

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 6 JANUARY 2015

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

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

4. Minutes of the Meeting Held on:

4.1 18 November 2014 5 - 12

4.2 2 December 2014 13 - 20

5. Development Control and Enforcement Matters

5.1 14/01759/HHFUL - 8 Engaine, Orton Longueville, Peterborough, PE2 7QA 21 - 26

5.2 14/02039/HHFUL - 40 Farleigh Fields, Orton Wistow, Peterborough, PE2 6YB 27 - 32

Exclusion of the Press and Public



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

In accordance with Standing Orders, Members are asked to determine whether agenda item 5.3 Enforcement Action in West Ward, which contains exempt information like to identify an individual or company where prosecution is being considered, as defined by Paragraphs 1, 2 and 3 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 these appendices are discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

5.3 Enforcement Action in West Ward

33 - 40

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), G Casey, P Hiller, N North, J Stokes, Sylvester, S Martin, D Harrington and C Ash

Substitutes: Councillors: B Rush, N Shabbir and B Saltmarsh

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 NOVEMBER 2014**

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

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

1. Apologies for Absence

Apologies for absence were received from Councillor Martin.

2. Declarations of Interest

Councillor Harrington declared his intention to withdraw from the Committee during agenda item 5.1 14/01558/WCPP – Milton Builders and Groundworks, Werrington Bridge Road, Milking Nook, Peterborough, as he considered himself to be pre-determined.

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

Councillor Casey declared his intention to make a representation as Ward Councillor on agenda item 5.2 14/01631/FUL – Herlington House, Benyon Grove, Orton Malborne, Peterborough.

4. Minutes of the Meetings held on 21 October 2014

The minutes of the meeting held on 21 October 2014 were approved as a correct record.

5. Development Control and Enforcement Matters

The Committee agreed to consider agenda item 5.2 14/01631/FUL – Herlington House, Benyon Grove, Orton Malborne, Peterborough first, as the only item on the agenda with members of the public wishing to speak.

5.1 14/01631/FUL – Herlington House, Benyon Grove, Orton Malborne, Peterborough

Councillor Casey retired from the Committee.

The planning application was for construction of an office building and associated external works at Herlington House, Benyon Grove. The application also included alterations to windows and doors at Herlington House and associated external works (relating to the change of use to flats).

The main considerations were:

- Principal of development
- Site History
- Access and Parking
- Design
- Impact on nearby residents
- Security
- Bin Store
- Sustainability
- Section 106

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:

- The existing building had planning permission for the change of use to residential flats. The current application sought permission for the physical changes in relation to this use.
- Also included in the application was a proposal for a single storey office building within the existing car park, which included a pathway to the existing building.
- The access to the car park would be narrowed, however would remain wide enough for two vehicles to park. The access was six metres on either side.
- A bin store was proposed to service the office and flats.
- High levels of representation had been received in objection to the application. These were namely in relation to the proposed access, which was shared with the church.
- No objection had been received from Highways and the access width, storage and design of the proposal was considered satisfactory.
- A letter had been received from the church advising that they would be contacting the application regarding their access rights.

Councillor North declared a non-pecuniary interest in the item, as he was acquainted with parishioners of the church next to the application site. He had not expressed an opinion on this application and did not consider himself to be pre-determined.

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

- The principal of development was not objected to.
- The proposal would improve the visual amenity of the area and was expected to aid in reducing the level of crime experience in the locality.
- Many of the objections raised were non-material planning considerations.
- The Councillor previous had concerns regarding the appropriateness of the proposals siting, however these had been addressed within the officer's report.
- It was considered that the development would have an unacceptable impact on the amenity of the neighbours, i.e. the church.
- It was perceived that larger vehicles would no longer be able to access the church, including coaches. It was asked whether Highways officers could confirm if coaches and collection vehicles could access the church and, if not, if the bus stop lay-by could be used for coaches.
- The access for the coach needed to be addressed, whether this be access through the car park or a nearby drop off area.
- There were regular coach trips from the church, which departed from the entrance.

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

- The car park in question should be used by everybody and it was wrong for the Council to sell the facility.
- The church's access would be affected. Any vehicle could use the car park at the moment, the proposal would restrict this use.
- The part of the proposal relating the flats within the existing building was acceptable.
- The number of spaces provided in the car park was insufficient.
- The applicant sent a letter to the church stating that they would restrict the use of the car park.
- The open nature of the building could attract problems, more than already experienced. There was current issues on the site with BMX's. The CCTV units did not prevent this.
- Development should not take place on the car park.
- The bin store had been placed in an inappropriate position.
- The local priest was not happy with the access and thought the officer should be the same width as the current curb.
- The church did have disabled individuals dropped off by coach at the entrance of the church. This was a regular occurrence.

Bill Wilcock, local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Wilcock described recent problems encountered in the vicinity with vandalism.
- Mr Wilcock had been president of a charity associated with the church.
- 52 seat capacity coaches were used to collect disabled people from the church.
- Benyon Grove was a narrow, winding cul-de-sac.
- The car park was very small and meant that there was competition for spaces. The number of spaces should not be reduced further.
- The additional housing proposed by the development was welcomed.
- The applicant had sent a letter stating that church users would not be able to use the car park.
- The footpath from the bus stop lay-by through to the church was not appropriate for disabled individuals.

