Care Home, along with a number of incident reports and photographs.

Mr Simarjit Barjwa, Peterborough Care Ltd, addressed the Committee in objection to the application and responded to questions from Members. In summary the key concerns highlighted included:

- The tree was extremely large and located roughly about 45 metres from the road;
- The tree could not be easily noticed and there were other more visually attractive trees in the vicinity;
- Mr Barjwa agreed that the tree did look in good health, however this was outweighed by the health and safety concerns;
- One of the main concerns was the needle drop, there were a number of elderly and infirm residents living in the home and the ground became extremely slippery when the needles fell. The needles had to be swept on a regular basis and this could take up to two hours each time;
- There was also a lot of bird waste under the tree and the residents had commented that they would like to be able to view Central Park, the view currently being blocked by the tree;
- The tree could be replaced with a different species of tree;
- There were issues with larger vehicles entering and exiting the site due to the location of the tree; and
- The tree was situated close to the building and it had caused damage in the past with branches dropping and needles filling the guttering.

Following questions to the speaker, Members debated the application and raised a number of points for and against the application. Further clarification as to the age of the tree and its potential lifespan were sought from the Landscape Officer. In response it was advised that the tree had been planted in Victorian times and although not a rare tree, Cedars were a fantastic landscape tree and this specimen could live for another two hundred years.

Members further debated the application and raised a number of concerns in relation to the location of the tree next to a care home for the elderly. However, it was noted that the tree had been planted and had flourished in a residential area, and the area was still primarily residential in nature. Furthermore, any replacement tree would possibly pose similar issues down the line. It would be of more benefit for the owner of the tree to agree to work alongside the Landscape Officer as the tree was an asset to the area and it would be more sensible for the tree to be maintained going forward.

A motion was put forward and seconded to confirm the TPO. The motion was carried by 5 votes, with 2 voting against and 1 not voting.

RESOLVED: (5 For, 2 Against, 1 Not Voting) to confirm the TPO.

Reasons for the decision

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 the location.

There has been no substantiated evidence to support the felling of this tree and it was the opinion of the Case Officer that the tree could provide 50 years + visual amenity value based on its current condition.

The meeting was adjourned for five minutes.

Due to there being speakers on the item, it was proposed to alter the order of the agenda and to take item 5.5, 78 Crowland Road as the next item of business. This was agreed by the Committee.

5.4 13/01343/FUL – Construction of two-bed dwelling. 78 Crowland Road, Eye, Peterborough, PE6 7TR

The application site was located on the eastern side of Crowland Road and was part of the side garden to number 78 which was owned by the Applicant. The site was approximately 7 metres in width and extended rearwards for approximately 19 metres where the width increased to 13 metres and extended a further 28 metres to the rear. The site was enclosed by 1.8 metre fencing to the north and south and there were mature trees further to the rear of the site. The character of Crowland Road comprised ribbon development with development fronting the road. Within the immediate vicinity the properties to the west of Crowland Road were predominantly two storey semi-detached dwellings and on the east side there was a more varied character. Directly to the north was a chalet bungalow which was set back from the road by 12 metres. Directly to the south was a pair of modest sized semi-detached dwellings fronting the road.

The application sought permission for the erection of a two storey detached two bedroom dwelling. The property would be positioned in line with the neighbouring property to the north (no. 80) and set back from the highway by 12 metres. The dwelling would be 5 metres in width and the two storey element would be 8.4 metres in length. To the rear would be a single storey element which would be 6.8 metres in width and 6 metres in length. Parking would be provided to the front of the proposed property for two vehicles and one parking space would be provided for the existing property at no. 78.

The Development Management Support Manager provided the Committee with an overview of the proposal and the main issues for consideration. There had been no objections raised to the proposal, however it was considered that the building would have a detrimental impact on the rear and garden area of number 78. The officer's recommendation was therefore to refuse the application.

