

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING
HELD AT 1:30PM, ON
TUESDAY, 5 NOVEMBER 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Hiller, Warren, Rush and Hogg

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Julie Smith, Highways Control Team Manager
Amanda McSherry, Development Management Team Manager
Brona Bell, Planning Solicitor
Dan Kalley, Senior Democratic Services Officer

Others Present:

27. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jones and Hussain.

28. DECLARATIONS OF INTEREST

Councillor Casey declared an interest in Item 5.3 by virtue of being of being a Parish Councillor, however he did not take part in any discussions relating to planning applications when the Parish Council was debating them.

29. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were no representations to make declarations as Ward Councillor.

30. MINUTES OF THE MEETING HELD ON

30.1 3 SEPTEMBER 2019

The minutes of the meeting held on 3 September 2019 were agreed as a true and accurate record.

30.2 24 SEPTEMBER 2019

The minutes of the meeting held on 24 September 2019 were agreed as a true and accurate record.

31. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

31.1 19/00039/FUL – BRITISH SUGAR, OUNDLE ROAD, WOODSTON PETERBOROUGH

The Committee received a report in relation to seeking:-

1. Full planning permission for the demolition of the existing buildings on site, and redevelopment of the site to provide a new foodstore (Class A1), with associated car parking and landscaping on part of the site (Phase 1) ; and
2. Outline planning permission on the remaining part of the site (approx. 1.57 hectares) for up to 74 new residential units, with all matters reserved, apart from access (Phase 2).

The Development Management Team Manager introduced the item and highlighted key information from the report and update report. The application was similar to the previous application that was refused, except for the increase in affordable housing provision from 15% to 30%. This figure was now in line with the minimum amount of affordable housing as outlined by the Council. The layout of the proposed 74 dwellings was only indicative at this stage. A further application outlining the residential development would be brought separate to this application. Members were informed that the British Sugar building had recently been inspected and was no longer classed as a listed building.

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

- The objections to the application were the same for all three Ward Councillors. There was a lot of interest in the impact on the local centre nearby. Nearby residents and employees at the Budgens store believed this application would in effect force the Budgens store to close down. This would leave a large premises vacant at the centre.
- The biggest concern was around the residential properties. The increase in the potential numbers of children to the area would place a strain on the already full and crowded schools in the locality.
- The Council was under a statutory obligation to provide suitable education to children within the local area. Peterborough had one of the highest birth rates in the country along with one of the highest rates of new homes being built.
- Section 14 of the Education Act placed an obligation on the local authority to provide children with a school place as close to home as possible. In addition the Inspection Act 2006 placed a duty on the Council to give fair access to parents to provide a diversity and choice of school for their children.
- In terms of the residential proposal it was agreed that these were definitely needed, however it was important that the education need of children moving into the development was taken into account.
- There was no space to expand the schools within the local area. However in order to cope with the increased demand all that would be needed was a further 4 classroom spaces.
- There was potential within the new development for the need of the additional space to be met.
- It was therefore suggested that the application be deferred at the current time while the applicant and local authority discussed the education provision in the local area along with the need to build the additional homes.

- If the listed building had remained listed this could've been used to provide the additional school places. However this was no longer a possibility as it would be demolished to make way for the development.

Russell Adams and Edward Vann, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Members needed to consider whether the proposed Lidl store was needed in this location. Lambert Smith's appraisal to the Council provided an up to date commentary on the need for a store in light of existing provision. There was already an existing Budgens, Co-op, Tesco Express, Tesco Extra, Lidl, two Aldi's and an Asda all within easy access of the proposed development.
- The impact of the proposed Lidl store on the existing retail centre had not been assessed properly as the issues had only been raised on this revised application.
- It was argued that an edge of centre development needed to be well connected and in this instance Sugar Way would act as a barrier to easy movement of pedestrians being able to access the new development.
- The original report had showed that Lidl had understated the impact the new store would have on shops such as Budgens.
- The Budgens was an independent family run store. The store had initially seen a rise in profits and footfall however since the opening of the Tesco Express profits had fallen away.
- People who worked nearby to the store would often buy their lunch and any groceries on their way home from work.
- Budgens had been assessing whether to try and sell the site onto another retailer as the business was already under strain and this new proposal would almost certainly signal the end of the Budgens store.
- It was not acceptable to suggest that increased business would bring higher footfall to the centre. There was no evidence to suggest this would happen and from previous experience this was unlikely.
- If the proposal went ahead it would then difficult decisions would need to be made over the future of the Budgens store. This could potentially affect around 20 local people who worked at the store.