Neil Armstrong, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Armstrong was the Director of Quest Site Services, which was not in any financial difficulty. The site in question had been purchased several years ago for US partners. However, this partnership was no longer in existence and the building was too large.
- The application in front of the Committee was for the material changes to the building for residential use, including defined walkways.
- The company was small and a new building on the existing site was considered to be the best way forward.
- The money saved from using the car park was put towards improving the security of the site.
- The car park provided three more spaces than necessary.
- Meetings had been carried out with the church and the police, and requests such as the relocation of the bin store had been acted on.
- The design of the development was sympathetic to the existing buildings.

- Access was considered during the design stage and it was noted that the entrance to the Herlington Centre was narrower with more bends than the proposed access of the car park.
- There was no proposed change to the access rights of the church. Models had been undertaken with a coach and no problems had been encountered.
- A maximum of approximately 3 spaces would be used by employees, as the majority cycled to work.
- There were very few deliveries associated with the company. This would usually be through courier, no large delivery vehicles.

The Head of Development and Construction advised that neither the occupation or not of the current buildings, or previous ownership of the land were relevant to the Committee's decision. There had been no objection from the Police Architectural Liaison Officer regarding anti-social behaviour. From discussion with the church it was noted that the current coach access to the car park was tight. It needed to be established whether a coach could effectively use the car park currently and if it could, whether the proposal would affect this use.

The Principal Engineer (Highway Control) advised that the required width of a state road was 5.5 metres. As such, the manoeuvring space of the proposal was considered acceptable. The bin store was located near to the public highway to allow for easier access. Coach access was not considered when new churches were developed and it was believed that the existing coach access was a struggle.

The Committee discussed the application. Several Committee Members noted that the design and location of the proposed office building was incongruous. Concern was expressed regarding the access to the site. The Committee were reluctant to make a decision on the application with first examining tracking information for coaches on the site. It was further considered that more information was required regarding the use of the bus stop lay-by and disabled access.

The Planning and Highways Lawyer advised that if the Committee were minded to defer the application, it would need to clearly outline the reasons for deferral as it would be considered to accept all other matters within the application. It was also explained that all impact would need to be examined in relation to the existing situation.

A motion was proposed and seconded to defer the application to further investigate accessibility for hearses and fire engines, and whether access for disabled individuals was possible on coach via existing arrangement or from the bus stop lay-by. The motion was carried, six voting in favour, one voting against and one abstaining from voting.

RESOLVED: (six voted in favour, one voted against, one abstained from voting) that the application be **DEFERRED** to further investigate accessibility for hearses and fire engines, and whether access for disabled individuals was possible on coach via existing arrangement or from the bus stop lay-by.

Reasons for the decision

For officers to investigate accessibility for hearses and fire engines, and whether access for disabled individuals was possible on coach via existing arrangement or from the bus stop lay-by.

5.2 14/01558/WCPP – Milton Builders and Groundwork's, Werrington Bridge Road, Milking Nook, Peterborough

Councillor Casey re-joined the Committee and Councillor Harrington retired.

The planning application was for the variation of condition C6 on Planning Permission 12/01154/WCPP – Change of use from builders yard to mixed use builders yard and plant hire at Milton Builders and Groundwork's, Werrington Bridge Road, Milking Nook. Also included in the application was the removal of five free standing storage containers from the existing building and groundwork's compound, construction of a steel clad building and the siting of two Portakabins.

The main considerations were:

- Parking and highway implications
- Neighbour amenity

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:

- The site had been previously granted permission by the Committee for the application, and a variation of condition had been sought.
- The area of the site in question currently had permission for storage of shipping containers and plant and machinery for hire.
- It was proposed that this area now hold three goods vehicles.
- The existing items stored in the area in question would be moved elsewhere on site, which already had all the necessary permissions for storage.
- The proposal was of a small scale and would not result in any harm.

The Committee discussed whether this application should have returned to the Committee, or have been delegated to officers. Several Members of the Committee stated that it was proper for the Committee to consider the application.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the conditions set out in the report.

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 proposed variation would not result in any undue impact upon the safety of the public highway, 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 unacceptable impact upon the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

The Committee agreed to consider agenda item 5.3 – Enforcement Action in Stanground Central Ward after agenda item 8 – Planning Compliance Quarterly report

on Activity and Performance July to September 2014.

6. 157-161 Fletton Avenue (Palace Gardens), Fletton, Peterborough, Local Government Ombudsman Case

Councillor Harrington re-joined the Committee.

The Committee received a report which provided information on the report of the Local Government Ombudsman (LGO) that investigated a complaint regarding the enforcement of landscaping conditions at the development at 157-161 Fletton Avenue (Palace Gardens).

It was officer's recommendation that the Committee note the Ombudsman's report and the actions proposed to address the Ombudsman's report.

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

- A complaint was received regarding the absence of soft landscaping on the 157-161 Fletton Avenue development.
- The response from the Council highlighted that the layout plan showed low level planting, however the wording of the condition required, not that soft landscaping must be provided, but that any soft landscaping on the site should be submitted to the Council.
- The complaint was referred to the Local Government Ombudsman, who concluded that a breach of condition had occurred and that the condition in question was poorly worded.
- This conclusion had been accepted by the Council and action was being taken to ensure that conditions attached to planning permission were fit for purpose, only used if the application would otherwise be unacceptable and that consideration was given to the expected success of prosecution if a condition was not complied with.
- It would be made clear in any decision notice that, if landscaping was not considered critical, it would not be required. This would prevent any mismatch between conditions and lay out plans.

