



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 10 MARCH 2020
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chairman), Casey (Vice Chairman), Rush, Brown, Hiller, Warren, Hussain, Amjad Iqbal, Jones, Hogg and Bond.

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer

Others Present:

46. APOLOGIES FOR ABSENCE

There were no apologies for absence

47. DECLARATIONS OF INTEREST

There were no declarations of interest

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

There were no declarations of interest to make representation as Ward Councillor

49. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

**49.1 19/00307/FUL – BUFFINGHAM KENNELS, WATERWORKS LANE,
PETERBOROUGH**

The Committee received a report, which sought planning permission for the 'continued use of land and siting of mobile home in connection with, and use of, land, kennels and associated fencing as licenced establishment for breeding dogs'. The application sought this continuation for a further temporary period of two years.

The Head of Planning introduced the item and highlighted key information. The Officers recommendation was to refuse the application. In 2017 a revised application was submitted for a two year temporary application. The new application had taken a long time to come through as a number of issues had arisen, mainly that a high pressure gas mains running next to the site had to be strengthened in order to allow access. The key reason for refusal was that the site a part of open countryside and there needed to be a viable proposition for the business to run, however there had been no financial information submitted to date. There were also concerns about noise and disturbance and the safety of visitors down the lane where vehicles would park.

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

- There were no objections from any of the statutory consultees. In addition Glington Parish Council had not raised any objections to the two year extension being proposed.
- There had been financial information submitted in the form of accounts for a number of years. It was concerning that this had not been reported in the papers in front of committee.
- The applicant suffered from severe depression and had moved to the site to live a more stress free life. The location was quiet and placed less demands on the applicant. The applicant was working within his dog breeding licence that had been granted by the council.
- The applicant had been running his business on site for four years and had no reported accidents or incidents during that period.
- Anyone wishing to adopt a puppy would only be able to come and view them by appointment only. Most of the business was conducted over the weekend.
- Although there was a generator on site this was only used occasionally to power tools and would not be used past 10pm. Everything else on site was run using batteries or solar power.
- There was a second caravan on site however this was used for storage. In terms of any lights being on these would only be on until 10pm the latest.

Officers at this point confirmed that they were unable to see if any financial information had been submitted and requested that the item be deferred to obtain the additional information needed in order for the committee to make a considered decision.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **DEFER** the application as per Officers recommendation. The Committee **RESOLVED** (Unanimous) to **DEFER** the application.

49.2 19/01466/FUL – 23 OLD NORTH ROAD, WANSFORD, PETERBOROUGH, PE8 6LB

The Committee received a report, which sought permission for 2no. two-storey detached dwellings, with detached double garages to the rear, including the creation of two separate accesses from the shared driveway to serve each of the respective dwellings. Each of the proposed dwellinghouses would be situated behind the existing stone wall that runs parallel with the grass verge and Old North Road. The existing detached garage serving the host dwellinghouse of No. 23 Old North Road would be demolished to permit the construction of the dwellinghouse and the garage on Plot 2 (the southern-most dwelling proposed).

Amended plans have been submitted following comments received from the Conservation Officer, the Local Highway Authority and the Tree Officer with regards to the proposal.

For the remainder of this report, 'Plot 1' refers to the northern-most proposed dwelling and 'Plot 2' refers to the southern-most dwelling proposed. The addition of a mezzanine floor to Unit D, with a coverage of approximately 700 sqm. There were no changes proposed to the external elevations of the unit.

The Head of Planning introduced the item and highlighted key information from the report and the update report. Members were informed that the tree on site that wasn't under a TPO was of higher quality than the TPO for the other tree on site, however it wasn't protected when it should have been.

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

- The proposed development was set back a long way from the road and it wasn't going to have a detrimental impact on the local scene.
- Coopers cottage had recently been extended however most of this was not obscuring the property the only part that could be argued that was being obscured was the new extension.
- In the recent Local Development Plan there was a ban on building outside of the village envelope and this property was tightly built up to the edge of the envelope. The Local Development Plan did not leave much space to develop Wansford any further.
- The density of the buildings although it seemed to be cramped it was feasible for the size of the site in question. It was felt that this would not be too damaging to the local area.
- Although the Local Plan was to protect conservation areas it was felt in Wansford that it was possible to push back a little on the envelope depending on how this was drawn up and the development that was being proposed.
- Although there had been arguments with regard to loss of amenity it was possible to overcome this if the windows were reconfigured. In addition an occupier buyer would understand the setting of the application and be willing to prevent the loss of amenity wherever possible.

