



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 4 NOVEMBER 2014**

Members Present: Councillors Serluca (Vice-Chair), Casey, Hiller, North, Rush, Stokes, Sylvester, Martin, Harrington and Ash.

Officers Present: Nick Harding, Head of Development and Construction
Jez Tuttle, Senior Engineer (Development)
Simon Ireland, Principal Engineer (Highway Control)
Ruth Lea, Planning and Highways Lawyer
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Harper. Councillor Rush was in attendance as a substitute.

2. Declarations of Interest

Councillor Hiller declared a non-pecuniary interest in agenda item 6 as he would be involved in later decision making, and would not be voting on the item.

Councillor Rush declared a non-pecuniary interest in agenda item 5.2 as Ward Councillor, however he had not been involved in the application and his position would not impact upon his decision.

3. Members' Declaration of intention to make representations as Ward Councillor

No Member Declarations of intention to make representations as Ward Councillor were received.

4. Minutes of the Meetings held on 7 October 2014

The minutes of the meeting held on 7 October 2014 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 14/01303/FUL – Land to the Rear of 26 to 30 Vergette Street, Eastfield, Peterborough

The planning application was for the erection of a two bed dwelling and associated parking on the land to the rear of 26 to 30 Vergette Street, Eastfield. The application was part retrospective.

The main considerations were:

- The principle of the proposed dwelling
- The impact of the development upon the character and appearance of the immediate locality
- Highway safety implications
- The impact of the proposals upon the amenities of the occupiers of the adjacent dwellings

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- A previous incarnation of the application, for two flats over three floors, had been refused on the grounds of design, access, highways and neighbour amenity.
- The proposal now before Committee included windows, sills and brickworks that tied in with the surrounding area. The development also provided nine car parking spaces.
- The site had approved planning permission for three car parking spaces off the street, which required cars to reverse directly into the road. It was considered that the proposed access would be an improvement on this situation and, as such, a five metre wide access was believed to be sufficient.
- Highways were concerned about visibility surrounding the site access and had put forward several conditions in the update report. Officers were happy to include these conditions in the recommendation.

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

- The site in question was previously a garage and garden space. There was no other open space on the street.
- The parking provided would be insufficient for existing properties.
- Large trees had already been removed from the site.
- The proposal would have been classed as a House of Multiple Occupation (HMO) if it had not been restricted to two stories.
- The surrounding area was largely rented with prevalent anti-social behaviour and recent violence.
- The road was one of the narrowest in the Peterborough district.
- Many residents objected, as did the MP. Councillor Peach was sure that the police and fire departments had concerns too.

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

- The proposal before Committee was vastly different to the application previously refused.
- The development would provide for a modest family home and was a sensitive and consistent in-fill.
- A single house would complement the surrounding area and would provide off street parking. The development did not constitute an HMO.
- The upgrades proposed for the car park would reduce noise and allow cars to leave the site in forward gear.
- Residents had spoken to Councillor Shearman in support of the application, however questioned whether conditions could be added in relation to ensuring residents used the rear car park and not an on street permit, and whether it was possible to restrict the alteration of the property into two flats.

John Dickie, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- A highways audit had been undertaken on the proposal site. The development would remove on street parking and improve the situation of cars reversing onto the road. As such the highway audit concluded that the proposal would improve on the current situation.
- The substandard residential amenity problems identified within the previous application had been addressed.

- The reference made to the removal of trees from the site had occurred before the applicant owned it.
- The objections raised by the MP with regard to the proposal being an HMO and lacking in aesthetic value were incorrect. The proposal was not an HMO and had been simply and carefully designed to fit in with the local vernacular.
- Mr Dickie was not familiar with any police concerns regarding the site.

The Head of Development and Construction advised that the proposal was not a HMO as defined within planning. The change of use of a property to a small scale HMO (a single property housing up to six unrelated individuals) was included within permitted development rights. The Committee had the power to remove this permitted development right through condition and require any change of use to be applied for.

Conditions could not be added in relation to use of the car park, as this would be unenforceable. If the development were to be changed into two flats, this would require separate planning permission.