The Committee discussed the report and suggested that the issue should have been brought back to Committee sooner. The Committee were reassured that officers had learnt a lesson from this experience and appropriate action was now being taken.

RESOLVED that:

1. the Ombudsman's report be noted; and
2. the actions proposed to address Ombudsman's report be noted.

Reasons for the decision

The development had a history of legal challenges and complains and therefore it was appropriate for the matter to be brought to the notice of the Committee.

7. Adoption of the Model Council Members Planning Code or Protocol

The Committee received a report which provided a Model Code to ensure best practice in the conduct of decision making by members of the Planning and Environmental

Protection Committee, and to assist all members in dealing with planning matters.

It was officer's recommendation that the Model Council Members Planning Code or Protocol be adopted by the Committee.

The Planning and Highways Lawyer provided an overview of the report and emphasised that the Model Code was a national code and was considered to be the best practice approach.

RESOLVED: that the Committee adopted the Model Council Members Planning Code or Protocol and thereby replaced the relevant paragraphs in the Constitution, which shall be renumbered accordingly.

Reasons for the decision

The Model Code provided best practice for members at all times when involving themselves in the planning process.

8. Planning Compliance Quarterly report on Activity and Performance July to September 2014

The Committee received a report which provided an overview of the Planning Service's planning compliance performance and activity, and identified if there were any lesson to be learnt from the actions taken.

It was officer's recommendation that the Committee note past performance and outcomes.

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

- The number of complaints received, 156, was not considered out of the ordinary.
- The balance of complaints resolved, 140, was considered appropriate.
- Five enforcement notices had been served and four of these had been complied with.
- One prosecution, in relation to R & P Meats, was to be heard by the courts on 19 November. The Committee would receive an update as to the result of this.

In response to a question, the Head of Development and Construction explained that the 10% decrease in cases closed within 8 weeks if no breach was found, was due to several high profile cases demanding officer time and was not expected to be a long term trend.

A Member of the Committee suggested that the Cumulative Compliance Performance target should be set at 90% rather than 80%, which was noted by the Head of Development and Construction.

RESOLVED: that past performance and outcomes be noted.

Reasons for the decision

To help inform future decisions and potentially reduce costs.

9. Exclusion of the Press and Public

In response to a question from a Member of the Committee, the Planning and Highways Lawyer advised that the agenda item 5.3 - Enforcement Action in Stanground Central Ward report contained information that could later be used in court.

RESOLVED: that agenda item 5.3 - Enforcement Action in Stanground Central Ward, which contained exempt information like to identify an individual or company where prosecution was being considered, as defined by Paragraphs 1, 2 and 3 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 item was discussed and that the public interest in maintaining the exemption outweighed the public interest in disclosing this information.

10. Development Control and Enforcement Matters

10.1 Enforcement Action in Stanground Central Ward

As agreed the meeting moved into exempt session.

The Committee was asked to consider enforcement action in relation to development that had not taken place in accordance with planning conditions, under Part 3 Section 2.5.4.3 of the Constitution.

It was officer's recommendation that no enforcement action be taken. The Head of Development and Construction provided an overview of the report.

The Committee discussed the report and future use of planning conditions.

A motion was proposed and seconded to agree that no enforcement action be taken, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that no enforcement action be taken.

Chairman
1.30pm – 3:25pm



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 DECEMBER 2014**

Members Present: Councillors Harper (Chair), Casey, Hiller, North, Stokes, Harrington, Rush, Johnson and Saltmarsh

Officers Present: Nick Harding, Head of Development and Construction
Simon Ireland, Principal Engineer (Highway Control)
Andrew Leadbetter, Principal Engineer (Drainage)
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Serluca, Martin, Sylvester and Ash. Councillors Rush, Johnson and Saltmarsh were in attendance as substitutes.

2. Declarations of Interest

There were no declarations of interest.

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

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

4. Minutes of the Meetings held on 4 November 2014

The minutes of the meeting held on 4 November 2014 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 14/01780/FUL – 55 Wisbech Road, Thorney, Peterborough, PE6 0SA

The planning application was for a proposed new cottage style dwelling with a detached double garage at 55 Wisbech Road, Thorney.

The main considerations were:

- Design and impact upon the character and appearance of the surrounding area
- Landscape implications and the impact upon Thorney Conservation Area
- Neighbour amenity
- Amenity provision for future occupants
- Parking, access and highway implications
- Flood risk
- 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:

- Two previous applications had been submitted for development on this site, both of which had been refused. The most recent refusal had been on the grounds of the size, scale and positioning of the proposal, which was considered to be cramped and not in keeping with its surroundings. The proposal had an overbearing impact and provided a poor outlook.
- The loss of hedging had also been cited as a reason for refusal, however as the hedge could be removed without requiring permission, this was not considered to be a relevant reason to refuse the application.
- The current scheme was in line with the neighbouring property and had been placed further away from the site boundary. It was felt that this addressed all the previous reasons for refusal.
- No objections had been raised from the Tree Officer or the Internal Drainage Board.
- A condition was included in the recommendation to ensure that rear bathroom and en-suite windows were obscure glazed and non-opening.
- Additional representations had been received from the parish council and neighbours.
- An error had been highlighted in the report. The distance from the building and the site boundary with 55A Wisbech Road was 1.9m, not 0.9m.