Anne Cook, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was potentially concern around the provision of education should the residential development go ahead. However this more about population increase rather than any additional homes being built.
- It was a great idea to have a big supermarket such as Lidl at the site.
- The Budgens site could be used to increase education provision in the area or increase the size of the doctor's surgery.
- The Tesco express store and Co-op were irrelevant to the application as they had marked their goods at a higher price than a Lidl would.
- Although it would be a shame for local business to close down it was difficult to see how the Budgens could compete with Lidl.
- Most of the large supermarkets were still quite some distance away from the proposed site. Local residents would welcome the addition of a Lidl store.

Richard Hutson, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The amended scheme provided 30% affordable housing. This was an increase from 15% that was stated in the original proposal. The full application before the Committee was for the proposed Lidl store. The application for the residential dwellings would be made at a later date.
- It was proposed that the Lidl store would provide an extension to the Valley Park Centre rather than trying to close it down.
- The proposed application provided a customer focused store, which would provide a series of benefits to the local area. These included improving the attractiveness of the Valley Park Centre, increased job opportunities, more parking to ease some of the car parking congestion.
- The application was a more appropriate use of the land than what was currently on site and would potentially provide additional services for the local community.
- National Planning Policy encouraged residential development in sustainable locations such as what was being proposed in the application. The proposal would also assist the Council in achieving its five year housing supply targets.
- Historic England had withdrawn the ARUP building from its listed status following a recent inspection, as it was not of sufficient quality to list. In addition the site was not listed in a conservation area.
- The Council had deemed that re-using the building would not be viable in its current state.
- Overall the development would bring in a number of benefits to Peterborough both in terms of retail offering and improvement of the site.
- Lidl used standard HGV's to deliver goods to the store. This would only be done once or twice a day so as not to cause too much traffic disturbance.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The application was a revision of an earlier application that had been refused due to a lack of affordable housing. The new proposal had increased this to the Council's minimum amount of 30% so there was no longer any issue with the application.
- Historic England had no comments to make on the proposal and had recently lifted the listed status of the ARUP building.
- If a Lidl was to be built it was unlikely to have a detrimental effect on the adjacent local centre as a whole, though the Budgens store itself might have been impacted upon, but it was not trading well currently.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (7 for, 1 against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The principle of residential use on this site is considered to be acceptable and compatible with the surrounding land uses. The quantum of development achievable on this site will be determined at the detailed reserved matters stage, the figure applied for is an up to figure and therefore is not a fixed figure. The proposal is therefore in accordance with Policy LP03 of the Local Plan.
- The proposal has passed the sequential test in relation to retail site selection, it has been demonstrated that there are no sites higher in the search hierarchy. In terms of retail impact the greatest impact will be on the adjacent Valley Park Local Centre. There will be an impact on the Budgens store which anchors this centre. However on balance it is not considered that the impact would be significantly adverse, and therefore the proposal passes the impact test in accordance with the NPPF, and Policy LP12 of the Local Plan.
 - The quality and significance of the building on site to be lost is not considered to be so high, that the harm caused by its loss would justify the prevention of the proposed redevelopment of this site for housing and retail use.
- The proposed access arrangements and traffic impacts are considered to be acceptable. There are no highway safety concerns with the development proposed. The car parking for the Lidl store is acceptable and the parking for the residential scheme will be determined at the reserved matters stage. The development is therefore considered to be in accordance with Policy LP13 of the Local Plan.
- The proposed drainage of the both the retail and residential sites are considered to be acceptable, subject to the imposition of conditions.
- 30% affordable housing is proposed in accordance with Policy LP08 of the Local Plan.
- The impact on neighbouring sites is considered to be acceptable in accordance with Policy LP17 of the Local Plan.

31.2 19/00696/REM - LAND ON THE WEST SIDE OF GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH

The Committee received a report seeking reserved matters consent in respect of appearance, landscaping, layout and scale for the erection of 5no. self-build detached bungalows (with refuge in the roof space) together with associated access, parking and amenity space pursuant to outline planning permission 17/01902/OUT. The application also seeks to comply with the requirements of conditions C6 (archaeology), C7 (fire hydrants), C8 (Arboricultural Method Statement), C10 (access details) and C13 (Construction Management Plan).