The Committee discussed the local opinion of the development and it was clarified that no letters of support had been received, several comments had indicated that the proposal was an improvement on previous schemes. The Committee raised concerns in relation to the parking space adjacent to the site access and whether this could be decreased to one space instead of two. The Head of Development and Construction advised that the applicant could be requested to commence a traffic regulation order and meet the costs involved.

Discussion was had regarding the in-filling nature of the development and whether the proposal would improve the street scene or remove necessary open space.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, with the addition of the conditions recommended by Highways, the removal of the permitted development rights for change of use to a small scale House of Multiple Occupation and to encourage the applicant to apply for a traffic regulation order. The motion was carried, nine voting in favour and one voting against.

RESOLVED: (nine voted in favour, one voted against) that planning permission is **GRANTED** subject to the conditions set out in the reports, with the addition of the conditions recommended by Highways, the removal of the permitted development rights for change of use to a small scale House of Multiple Occupation and to encourage the applicant to apply for a traffic regulation order.

Reasons for the decision

Subject to the imposition of the attached 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 dwelling had taken into account the local vernacular and would have a positive impact upon the character and appearance of the immediate residential area in accordance with policy PP2 of the Peterborough Planning Policies DPD.
- The car park would result in less cars having to park within the public highway to the benefit of the residents of the locality in accordance with policy PP12 of the Peterborough Planning Policies DPD.
- The access to Bedford Street was considered to be acceptable due to the expected low vehicle speeds of vehicles exiting the car park and the pedestrian to vehicle splays that could be met in full, in accordance with policy PP12 of the Peterborough Planning Policies DPD. It was also considered to be an improvement on the previous

- parking arrangements.
- The outdoor amenity to be provided for the occupiers of nos. 24 – 26A Vergette Street were an improvement to the very small provisions at present in accordance with policy PP4 of the Peterborough Planning Policies DPD.
 - The rear garden proposed for the new dwelling and that to be retained for the existing dwelling at no. 30 Vergette Street were adequate in accordance with policy PP4 of the Peterborough Planning Policies DPD.

5.2 14/01566/FUL – Land to the South of Oakdale Avenue, Stanground, Peterborough

The planning application was for the erection of 33 dwellings and the associated access on the land to the south of Oakdale Avenue, Stanground.

The main considerations were:

- Principle of development
- Connections to other developments within the urban design
- Layout, design and amenity provision
- Highway safety and parking
- Contamination
- Archaeology
- Drainage
- Developer contributions

It was officer's recommendation that planning permission be granted, subject to the signing of a legal agreement and the conditions set out in the report.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- The proposal was contrary to policy in three ways.
- The development site was allocated for employment use. It was considered acceptable for residential development as the site comprised less than 0.5% of the employment use allocation and, as such, its loss would not be of significant detriment.
- The proposal would not provide any affordable housing contribution. £200,000 of the Section 106 funding would instead contribute to the building of a sports pavilion, which had been identified as a high priority. The entire of the Cardea scheme had already provided 251 units of affordable housing.
- The site did not make provision for any open space, however the site was adjacent to a play area. It was considered that there was no merit in requesting further additional open space be provided.

The Committee discussed their concerns regarding the lack of affordable housing. The Head of Development and Construction clarified that £200,000 that would have been allocated by the Council to affordable housing provision, would now be allocated to the provision of a sports pavilion. As such, the same level of contribution would be made by the applicant, however the priorities for its use had been differently evaluated.

The Committee were satisfied with the development proposals and were content that where departures from Council policy occurred, it was not to significant detriment.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried, nine voting in favour, one abstaining from voting.

RESOLVED: (nine voted in favour, one abstained from voting) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

Subject to the imposition of the attached 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:

- whilst the proposal would result in the loss of an allocated employment site, as set out in Policy SA9.2 of the Peterborough Site Allocations DPD (2012), the most up-to-date monitoring report identifies that the loss of 1.2 hectares would still ensure an adequate supply of land to meet the plan-period, in accordance with Policy CS3 of the Peterborough Core Strategy DPD (2011);
- the application site was considered an appropriate location for residential development which would provide good connections to the wider South Stanground Urban Extension, in accordance with Policies CS1 and CS16 of the Peterborough Core Strategy DPD (2011);
- the layout and design of the proposal would provide an acceptable quality of public realm which would mirror the existing wider development of Cardea, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal would afford an acceptable level of amenity for future occupants, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012);
- the proposed layout would provide safe access for all users and adequate parking provision would be provided for occupants, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- subject to appropriate remediation, the site would not pose any unacceptable risk to human health, in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012);
- the site had already been subject to archaeological evaluation and owing to the presence of building previously in situ, it was considered that there is little potential for undiscovered remains, in accordance with paragraph 128 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- the proposed drainage strategy would accord with that which has been approved for the wider western half of the Cardea development and the proposal would not be at unacceptable risk from flooding, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);
- the Applicant has agreed to enter into a Section 106 legal agreement to secure a financial contribution towards the infrastructure demands generated by the proposal, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and the Peterborough Planning Obligations Implementation Scheme SPD (2010).