A letter had been submitted by the Applicant, Mr Deegan, providing background to the proposal. Mr Deegan was also present to answer any questions that the Committee may have. Key points were highlighted during questioning as follows:

- An original application had been submitted to the Planning Department, but subsequently withdrawn following advice from the case officer;
- The case officer had provided advice on a resubmission, which involved a complete redesign;
- Owing to the confidence placed in the advice and the likely success of a resubmitted application, the application was redesigned and submitted;
- All parties had gone out of their way to ensure all issues had been resolved;
- The application had subsequently been refused to the dismay of the Applicant; and
- The house would be lived in by Mr Deegan and his family.

Following questions to the speaker, Members debated the application and commented that the advice given by the Planning Department had been confusing from the point of view of the Applicant. The positioning of the property and the fact that it would be so visible from the rear garden of number 78 was of slight concern, but not a planning consideration, and that coupled with the fact that there were no objections raised to the application meant that the Committee could see no adequate grounds for refusal.

A motion was put forward and seconded to approve the application, contrary to officer recommendation. The motion was carried unanimously.

RESOLVED: (Unanimous) to approve the application, contrary to officer recommendation.

Reasons for the decision

The proposal was considered acceptable in the light of relevant planning policy and it was noted that there had been no objections received against the application.

5.5 12/01414/FUL – Installation of street furniture at external entrances to Queensgate Shopping Centre, comprising new Publicly Available Specification (PAS) 68:2007 rated bollards (static, removable and rising variations), vehicle blockers and PAS rated cycle racks. New gatehouse to be installed at one service entrance. Management Office, Queensgate Shopping Centre, Westgate, Peterborough

The application site involved the entrances to the Queensgate Shopping Centre. The Centre lay at the heart of the central retail area and was juxtaposed both modern and historic development.

The proposal was to install new Publicly Available Specification (PAS) 68:2007 rated street furniture at all external entrances to Queensgate shopping centre, including bollards (in rising, removable and static variations), planters and new vehicle blocker barriers to the service yards. The Truckstopper bollard by Safetyflex was proposed in most locations. This had an elliptical shaped sleeve in stainless steel and single black band the dimensions of the sleeve are c.130mm(w) x 220mm(d) x 1000mm(h).

The specific design details of the bollards at each location were to be agreed by condition, however indicative design styles were outlined by the Development Management Support Manager. The counter terrorism measures were proposed as follows:

1. Queensgate entrance off Westgate adjacent to John Lewis entrance

- Removal of existing chain, cycle racks and bollards and make good surfaces;
- Installation 14 no. PAS68:2007 rated bollards with 1.2 metres width clearing. Two of the bollards would be sleeved with a 'shark fin' bicycle rack; and
- Installation of 1 no PAS68:2007 rated bollard and surface mounted vehicle blocker within service yard adjacent to 'Fleure'

2. Entrance to Westgate Arcade

- Removal of existing bollards and street furniture and make good surfaces; and
- Installation of 14 no. PAS68:2007 rated bollards with 1.2 metres width clearing including 2 no. removable bollards at central point of build out. The bollards would be location 0.45 metres from the kerb line and would follow the kerb line. Sleeve to bollards would have a 'Westminster' design. (This element has been revised since the initial submission which including bollards crossing the footway.)

3. Frontage to Long Causeway/Entrance to Queensgate

- Installation of 1 no PAS68:2007 rated bollard;
- Installation of 6 no. PAS68 rated planters, Marshalls Rhinoguard Optima 952 with timber surround; and
- Installation of 6 no PAS68:2007 rated bollards with 1.2 metres width clearance at Long Causeway entrance to Queensgate.

