

PETERBOROUGH



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 6 SEPTEMBER 2016**

Members Present: Councillors Harper (Chairman), Serluca (Vice Chairman), Bull, Casey, Hiller, Stokes, Martin, Sylvester, Clark, Bond, and Ash

Officers Present: Nick Harding, Head of Planning
Hannah Edwards, Planning and Highways Lawyer
Simon Ireland, Principal Engineer (Highways)
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

No apologies for absence were received.

2. Declarations of Interest

Councillor Harper declared that, in relation to item 5.1 '16/01340/FUL – Rear of 160 Broadway, Peterborough, PE1 4DQ', he had been lobbied by Ward Councillor Nadeem. The remaining Members of the Committee confirmed that they had also been lobbied in such a fashion. It was noted that this would not impact on their consideration of the item.

Councillor Bond advised that, although he was Ward Councillor Gunthorpe, he had not been involved in any discussion in relation to item 5.2 '16/01209/FUL – 78 Storrington Way, Werrington, Peterborough PE4 6QP'.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

4. Minutes of the Meeting Held on:

4.1 5 July 2016

The minutes of the meeting held on 5 July 2016 were approved as a correct record.

4.2 26 July 2016 – Extraordinary Committee

The minutes of the meeting held on 26 July 2016 – Extraordinary Committee were approved as a correct record.

4.3 26 July 2016

The minutes of the meeting held on 26 July 2016 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 16/01340/FUL – Rear of 160 Broadway, Peterborough, PE1 4DQ

The Committee was presented with an application for the construction of one new dwelling at the rear of 160 Broadway, Peterborough, with new vehicular crossing.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- It was noted that the residents association had sent in a representation which had been acknowledged by the planning department but had not been included in the report.
- It was advised that Councillor Peach was in agreement with the development.
- The proposed property was not directly overlooked.
- It was believed that the design was sympathetic to surrounding properties, more so than other buildings nearby.
- It was advised that in 1986/87 officers recommended granted permission for a five bedroom building and in 2004 recommended approval for the building to be demolished and replaced with flats.
- There was an established precedent within the area for building on green sites.
- There had been very few local objections.
- The design of the building was considered to be of a better design than others in the vicinity.
- It was believed that a few additional vehicles would not adversely affect the traffic although not everyone agreed.

Mohammed Iqbal addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The property size within the surrounding area was varied.
- It was not believed that the removal of tress, pruning or potential for root damage was significant enough to refuse planning permission.
- It was considered that the overbearing impact or overshadowing to surrounding buildings was acceptable.
- The location of the property within the plot was emphasised, and the distance from boundaries.
- It was highlighted that the proposed access utilised the existing pedestrian entrance.
- It was considered that all the points raised in the pre-application had been addressed.

In response to questions from the Committee the Head of Planning clarified that the distance between the host building's bay window, and the line of the proposed development was 3.8 metres. It was further explained that, during pre-application process officers indicated the problems with the application, but did not advise that addressing these issues would ensure the application was approved.

The Committee discussed the application and considered that the proposal was too large for the plot, particularly in relation to the impact this would have on the amenity of the host dwelling. It was further suggested that the development would have an overbearing impact and was not in keeping with its surroundings within the conservation area.

It was noted that while the size of the proposed gardens for the new dwelling and the host dwelling would be considered acceptable within a more dense area, as the area surrounding this site was characterised by large spaces and gardens, such distances would be out of keeping.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation, for the reasons set out in the report. The motion was carried 8 voting in favour and 2 voting against.