6. Application to Register Land at Longthorpe Playing Field as a Town and Village Green under the Commons Act 2006

The Committee received a report which informed them of an application received to register land at Longthorpe playing field as a town or village green.

It was officer's recommendation that the Committee approve the appointment of an Independent Inspector to advise the Council in respect of the application to register

Longthorpe field as a town and village green, to hold a public inquiry into the application and to make recommendations to the Council as to its determination.

The Planning and Highways Lawyer provided an overview of the application and raised the following key points:

- Copies of the application received to register land as a town or village green were available, as it had not been included in the agenda. A summary of the application had been provided in the report.
- Council was required to determine the application. As the Council was the land owner, it was considered more appropriate for an Independent Investigator to consider the application.
- Two additional representations had been received, including an email from the applicant supporting the appointment of an Independent Investigator however suggesting a proviso for relevant parties to undertake discussion prior to any formal process commencing.
- It was advised that such discussions had already been held and had been unsuccessful.
- If an Independent Investigator was appointed, the process could be halted if a compromise was reached between parties at any time.

Keith Markham, Peter Larke and Brian White, Headteacher, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were disputes of fact between the parties involved which could only be resolved by an Independent Inspector. The appointment of such a person was supported.
- A compromise could be reached, however it was not believed a proviso as suggested by the applicant was appropriate.
- Public safety was a significant issue within the application. Children playing on an open field were at risk from dogs. The current situation was not safe, but tolerated.
- The fencing proposed by the school was sensible and would include a gate so use by the community could continue out of school hours.
- Splitting the field in half, as had been suggested, was not a practical solution.
- The application was not reflective of the neighbourhood, as such significant objection had been registered.
- The field was not known as Longthorpe Field, but as Longthorpe Primary School Field.

David Leeham and Darren Elding, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A petition against the erection of fencing on the field had been signed by 150 residents and the field was used by children within the local community.
- Statements had been gathered establishing the use of the field as a common for the past 20 years.
- The objections submitted did not address the evidence within the application.
- The 2013 Ofsted report had concluded that the safety of the school was acceptable.
- While the appointment of an Independent Inspector was not objected to in principle, there was not considered to be sufficient objection to the application to justify such a use of Council resource.
- It would be more appropriate to appoint a suitable individual to facilitate negotiations between parties to achieve a satisfactory compromise.
- The site was large enough to accommodate the school and the local community. Depriving local children of the use of the field was not acceptable.

The Planning and Highways Lawyer made clear to the Committee that the recommendation before them was to appoint an Independent Inspector to advise the Council in respect of the application and no other matter could be considered by the Committee. It was set out in the report that the costs for this were within existing budgets.

The Committee discussed the officer report and noted that although a compromise between parties would be the ideal solution, as a result of the diversity of opinion and the Council's position as land owner, the appointment of an Independent Inspector was the most appropriate action.

It was noted that Councillor Hiller abstained from voting.

RESOLVED: that the Committee approve the appointment of an Independent Inspector to advise the Council in respect of the application to register Longthorpe field as a town and village green, to hold a public inquiry into the application and to make recommendations to the Council as to its determination.

Reasons for the decision

It was a statutory requirement that the Commons Registration Authority must determine whether a village green has come into existence as matter of law.

The Committee was entitled under its Terms of Reference No: 2.5.3.4 to determine the application without recourse to a Public Inquiry, however where there were disputes of fact or the Commons Registration Authority was landowner it was usually recommended that an Inquiry was held to test the evidence and ensure impartiality.

Chairman
1.30pm – 2:50pm