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

- The proposal had attracted objections for the Parish Council and immediate neighbours.
- The development would be overbearing in size, cramped and not in keeping with the surrounding area.
- Previous applications for a bungalow on the site had been refused because of their intrusive nature. This one and a half storey development would be more invasive.
- The consultation had been incorrect and had not identified all the trees within the site. As such, those consulted were not in possession of the full facts.

The Head of Development and Construction clarified that whilst the document circulated for consultation had included the previously proposed building footprint, it did correctly identify all the relevant trees on site.

Andy Gutteridge, local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The current application had not overcome the reasons for refusal set out in previous applications.
- The area surrounding the site was characterised by detached dwellings with spacious curtilage. The current proposal was for too small a site.
- The loss of the hedge was a previous reason for refusal and would be an unacceptable detriment to the character of the area.
- The proposal would have a detrimental impact on the outlook for neighbouring properties and would result in a loss of daylight to key rooms in adjacent dwellings.
- The oak trees had originally been identified for retention.
- The proposal would impact on Mr Gutteridge's privacy and enjoyment of his property.

- The removal of trees would have a detrimental effect on flooding in the area, as they assisted in removing excess water.

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

- The proposals had been worked through with officers in order to address the previous reasons for refusal.
- The area in question had been subject to infill developments and extension for numerous years.
- The majority of the hedgerow on the site was to be retained.
- The removal of trees had been carefully considered, and it was believe to be more appropriate to remove the oak tree to the south of the development, as the root protection zone was infringed.
- The dwelling was set back from the site boundary and resulted in no direct overlooking of neighbouring properties.
- The Internal Drainage Board had not raised any objections to the application, and conditions had been put in place to address any flood risks.

The Committee sympathised with the proposed loss of trees. It was suggested that the application continued to represent overdevelopment of the plot and impacted neighbour amenity. The Committee further considered that the proposal was not in keeping with the character of the area.

The Head of Development and Construction advised that, as the removal of trees on site had not been included in previous reasons for refusal, to include this as a reason now may make the Council vulnerable to an award of costs.

A motion was proposed and seconded to refuse permission, contrary to officer recommendation, on the grounds that the application was not appropriate for the site, did not make a positive contribution and was overbearing. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED**.

Reasons for the decision

1. The proposed dwelling, by virtue of its size, scale and positioning/siting within the plot, would result in a cramped form of development which would be at odds with the established built form of the surrounding area. The proposal would therefore be contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
2. The proposed dwelling, by virtue of its size, height and proximity to the shared boundary with neighbouring dwellings (to the east and west) would result in an unduly dominant and overbearing impact, to the detriment of the outlook from the rear most facing windows of the host dwellinghouse (No.55 Wisbech Road) and an unacceptable loss of natural daylight to primary habitable rooms of this neighbouring dwelling. In addition, the single storey ground floor rear projection of the proposed dwelling, given its proximity to the neighbouring dwelling's (No.55A Wisbech Road) decking / patio area would result in an unacceptably overbearing impact. Accordingly, the proposal would result in unacceptable harm to the amenities of existing neighbouring occupants, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

5.2 14/-1789/FUL – Land to the North of Maxey Road, Helpston, Peterborough

The planning application was an in part retrospective application for the filling in of a ditch on land to the north of Maxey Road, Helpston.

The main considerations were:

- Drainage and surface water flood risk
- Impact on visual amenity

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:

- When development on Maxey Road had originally been approved, the ditch was to be retained. The ditch had initially been isolated and subject to periodic scraping in order for water to drain from the highway.
- The developer departed from this plan and installed a pipe drainage system. Following this a retrospective application was submitted, then subsequently withdrawn.
- The current proposal retained the pipe drainage system and connected this to the existing Internal Drainage Board network.
- The highway verge would be regarded to slope toward the ditch, thus eliminating the need for periodic scraping.
- The Internal Drainage Board had no power to retrospective schemes, however had not expressed any objections.
- It was determined that the landscaping plan would not be affected, nor would it affect the pipe drainage system.
- Additional comments has been received from the Parish Council and residents.

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

- The village of Helpston had grown and its rural nature had almost been destroyed.
- The dykes within the village were a traditional feature and worked to drain away flooding from the fields.
- The village was prone to flooding, with a number of houses built on raised banks.
- The proposed pipe drainage system may work for one or two years, but after five or 10 years the land may shift and break.
- The adjacent road was very narrow and cars would park on the verge, which could crack the pipe.
- Further infill development would continue to cause ongoing problems.

Mr Smith, Helpston Parish Council, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The dyke had previously run off to a nearby drainage channel.
- The retrospective application was not necessary, as the initial application had identified the dyke as a feature.
- The developer was circumventing the planning system by a 'planning creep' process or subsequent, retrospective applications.
- The trees that had been removed from the site had previously assisted in clearing any flooding.
- The application ignored the man-made causes for flooding.

- It was considered that the surface water situation had worsened since building work had commenced.
- It was believed that traffic parking on the verge would damage the pipe, which would then provide inadequate drainage.

In response to a question the Head of Construction and Development advised that as there was sufficient parking provided on site and that the verge was a highway verge, it was not considered necessary to provide a feature to physically block parking on the verge. It was likely that ownership of the ditch would be transferred with the properties on site.

The Senior Engineer (Drainage) clarified that, under the Land Drainage Act, the owners of the properties that fronted the swale would be responsible for its maintenance, regardless of whether they owned the land itself.

The Committee expressed concern that the developer had installed the pipe when it was not included within the original permission. It was questioned whether the proposed system would attract any maintenance costs. The Committee further discussed the improvements associated with the pipe drainage system and the benefits these would provide.