RESOLVED: (8 voted in favour, 2 voted against, 0 abstained from voting) 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 16/01209/FUL – 78 Storrington Way, Werrington, Peterborough, PE4 6QP

The Committee was presented with an application for the change of use of 78 Storrington Way, Werrington, from A3 to A4. Specifically to application was for a Micro Pub, including the refurbishment of a vacant shop unit, the installation of an internal accessible toilet, and the creation of a cool room with associated condenser unit to the rear of the property.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- It was noted that CS15 policy encouraged business development in local centres.
- The junction opposite the proposed site was not used appropriately. It was considered that the application may result in the junction being re-designed.
- It was unclear if the flat above the site were consulted.
- It was suggested that adequate waste and recycling facilities should be considered, alongside appropriate parking and a possible dropped kerb.
- It was thought that one of the three parking spaces outside the venue should be classified as disabled, as access would be difficult from the rear car park.
- Assurance was requested that tables and chairs would not be sited outside.
- It was further requested that the rear of the building not be used by customers.
- The majority of those in the area were in favour of the application.
- Better signage was thought to be needed to prevent parking on double yellow lines. Councillor Fower was pleased to see there was a ramp for disabled access on the proposed plans.
- Anti-social behaviour had been a problem in the past however this had been addressed. It was however a problem when anti-social behaviour orders were issued in Werrington Centre, it tended to move on into the application area.

The Head of Planning advised that planning conditions could only be applied to the property on the application.

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

- The applicants had past experience in running pubs in Peterborough.
- An alcohol licence had already been granted to the applicants for the site without conditions.
- It was considered that if the opening hours of the micropub were reduced over the weekend, it would not be commercially viable to open.

- Mr Lawrence had developed a good working relationship with the police and local officers.
- A micropub differed to a traditional pub in a number of ways, namely with limited hours, limited drinks, no food, not television, and no gambling.
- The applicants were also looking also to open as a coffee shop in the morning and to be a meeting space for free local use.
- Occasional music from a Spanish guitarist would occur monthly.
- There would be two small tables at the front of the building, which had included and within the licensing permission.
- Under 18's would not be permitted on the premises.
- Noise and disturbance to neighbours would be kept to a minimum.
- The land at the rear of the site was intended to be used for smokers, with a shelter, keeping smokers at the rear of the property rather than the front, in a contained, fenced area which was deemed preferable.

Councillor Bull declared that she was an acquaintance of the one of the applicants for this site and, as such, retired from the meeting before questions were asked.

The Head of Planning advised that there was an error in the report, and that condition 2 should read:

- 1) The 'micro' pub use hereby approved shall be open for business solely during the following times:
 - 15:00 hours to 22:00 hours Monday to Friday
 - 12:00 hours to 22:00 hours Saturdays
 - 12:00 – 20:00 Sundays and Bank Holidays.

In response to questions from the Committee the Head of Planning clarified that the Committee had no power to regulate activity outside of the application area. As such, the Committee could not impose a condition to restrict smoking at the front of the property, however could do so within the yard. This had been recommended in condition 5.

The possibility of imposing a condition in relation to the yard area that restricted drinking, but permitted smoking, was discussed. The Committee considered that this would be preferable to having people smoke outside the front of the building, as it was believed this would have a greater detrimental impact on the amenity of residents in the flats above.

The Head of Planning commented that such a condition may be difficult to enforce if complaints were received. It was further advised that if any smoking shelter was intended, that this may be its own planning permission, depending on the nature of the shelter.

The Committee discussed the application and considered that it was broadly in favour of such a proposal. Concern was expressed around the possibility of smoking at the front of the premises, however.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the amendment of condition 2 and 5. The motion was carried 8 voting in favour and 1 abstaining from voting.

RESOLVED: (8 voted in favour, 0 voted against, 1 abstained from voting) that planning permission is **GRANTED** subject to:

- 2) The conditions set out in the report; and

- 3) The amendment of condition 2 to read 'The 'micro' pub use hereby approved shall be open for business solely during the following times:
 - 15:00 hours to 22:00 hours Monday to Friday
 - 12:00 hours to 22:00 hours Saturdays
 - 12:00 – 20:00 Sundays and Bank holidays.'; and
- 4) The amendment of condition 5 to read 'Notwithstanding the submitted information the rear yard area of the building may be used for smoking, but shall not be used by customers for drinking.'

