



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 SEPTEMBER 2015**

Members Present: Councillors Harper (Chair), Serluca (Vice Chair) Hiller, North, Sylvester, Harrington, Okonkowski, Lane and Casey

Officers Present: Lee Collins, Development Management Manager
Vicky Hurrell, Principal Development Management Officer
Simon Ireland, Principal Engineer (Highway Control)
Ruth Lea, Senior Lawyer, Growth & Regeneration
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Stokes and Councillor Martin.

Councillor Casey was in attendance as substitute.

2. Declarations of Interest

Councillor Lane declared that he had received a telephone call regarding support of item 5.2. He advised that he had made no comment and that it would not affect his decision at this meeting.

Councillor Casey declared that he had received a telephone call regarding one of the items to be discussed at the meeting. He advised that he had made no comment and that it would not affect his decision at this meeting.

Councillor Harper declared that he had received an email from Councillor Nadeem in support of item 5.1. He advised that he had made no comment and that it would not affect his decision at this meeting.

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:

4.1 7 July 2015

The minutes of the meeting held on 7 July 2015 were approved as a correct record.

4.2 28 July 2015

The minutes of the meeting held on 28 July 2015 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 15/0157/FUL – Land Adjacent to 2 St Martins Street, Millfield, Peterborough, PE1 3BD

The planning application was for the construction of a two storey side extension on the land adjacent to 2 St Martins Street, Millfield, Peterborough, comprising a retail (Class A1) unit on the ground floor and one two-bed residential unit on the first floor.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update sheet.

Iqbal Haiderzada, Resident, Roy Hirons and Sarah Kennedy, Millfield Medical Centre, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Iqbal Haiderzada owned the neighbouring shop and had submitted his concerns regarding unloading and loading of deliveries. The site of the application had previously been used as an off-road delivery area of up to eight pallets at a time. These deliveries could take up to an hour to complete.
- It was suggested that the development would block Mr Haiderzada's guttering and fire exit.
- Sarah Kennedy explained that the area faced real parking problems and that issues had also arisen in respect of bin storage and litter.
- The Millfield Medical Centre and surrounding building was very busy with entry and exit already a problem for users.
- Roy Hirons advised that a significant amount of litter was present in the area and raised concerns about where the bins for the development would be stored.
- Mr Haiderzada suggested that, if the application was approved, he would be forced to close his shop. Mr Haiderzada believed that, under land registration, he had the right to park up to one vehicle on the proposal site if it was available.
- Ms Kennedy believed that an additional shop would have an impact on the current traffic situation.

The Development Management Manager advised that a land registry check had been undertaken and that Mr Haiderzada did not have any right of access over the application site, however did have access to maintain the drainage.

The Committee discussed the application and raised concerns about the busy street adjacent to the application site and how this would be impacted with potential facing bin storage and on road unloading. It was considered that the proposed window provision for the second bedroom was insufficient, and would impact of the amenity of residents.

An alternative view was discussed, that the proposal would positively impact the area. It was commented that parking difficulties were typical of inner city developments. It was noted that the agent had identified the rear of the site for bin storage.

It was suggested that the proposals would cause an already built up, commercial area to become overdeveloped.

The Development Management Manager advised that there was sufficient space at the rear of the proposal to store the bins. However, due to the size of the commercial bins in use and the narrow nature of the access way, it would not be possible to move the bins from the back of the property to the front for collection.

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

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out below.

Reasons for the decision

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

5.2 15/01245/FUL – 92-94 Burghley Road, Peterborough, PE1 2QE

The planning application was a ground floor extensions to the medical centre at 92 – 94 Burghley Road, Peterborough. The application was a resubmission.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report.

Phil Branston, Agent, and Mr Khan, Service User, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The surgery had experienced an increase in demand in recent years and required expansion. It was suggested that Government policy supported this.
- There had always been parking difficulties in the area, however, as most patients lived in Gladstone, they usually walked.
- Secure cycle storage was provided.
- It was believed that the impact on the neighbouring property would be minimal. The loss of garden was not considered significant, as it was not often used. Amenity space would be provided at the rear of the development.
- It was not considered that provision of car parking spaces was required.
- Mr Khan, a patient of the surgery, claimed that he did not encounter problems in relation to parking and supported the application.

The Committee discussed the application, raising concern that the proposals were contrary to the Council's adopted planning policy in terms of car parking provision. It was noted that, as no evidence had been submitted to support the claims that car parking was not required, it was impossible for Committee to weigh this evidence against planning policy.