In response to questions from the Committee the Senior Engineer (Drainage) advised that the proposal would eliminate any problems previously experienced with blockage and pollution, as debris would be filtered out, leaving only clean water drain into the pipe. In relation to cars parking on top of the pipe, there would be a considerable slope down to the pipe so parking would be unlikely. Any damage inflicted through cars running off the road would be rectifiable. It was further clarified that the Internal Drainage Board had inspected the pipe works and were happy with where it lay and the size of surrounding stones.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried six voting in favour, three voting against.

RESOLVED: (six voted in favour, three voted against) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision

Subject to the imposition of 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 proposed amendment to create a drainage swale not unacceptably reduce the capacity to accommodate surface water run-off and the level of the land would allow for water to run-off from the public highway. As such, the proposal would not result in any increased flood risk to either the public highway or surrounding area, in accordance with paragraph 100 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Chapter 6 of the Peterborough Flood and Water Management SPD (2012); and
- The proposed amendments would not result in any unacceptable impact to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policies Help 7 and Help 13 of the Peterborough Design and Development in Selected Villages SPD (2011).

6. Adoption of Wording Leading up the Adoption of Community Infrastructure Levy

The Committee received a report which outlined a number of changes to how developer contributions were collected which were in process. Specific wording was identified to be added to all Committee reports during the period leading up to the adoption of a Community Infrastructure Levy (CIL).

It was officer's recommendation that that a wording was inserted in all Committee reports during the lead up to the adoption of a CIL to prevent planning applications having to go through the Committee process twice.

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

- The new CIL regime would commence in April 2015. Prior to this an examination would take place in January and results would be fed back.
- The main agents and developers in the Peterborough area were being written to, advising them of the timescale for upcoming changes.
- Current applicants were also being contacted and advised of the changes.
- A new set of wording had been proposed to include in future Committee reports, to address the CIL regime.

RESOLVED: that the wording:

“Recommendation:

[The Director of Growth and Regeneration] [The Planning and Environmental Protection Committee] recommends that planning permission is **GRANTED** subject to the following conditions and satisfactory completion of a Section 106 legal agreement.

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Director of Growth and Regeneration on the grounds that the development has failed to adequately mitigate its impacts.

Should the Community Infrastructure Levy (CIL) Charging Schedule come into force prior to the completion of the Section 106 legal agreement, the development may be wholly liable to CIL or the S106 legal agreement may be amended to exclude those items that could be funded by the CIL.

Items that could be funded by CIL will be listed on the Council's Regulation 123 List in accordance with Regulation 123 of the CIL Regulations 2010.

A Regulation 123 List will be adopted by the Council on the same day as the Council's CIL Charging Schedule. Currently, a Draft Regulation 123 List can be viewed on the CIL pages of the Council's website.”

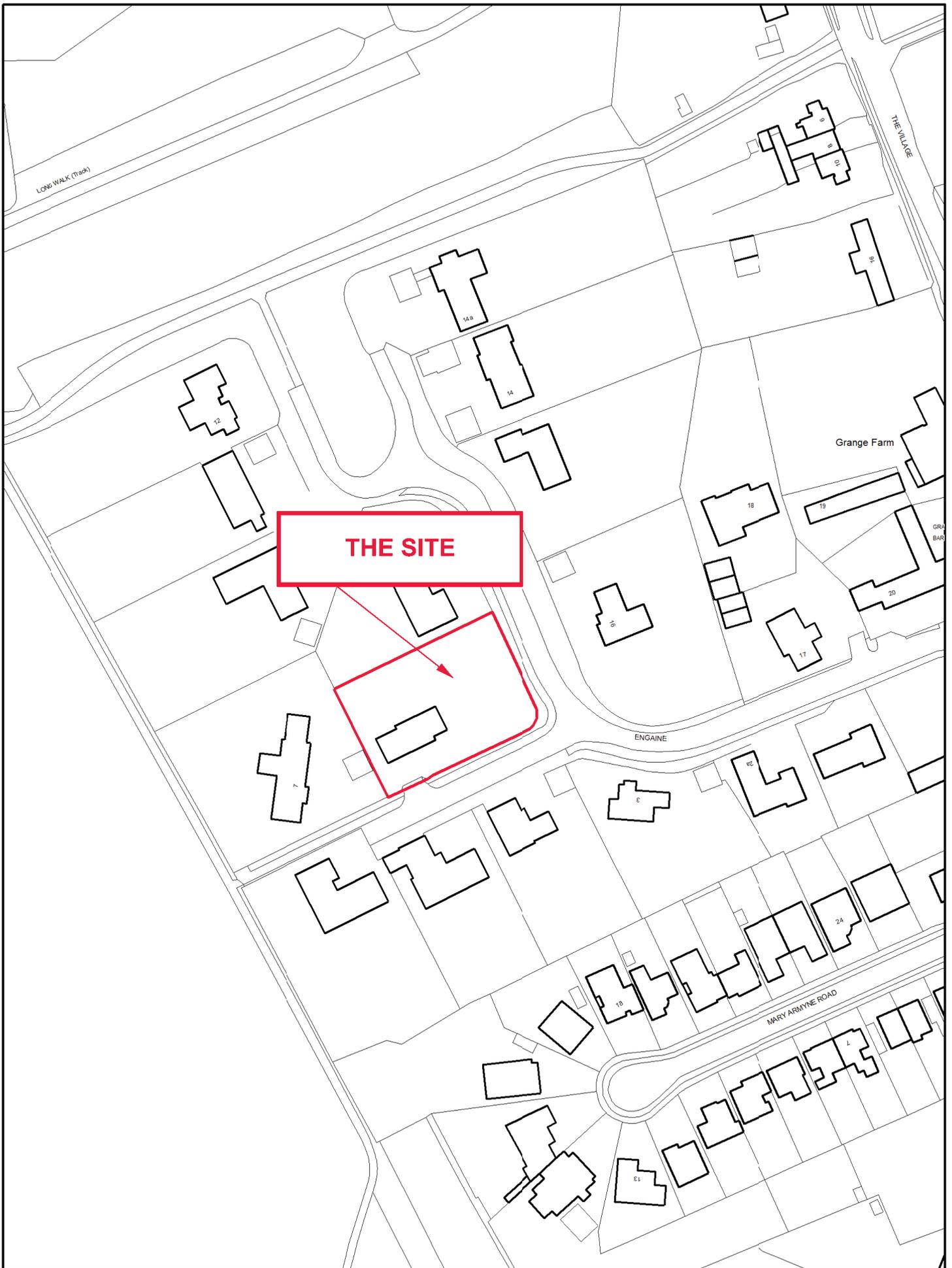
be inserted in all Committee reports during the lead up to the adoption of a Community Infrastructure Levy.