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 use would not adversely impact upon the amenities of the residents of flats above the row of shop units of which the applicant unit was a part or the amenities of the occupiers of the residential properties close by in accordance with policy CS16 of the Peterborough Core Strategy and policy PP3 of the Peterborough Planning Policies DPD
- The use of the premises as a 'micro' pub was acceptable within the shopping parade, as defined as a local centre in the Peterborough Development Plan. This would be to the benefit of the viability of the other businesses in the shopping parade in accordance with policy CS15 of the Peterborough Core Strategy
- There was adequate space to accommodate the vehicles that would be generated by the customers of the micro pub in accordance with policy PP13 of the Peterborough Planning Policies DPD.

5.3 16/01248/FUL – 195 – 197 Lincoln Road, Peterborough, PE1 2PL

Councillor Bull re-joined the meeting at this point.

The Committee was presented with an application for a Shisha Bar to the rear of 195 – 197 Lincoln Road, Peterborough.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

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

- Councillor Ferris had met with the applicant, who appeared to be a responsible, committed business man within an established multi-cultural area.
- People currently travel to Leicester or London to smoke Shisha.
- Previously the applicant's business was located in the Taverners Road area, where there are already the worst air quality issues in Peterborough and locals were being exposed to unpleasant conditions.
- Shisha smoke would have differing odours depending on the flavour used.
- There had been some incidents of anti social behaviour which were not related to poor management of customers.
- It was considered that the application enhanced street scene at rear of property.
- It was believed unlikely that residents would be disturbed.
- No alcohol would be served, which it was believed would keep noise and behaviour under control.

- Conditions could be applied to the application in relation to opening hours, if the Committee wished.
- It was believed that the proposal would enhance a vibrant business in the area.

David Shaw, Agent, and Paul Ingle, Architect, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Impact on adjoining residents was considered to be minimal. The wall of the flats neighbouring was windowless, which would minimise the impact of noise and smell.
- No objections had been received relating to the application from neighbouring properties or occupants of the flats.
- Peterborough City Centre Pollution Team had suggested that a temporary permission would be appropriate for a year and then reviewed.
- The restaurant would open from 12:00 hours to 23:00 hours every day and the same hours were requested for the application site.
- Alcohol would not be sold on the premises although diners would allowed to bring drink with them.
- The top metre of the shelter would be visible over the fence from Green Lane and would have a visual impact on the area. This was thought to be preferable as an improvement on the current appearance.
- The rear outside area would be used for smoking and it was unlikely to be used as a drinking area although food would be served in the outside space.
- The smoking experience took approximately 30 minutes.
- Acoustic measures had been included within the application.

In response to questions from the Committee the Head of Planning clarified that, if the Committee was minded to approve the application, conditions could be included within the permission to address hours of operation and to impose a temporary period for the permission to run.

The Committee discussed the application and considered that, if permission were to be granted on a temporary basis, it would allow for a better understanding of whether amenity would be impacted. It was not considered that residents of the adjacent flats would be greatly disturbed, as no windows would look directly onto the proposal. It was further considered that the proposal may constitute an improvement in the visual amenity of the area.

The Committee further discussed what would constitute appropriate opening times for the proposal, and whether these should be less than the current opening times of the existing restaurant. It was concluded that any reduction in opening hours could be reviewed following the end of the temporary period.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, as it was considered that any detriment to the amenity of residents of the adjacent block of flats, resulting from noise and odour disturbance, would be minimal. The motion was carried 8 voting in favour and 2 voting against.

RESOLVED: (8 voted in favour, 2 voted against, 0 abstained from voting) that planning permission is **GRANTED** subject to:

- 1) A condition limiting the permission to a 1 year temporary period;
- 2) A condition limiting the opening times to reflect the opening times of the restaurant (Monday – Sunday: 12:00 hours – 23:00 hours);
- 3) A condition in relation to compliance with the approved plans; and

Reasons for the decision:

It was considered that any detriment to the amenity of residents of the adjacent block of flats, resulting from noise and odour disturbance, would be minimal. A 1 year temporary permission was believed to be appropriate to determine whether the impact of disturbance exceeded acceptable levels.

Chairman
1.30pm – 4.00pm