4. Exchange Street/Cathedral Square entrances to Queensgate
 - Installation of 6 no PAS68:2007 rated bollards with 1.2 metres width clearance to replace existing bollards on Exchange Street, including 2 no. removable bollards; and
 - Installation of 4 no PAS68:2007 rated bollards with 1.2 metres width clearance and 1.2 metres from façade of entrance to Queensgate.
(This element has been revised since the initial submission and the bollards will now replace existing bollards).
5. Exchange Street/St John's Square
 - Replacement of existing bollards with 4 no. PAS68:2007 rated bollards with 1.2 metres width clearance including 2 no removable bollards to be positioned adjacent to corner of fence line on church boundary to minimise vehicle approach line.
6. Argos entrance to Queensgate
 - Replacement of existing bollards with 6 no. PAS68:2007 rated bollards with 1.2 metres width clearance and make good existing surfaces.
7. Security Hut
 - Erection of brick built security hut, dimensions: 1.8 metres x 1.8 metres x 2.35 metres in height to be positioned at entrance to Queensgate service yard; and
 - New PAS68:2007 rated surface mount Vehicle Blockers to entrance and exit.
8. Queensgate Undercroft south end
 - Installation of 4 no PAS68:2007 rated bollards with 1.2 metres width clearance; and
 - Installation of PAS68:2007 rated Vehicle Blocker.
9. Queensgate Undercroft north end
 - Installation of 4 no PAS68:2007 rated bollards with 1.2 metres width clearance; and
 - Installation of PAS68:2007 rated Vehicle Blocker.
10. Steps and car park entrance Bourges Boulevard
 - Installation of 9 no PAS68:2007 rated bollards with 1.2 metres width clearance.

The Development Management Support Manager provided the Committee with an overview of the proposal and the main issues for consideration. It was advised that there had been objections raised by both the Conservation Officer and English Heritage in relation to the visual effect that the proposals would have on the Conservation Area. There had also been comments received from the Peterborough Civic Society stating that it was disappointing that some sections of newly installed paving along Exchange Street would need to be destroyed to install new bollards. In response to this point, it was advised that there was a proposed condition, requiring all paving to be reinstated with the same materials. Further comments had also been received from the Police Architectural Liaison Officer in full support of the proposals.

There had been a number of objections raised by Transport and Engineering Services and the Highways Officer advised that an amendment to Condition C2 was sought requesting that no development should take place until details of the bollards had been provided and the location of the bollards in relation to existing street furniture.

The Development Management Support Manager advised that the officers recommendation was to grant the application, subject the imposition of relevant conditions and approval from Transport and Engineering Services following submission of details of the bollards.

Members debated the application and raised a number of points including:

- The residents of Peterborough needed to be protected against any incidents;
- The Disability Forum had been consulted on the proposals;
- The high street scene would not be unduly unattractive and it was proposed to remove the majority of the existing bollards, this being subject to the submission of finer details of the scheme; and
- The proposals would only progress should Highways have no issues with the detailed drawings submitted.

A motion was put forward and seconded to grant the application, as per officer recommendation and with the amendment to Condition C2 as detailed by the Highways Officer. The motion was carried unanimously.

RESOLVED: (Unanimous) to grant the application, subject to:

1. The conditions numbered C1 and C3 to C5 as detailed in the committee report; and
2. The updated condition C2 to read;

C2 'No development shall take place until details of the bollards have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include firstly, the name of the manufacturer, the product type, dimensions and reference number (where applicable) and secondly the location of the bollards in relation to existing street furniture. The development shall not be carried out except in accordance with the approved details'.

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 benefits of addressing vulnerability to crime outweighed the limited harm the proposal would have on the character and appearance of the Conservation Area or the setting of Listed Buildings surrounding the site;
- A suitable design of bollards/planters would be available which were sympathetic to the character and appearance of the area in which they would be placed while meeting the required highway standard; and
- The proposal would not result in any adverse highway implication and would not impede the flow of pedestrians or people with disabilities

Hence the proposal was in accordance with Policies CS14, CS16, CS17 of the Peterborough Core Strategy DPD, Policies PP1, PP2, PP3, PP12 and PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (2012).

1.30pm – 3.37pm
Chairman

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