Reasons for the decision

To prevent applications having to go through the Committee process twice.

Chairman
1.30pm – 2:50pm

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S106 AGREEMENT 14/01759/HHFUL

8 Engane, Orton Longueville

Scale NTS **Date** 22/12/2014 **Name** AH **Department** Planning Services

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PCC GIS



PETERBOROUGH



CITY COUNCIL

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Application Ref: 14/01759/HHFUL

Proposal: Garage extension

Site: 8 Engaine, Orton Longueville, Peterborough, PE2 7QA
Applicant: Mr J Bowden

Agent: Sharman Architecture

Referred by: **Head of Planning Services**
Reason: An objector is related to a Planning Officer
Site visit: 05.11.2014

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The site is a detached corner plot dwelling of brick and tile construction in a residential cul de sac location. The dwelling was previously extended under application number 13/01482/HHFUL; this application approved substantial increases in the size of the dwelling, permitting a full width two storey rear extension and single storey side extension. The dwelling has a large side/rear garden enclosed by a combination of hedging and brick wall.

N.B. Consent for a double garage located immediately north of the dwelling was given under application number 14/01215/HHFUL.

Proposal

Permission is sought for the erection of a garage to the east of the dwelling measuring 6.6 metres wide by 6.15 metres deep with a dual pitch roof measuring 2.4 metres above ground level at the eaves and 5.5 metres at the apex.

2 Planning History

Reference	Proposal	Decision	Date
13/01482/HHFUL	Alterations and extension to dwelling and creation of a new access - resubmission	Permitted	06/12/2013
14/01215/HHFUL	Erection of detached garage	Permitted	10/09/2014

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, 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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will 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; fail to minimise opportunities for crime and disorder.

4 Consultations/Representations

Orton Longueville Parish Council

No comments received

Landscape Officer (24.11.14)

No objections

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

Five objections have been received in relation to the proposal;

Block plan is inaccurate - This has now been resolved.

Description is misleading it is not an extension.

Rebuilt house is much larger than others in Engaine.

Garage is too high and higher than neighbouring garages.

Garage is in a prominent location, will change the character of the area.

Loss of trees will exacerbate the impact of the garage.

Would be in front of the building line

Driveway materials are not specified, garage and driveway may lead to flooding.

5 Assessment of the planning issues

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- Other matters

The impact of the proposal on the character of the area

The Local Planning Authority consider that the application site is the most prominent site within the cul de sac, as it is directly in front of all visitors who travel by car into the street. The site is therefore more sensitive than other sites within the street. The garage would have a large expanse of roof measuring 5.5 metres in height, which would be clearly visible above the boundary hedge and wall and also forward of the building line created by the bungalow to the north. As such the position and size of the garage would in the opinion of the LPA, cause it to appear overly dominant and incongruous within the streetscene, blocking views of the host dwelling and neighbouring dwellings as one moves around the cul de sac, to the detriment of the character of the area.

It is also considered that the garage is too remote from the host dwelling. The majority of garages within the cul de sac are close to or attached to the host dwellings. The applicant has submitted examples of other taller garages within the cul de sac as justification for the proposal. Whilst the LPA accept there are other large garages, this does not mean that the proposal is acceptable by way of precedent. Engaine contains a varied style of dwellings and plot size/locations and each proposal must be judged on its merits. The LPA do not consider either of the examples submitted by the applicant to be particularly successful designs but they are at least close to the host dwellings and therefore have a better relationships when compared to this proposal whose remoteness to the host dwelling is also considered to further exacerbate the detriment to the character of the area.

The revisions by the applicant go some way to addressing this issue, however the alterations are not considered to be enough to overcome officer concerns and for the application to be recommended for approval.

The LPA has put forward what it considers to be a reasonable solution, which gives the applicant a large garage, with useable storage above, but reduces the impact on the streetscene. This solution involves reducing the height of the garage by 0.5 metres and moving it further from the boundary. In effect swapping the locations of the turning area and the garage. This would place the garage closer to the dwelling, allowing it to relate much better to the host dwelling as the other garages in Engaine do, and greatly reducing its prominence. However the applicant does not wish to move forward with this solution.