The Head of Planning introduced the report and highlighted key information from the report and update report. Members were informed that the application was deferred at the last meeting as the application did not meet the legal definition of a bungalow. This was due to the fact that the application had provision for balconies which were not permitted. The application did however still contain living space contained within the roof of the properties, but this was compatible with the definition of a bungalow.

Richard Majewicz, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The original outline application mentioned that the first floor would be used for refuge space only. However the application as it currently stood made provision for living space above the ground floor. It was suggested that the original outline application be kept to. This would in addition lower the roof line of the properties.
- The majority of people would understand a bungalow to be ground floor accommodation only, contrary to the legal definition.
- There were a number of bungalows in the nearby location which only had ground floor accommodation and weren't big enough to hold living accommodation within the roof space.
- The Planning office needed to make it clearer for future applications that a bungalow could include living space in the roof.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The changes made to the previous application had been to remove the balconies apart from one of the properties that contained a Juliet balcony which was within the gable and therefore was compatible with the bungalow definition.
- If someone undertook to build their own property this would be CIL exempt, however evidence would need to be produced to show it was a self-build via a CIL exemption form.
- Highways confirmed they approved the access width and were not concerned further than that due it being a private property.
- The legal definition of a bungalow was a surprise, however the application as it stood met that legal definition.
- Describing the bungalow with refuge space on the outline application was different from what was now being decided on by the Committee.
- Planning Officers confirmed that future applications would be scrutinised more closely so that the description conditions matched what was actually planned to be built.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (7 for, 1 abstain) to **GRANT** the application.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The principle of development is sound and the proposal will not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings, or highway safety; in accordance with policies LP01, LP2, LP13, LP16, LP17, P28 and LP32 of the Peterborough Local Plan 2019.

31.3 19/00924/FUL – LAND TO THE NORTH WEST OF 7-9, WAINMAN ROAD, ORTON LONGUEVILLE

The Committee received a report in relation to seeking planning permission to change the use of the car park to a car sales site (sui generis use), along with the siting of a prefabricated sales office and erection of 2.2 metre high weldmesh fencing to the northern, southern and eastern boundaries of the site. The proposal would reduce the number of parking spaces from the existing 96 to 81, and would comprise: 73 'sales' spaces; 5 customer spaces (one of which is for disabled parking); and 3 staff spaces (one of which is for disabled parking). The sales office is proposed to be erected within the north-western corner of the application site, and would measure approximately 5.9 metres in width and 5.9 metres in depth. A flat roof is proposed, which would measure 2.8 metres high above ground level. A ramp and step would provide access. Grey GRP vertical cladding is proposed, along with powder coated finishes in grey to the window and doors.

It should be noted that the proposal had been amended from that which was originally submitted at the request of Officers. The application site originally enclosed the grassed landscaping area to the south, however this has now been excluded from being within the development site.

The Head of Planning introduced the item and highlighted key information from the report and update report. The Committee were informed that they were unable to take into account the lease arrangements for the car park in its current form, as this was a civil matter and not one which would affect planning permission.

Andrea Harrison, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The loss of the wooded area to the rear of the site had affected the wildlife, including a number of nests for birds and the loss of five species of bat. This should be re-established and a natural preservation order placed on it.
- There was concern that if the application was to be granted that it remains a car sales lot and not become a taxi rank, as this was another business of the owner of the land.
- The car sales lot would increase the volume of traffic on the roads and affect the ability of business to function as they had been. Members of the public who visited the businesses in the area were increasingly having to park further away when visiting. This also included people parking in local residential streets and having to walk to the business park.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- In terms of provisions within the proposed sales hut this was covered by other legislation and was not something the planning department would look at in great detail.
- The granting of the application did not affect any ongoing matters that were contained in any potential lease arrangements. This would be a civil matter that would need to be taken up.