It was determined that the application had been refused by officers previously for the reason of insufficient car parking space, and that nothing within the application had been changed since that time.

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

RESOLVED: (unanimous) that planning permission is **REFUSED** for the reasons set out below.

Reasons for the decision

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

5.3 14/00536/OUT – Deed of Variation to the S106 Agreement – Former Site of Peterborough District Hospital

The report outlined a Deed of Variation to the S106 Agreement for the Former Site of Peterborough District Hospital.

It was officer's recommendation that the Deed of Variation be approved, for the reasons set out in the report. The Principal Development Management Officer provided an overview of the report and highlighted a number of key issues within the report and update sheet.

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

- As a Ward Councillor and member of the administration, the application had Councillor Fitzgerald's support and had been in dialogue with the Applicant.
- It was clarified that the Applicant was not responsible for determining precisely what would be built on the site, this would be at the discretion of those who buy it.
- The development was no longer viable in its current form and it was reasonable for the Applicant to seek an adjustment to the agreement.
- The site was key for the city and the sooner it was fully developed the better.
- It was an unfortunate situation, but sensible to move forward with the most viable option.
- Markets were subject to change and it was considered better to redevelop the site now, rather than wait for the market to improve.
- The applicant had sought professional advice on the market position.

Councillor Murphy addressed the Committee in objection to the recommendation and responded to questions from Members. In summary the key points highlighted included:

- It was suggested that more information was required in relation to possible alternative options for the Committee to make a properly informed decision.
- Councillor Murphy did not accept that the price of the land had reduced within the last three years.
- It was claimed that, following surveillance by the Policy, no material had been stolen from the site.
- In relation to the school site, it was believed that provision could be made for an amenity or playground.
- It was requested that the decision be deferred in order for alternative proposals to be properly considered and for facts to be double checked.
- Councillor Murphy believed that a Deed of Variation of this importance should be subject to public consultation.

Kevin Moriarty, Lands Improvement Holdings Peterborough Ltd, addressed the Committee in support of the recommendation and responded to questions from Members. In summary the key points highlighted included:

- In the time since the outline permission for this development was granted, over 70% of the site had been cleared, with 60,000 tonnes of material taken off the site.
- The school site had been handed over to the Council.
- The reason for the request for a Deed of Variation to the Section 106 Agreement was, in part, the increased costs of the development. Asbestos, mediation and the absence of expected profitable materials had driven costs.
- The Applicants wished to complete the demolition of the site and continue to provide benefits in terms of highways and the environment.
- Viability was a challenge on any development site, however, it was suggested that significant progress had been made.
- The site had been vacant and unsold for a significant period of time before the Applicants purchased it.
- The Applicants were not looking to abuse the trigger points set out in the agreement and would expect safeguards for this to be built in.

The Committee discussed the report and it was questioned whether the trigger points for payments under the Section 106 Agreement could be amended to a specific time period, rather than number of houses completed.

The Senior Lawyer, Growth & Regeneration advised that it would be possible to include 'safeguards' into any agreement, during the negotiation process. It was not, however for the Committee to agree the detail. If the Committee were so minded they could request that the relevant Portfolio Holder and the Chairman be kept informed of any negotiations on the matter.

A motion was proposed and seconded to agree that the Deed of Variation be approved, and the Portfolio Holder and Chairman be kept informed of negotiations. The motion was carried six voting in favour and three voting against.

RESOLVED: (six voted in favour, three voted against) that:

- 1) The Deed of Variation be **APPROVED** for the reasons set out below; and
- 2) The Cabinet Member for Growth, Planning, Housing and Economic Development, and the Chairman of Planning and Environmental Protection Committee be kept informed of negotiations.

Reasons for the decision

In light of the Government's clear policy position on aiding the delivery and regeneration of brownfield sites, the requirements for Local Planning Authorities to be flexible and the need to ensure that work on this key city site does not stall, the proposed Deed of Variation could be supported.

6. Planning Compliance Quarterly Report

The Committee received a report which outlined the Planning Service's planning compliance performance and activity which identified if there were any lessons to be learned from the actions taken. The aim was for the Committee to be kept informed of future decisions and potential to reduce costs. The Development Management Manager provided an overview of the report and highlighted a number of key issues.

The Chairman congratulated the Planning Services team on its continued high performance.

RESOLVED:

The Committee noted past performance and outcomes.

Chairman
1.30pm – 3:24pm