It should also be noted that there is an extant permission for a double garage, given under application number 14/01215/HHFUL.

In light of the above, the proposal is considered contrary to policy CS16 of the Peterborough Core Strategy (DPD) and policy PP2 of the Peterborough Planning Policies (DPD) 2012.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The garage is located approximately 8.0 metres from the closest neighbour. This is considered to be sufficiently far as to ensure that no overshadowing or overbearing impact would result.

There is no reason to believe that the garage, or the use of the garage would result in unacceptable disturbance to the amenity of the occupiers of neighbouring dwellings.

Other matters

Objectors have raised concerns regarding the drainage of the garage and the potential impermeability of the turning area/driveway. As the garage is over 30sqm internally it would require building regulations approval. Drainage issues would need to be addressed as part of this process.

A condition could be appended to any permission requiring that the driveway be permeable, or that other forms of drainage be provided. This is considered adequate to mitigate risk of flooding issues.

Objectors have stated that the description is misleading. Whilst the LPA agree the proposal would be better described simply as a garage, there can be no doubt what is proposed if the plans are viewed.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

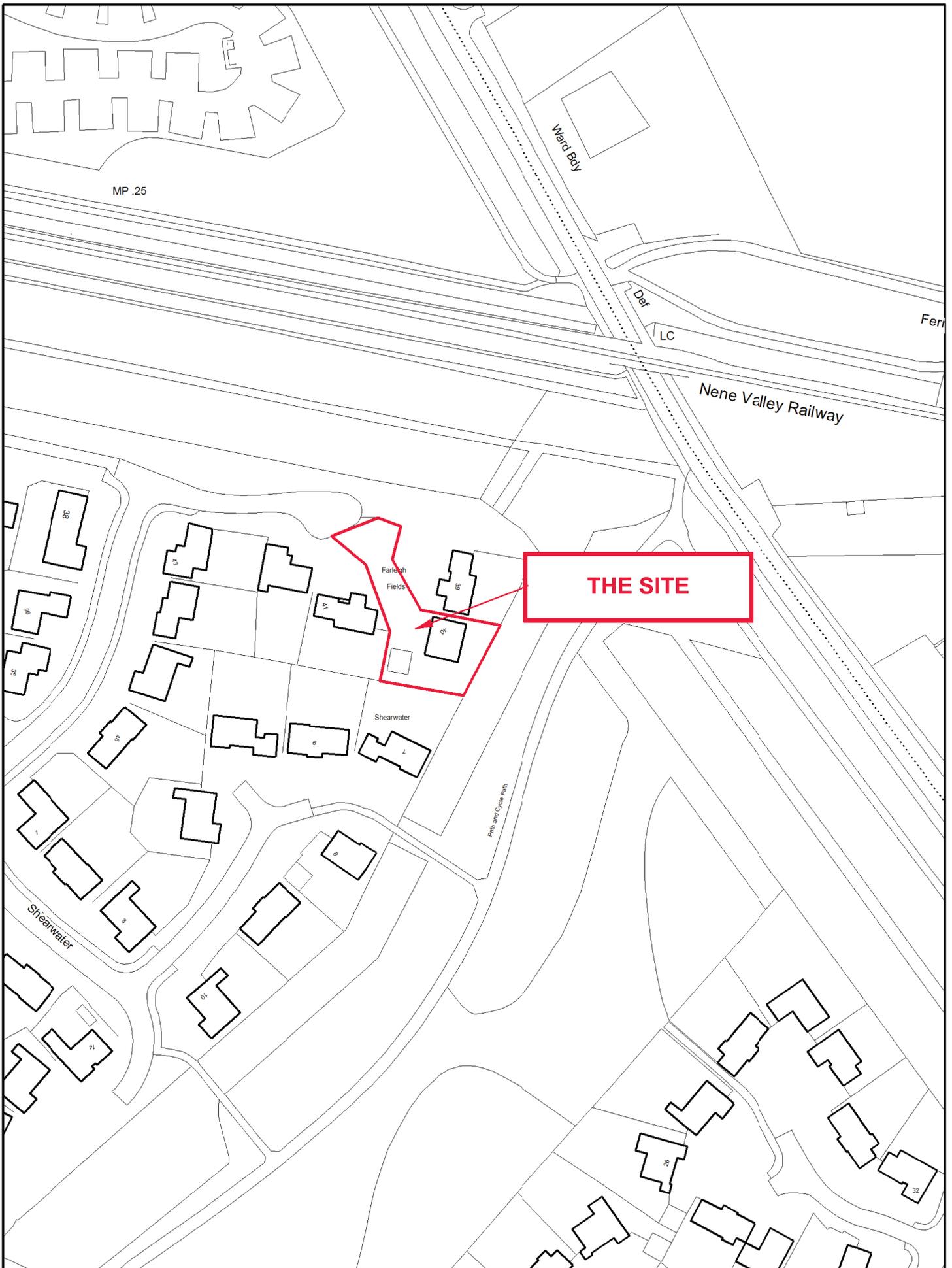
The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

R 1 The proposed garage, by way of its height and location, would be an unacceptably dominant and incongruous focal point within the street scene, to the detriment of the character of the area. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP2 of the Peterborough Planning Policies (DPD) 2012 which state;

CS16 - New development should respond appropriately to the particular character of its site and surroundings