- Using a S106 agreement would have a much more impactful status on preventing car transporters from parking around the corner of the application site and offloading vehicles.
 - No lease had been shown to officers to confirm whether or not some of the units had the right to park in the car park.
- If the application was to be refused the owners of the land could still block the car park and therefore no one would be able to use it. If the car park was opened up and charges were then applied the Council wouldn't be able to control this.
- It was likely that no longer having the car parking spaces would have a detrimental impact on the businesses and staff within the locality.
- There were concerns around the estate, the closure of the car park had led to an increase in the number of cars parking around the estate and in residential areas. Giving permission to the application will increase the traffic in the area and make parking an even bigger issue.
- Although there were issues with parking and a potential for increased traffic it was difficult to see a planning reason for refusal. If refused the applicant could go ahead and block the car park if it was not to be used.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (5 for, 3 against) to **GRANT** planning permission.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The principle of development is acceptable; - The proposal would not unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019); - Adequate parking to serve the use would be secured and the proposal would not adversely impact upon the safety of the surrounding highway network, in accordance with Policy LP13 of the Peterborough Local Plan (2019); - The proposal would not unacceptably harm the amenity of trees and wildlife, in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019); and - The amenity of surrounding industrial units would be retained, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

31.4 19/01278/FUL – LAND ADJACENT TO Highbury House, Millfield, Peterborough

The Committee received a report in relation to seeking planning permission for the demolition of an existing single storey workshop and garage building on site. It is understood from the agent that the previous use of the site was as an independent garage and workshop and that it was not associated with any of the surrounding residential properties. It proposed to replace the existing development on site with a

two storey detached building comprising of 2 x one-bed flats. No on site car parking is proposed.

The Head of Planning introduced the item and highlighted key information from the report and update report. Officers were recommending refusal on the basis that no parking provision had been made and the property was deemed to be overbearing in terms of overlooking on properties across the road and the privacy on neighbouring properties.

Councillors Joseph and Yasin, Ward Councillors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The flats would provide much needed accommodation to the local area. The applicant had a number of years' experience in building accommodation for the rental market.
- The development was within 200 to 300 yards of the nearest bus stop, making it easy for tenants to use public transport.
- There were a number of shops, community centres, restaurants and pubs within walking distance.
- Although there was an issue with parking in the local area the applicant was willing to limit those who could rent the property to those who did not own a vehicle.
- There was a definite need for affordable housing in the local area and there were excellent transport links.
- Despite there being a parking issue in the area there were often enough spaces on the street for people to park.
- The applicant was clear that they wanted the flats to stay as one bedroom flats and not allow the proposed study to turn into a bedroom.
- There was potentially a loss of privacy to the neighbouring property from one of the windows to the side of the proposed development.

John Dadge, agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- In terms of the impact to the adjacent property to the north of the proposal it was considered that this was not overlooking any habitable rooms of the adjacent property. In addition there were only two proposed windows going into the north side of the proposed property and these were both bathroom windows.
- It was suggested that adjacent to the north of the proposed development was mainly used for car parking space.
- There had been no objection from the occupier at 215 Lincoln Road over the proposed development and loss of amenity. The garden of the property at 215 Lincoln Road was 77 foot long and most people would only generally use the part of the garden close to the living space and leave the back of the garden. This would in effect have less of an impact on the property and not cause any issue with loss of privacy.
- With regards to the property at number 11 there had been no reports of this being an issue. The location of the property was on a terraced street.

However the applicant was willing to install an obscured glazed window to prevent any further overlooking.

- There was a big push to do away with cars. It was suggested that any future occupiers may decide to not have access to any vehicles and instead use public transportation.
- People who owned a vehicle would have to weigh up whether they wished to keep their vehicle or instead use public transport in order to rent the property.
- There were examples where conditions had been included to limit those who rented the property to not have access to a vehicle. Some of the colleges in Cambridge had used this condition for student accommodation.
- Each application should be considered on its merits. In this instance the proposal would provide necessary accommodation close to the city centre at an affordable level.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- It was feasible to attach a condition to the application to prevent anyone renting the property having access to a vehicle. However this was generally used for larger scale developments.
- It was not possible to include a condition preventing potential occupiers from applying for a residents parking permit.
- Highways would continue to have objections to the proposal as there would need to be a minimum parking provision for the development. If the proposed studios were to be used as bedrooms then four parking spaces would need to be provided.
- If this application was granted with a provision that the occupiers could not have access to a vehicle it could set a precedent for other applications outside the city core.
- Even if the proposal was for genuine one bedroom flats the officer recommendation would still be for refusal as two parking spaces would be required.
- There is no limit on the number of parking permits that are issued. It was therefore difficult to know whether the area was oversubscribed.
- There had been applications in the past that had been refused by the Committee due to lack of parking provision.
- If the application was granted it would be seen as going against the Councils Planning policy in terms of parking provision.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (7 for, 1 abstain) to **REFUSE** planning permission.

REASON FOR THE DECISION:

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.

Chairman
1:30pm – 4.16pm