PP2 - Planning Permission would only be given for development which makes a positive contribution to the quality of the built environment and would not have a detrimental effect on the surrounding area

Copies to Councillors G Casey, L Forbes



S106 AGREEMENT 14/02039/HHFUL

40 Farleigh Fields, Orton Wistow

Scale NTS **Date** 22/12/2014 **Name** AH **Department** Planning Services

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Application Ref: 14/02039/HHFUL

Proposal: Single storey extension to rear - retrospective

Site: 40 Farleigh Fields, Orton Wistow, Peterborough, PE2 6YB

Applicant: Mr Stuart Cleworth

Agent: n/a

Referred by: **Head of Planning Services**

Reason: A councillor lives next door

Site visit: 15.12.2014

Case officer: Mr D Jolley

Telephone No.: 01733 454408

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The site is a two storey detached dwelling of brick and tile construction in a residential cul de sac location. The dwelling has an attached double garage to the front of the property, open front garden and fully enclosed rear garden. The property has been extended to the rear with a small single storey extension.

The surrounding area is characterised by relatively large detached dwellings of individual design comprised by a mix of single and two storey accommodation.

Proposal

Retrospective permission is sought to extend the existing single storey extension by 4.0 metres to make an extension of 7.3 metres depth with a dual pitch roof measuring approximately 4.15 metres above ground level.

Under the prior approval process (application number 13/01326/PRIOR) the applicant was given permission to extend the existing single storey extension by 2.9 metres to make an extension of 6.2 metres deep. The roof was altered from a flat to dual pitch measuring 3.8 metres.

2 Planning History

Reference	Proposal	Decision	Date
13/01326/PRIOR	Single storey rear extension Distance from rear wall of original dwelling: 6.2m Maximum height: 3.8m (height to eaves 2.5m)	Prior Approval Permitted	14/10/2013
08/00822/FUL	Single storey rear extension. Demolition of double garage and erection of a first floor front extension and single storey extension linking to a new double garage (amended plans received 08.08.2008)	Permitted	12/08/2008

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, 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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will 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; fail to minimise opportunities for crime and disorder.

4 Consultations/Representations

Enforcement Team

No comments received

Orton Waterville Parish Council

No comments received

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representations have been received in relation to the proposal.

5 Assessment of the planning issues

The main consideration is:

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The plans originally submitted by the applicant are considered to be inaccurate and a set of accurate plans were requested. The revised set of plans are slightly more accurate, but depending on the elevation shown the extension scales at a height of 4.0, 3.8 and 3.7 metres respectively. The applicant confirmed by phone that the extension measures 4.1 metres in height. Measurements by the Case Officer were taken at approximately 4.15 metres. It is therefore the case that the file does not contain an accurate set of plans.

Whilst this would not normally be accepted it is considered that as the proposal is retrospective, it is acceptable for committee to assess the proposal as built during the site visit as the extension is complete except for the ridge tile topping the roof.

The applicant has permission by virtue of the prior approval process for an extension projecting an additional 2.9 metres from the rear extension, to make a total of 6.2 metres, and rising to a height of 3.8 metres. The applicant has therefore constructed an extension approximately 1.1 metres deeper and 0.35 metres taller than was approved.

Under the prior approval application the Case Officer acknowledged that a small amount of additional overshadowing to the neighbours amenity space would be caused by the increase in size to the existing extension. This impact has been greatly increased through the additional depth and height of the extension as constructed. The application site is due south of the neighbour and as such is the worst orientation for loss of light.

To the east of the application site there is a thick tree belt with mature trees, which completely encloses the eastern outlook of the application site and the neighbouring property number 39 Farleigh Fields. As such the neighbour to the north has a somewhat enclosed and dark rear garden. The south aspect, between the houses and the tree belt, is relatively open and allows some direct sunlight to reach the amenity space of 39 Farleigh Fields. It is considered that the additional depth and height of the extension leads to a further enclosure of the neighbour's outlook. This in combination with the additional overshadowing caused by the extension is considered to result in an unacceptable impact upon the amenity of the occupiers of the neighbouring dwelling.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

R 1 The extension, by way of its height, depth and location and given the orientation of the dwellings, would result in an unacceptable level of overshadowing and enclosure for the neighbour 39 Farleigh Fields, to the detriment of their amenity. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) and policy PP3 of the Peterborough Planning Policies (DPD) 2012 which state;

CS16 - New development should not result in unacceptable impact upon the amenity of the occupiers of neighbouring dwellings.

PP3 - Planning permission will not be granted for development which would result in; (d) loss of light to and/or overshadowing of any nearby property; or (e) overbearing impact on any nearby neighbour.

Copies to Councillors J Stokes, G Elsey, S Allen

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COVERING REPORT TO EXEMPT REPORT which is not for publication by Virtue of paragraphs 1, 2 & 3 of Part 1 of Schedule 12A of the Local Government Act 1972

Enforcement Action in West Ward

REFERRED: HEAD OF DEVELOPMENT & CONSTRUCTION
CONTACT OFFICER: NICHOLAS HARDING
TELEPHONE: 01733 454441
E-MAIL: NICHOLAS.HARDING@PETERBOROUGH.GOV.UK

1 SUMMARY

The committee is asked to consider enforcement action in relation to development that has not taken place in accordance with approved plans in accordance with section Part 3 Section 2.5.4.3 of the City Council constitution.

2 NATURE OF EXEMPT INFORMATION

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

REASON

Disclosing the information is likely to identify an individual or company where prosecution is being considered.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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