Mr Allen, the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included

- The applicant had been a resident for 7 years and was happy living in the village. The village was a popular place to live. The applicant was aware of the Local Plan and that it prevented development outside of the village envelope.
- The new development was essential to the village and was encouraged by the Parish Council. The design had been modified to support the recommendations of planning officers. A retainer wall could be installed on site so that there would be a reduction in any possible digging into the site itself. In addition the applicant was happy to retain the Beech tree on site.

- The owner of number 19 had not lived in the property for a long time and this development would help enhance and improve the current look of the site.
- A number of concessions could be made, most notably to fill in or remove the window of the master bedroom to prevent loss of amenity. In addition the applicant was happy to remove the double garage at the front of the property and to drop the extension on the existing property to a single storey extension
- The applicant was keen to retain the beech tree and work with officers to retain the tree in the most appropriate way. Furthermore the applicant was willing to work on any potential designs to prevent overlooking.

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

- It was possible to condition the beech tree, however officers would still have concern over the 2m level drop at the top of the embankment. It was difficult to see how this could be dealt with and not adversely affect the beech tree in some form.
- Although there had been some concessions from the applicant the planning officer was still minded to retain the refusal for the application.
- If there was some form of excavation on site then the left over material could be used to cover the roots of the beech tree. The planning officer stated that doing this could cause compaction on the roots of the tree and cause a number of issues later on.
- It was argued that the decision could be deferred to allow for officers to work with the applicant to address any remaining issues.
- The difference in levels was not a planning consideration. The more pressing concern on the site was the tree that was protected by the TPO.
- Members took note of the support of the application by the Parish Council. There were a number of reasons why this application should be supported as long as there was a condition around the master bedroom window and any impact that this would have on loss of amenity.
- The application would enhance the street scene and bring much needed development to Wansford. The support of the Parish Council had enhanced the application.
- Although it seemed that the size of the houses being proposed were more than the site could handle the applicant had made a number of concessions to alleviate the potential impact.

A proposal was put forward to grant the application with a condition to delegate to officers to look at the rear windows of the property (9 for, 2 against)

RESOLVED:

- The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application against Officers recommendation. The Committee **RESOLVED** (9 For, 2 Against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

49.3 19/01871/R3FUL – KEN STIMPSON COMMUNITY SCHOOL, STANILAND WAY, WERRINGTON

The Committee received a report, which sought permission for changing the use of part of the existing school playing fields which currently has open access to the public, to enclosed school playing fields by way of the erection of 2.4 metre high fencing. It is proposed for public use to be maintained, with out of school hour's public access. The proposal also seeks planning permission for the construction of a hard surfaced footpath to the east of the school site, formalising an existing pedestrian desire line into the school site.

The Head of Planning introduced the item and highlighted key information from the report. The Officer recommendation was for approval. There would still be a significant amount of green and open space available even after the fencing had been put in.

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

- It wasn't clear why the fencing was needed, however if it was then an alternative location on site would be beneficial. It was also suggested that the committee defer the item for officers to investigate the possibility of changing the fencing to a different location.
- The current proposals would mean that the fence would be seen from three sides by residents living nearby and that this was an eyesore. If the fence was to be moved it would only be seen from one side by local residents.
- It was important that children were safeguarded however the school and officers needed to look further at ways of minimising the impact on local residents. This was also mentioned by Werrington neighbourhood community.
- There hadn't been any mention or issues raised in relation to safeguarding at the school.

David Barsby and Tony Forster in objection, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There had been 43 letters of objection to the proposal and only two in support. These objections were for a number of reasons a number of which highlighted the concern that the school and future academy trust were land grabbing and forcing the local community to pay for using the facilities and playing fields.
- If the application was to go ahead the assets would transfer to the school and be lost to the public forever.
- The issue of safeguarding was an emotive one. There had been no evidence of any incidents relating to the fields. Ofsted did not require any form of fencing in terms of

safeguarding. The fence would lead to a loss of amenity space for the local community and would be an eyesore for those living in neighbouring properties.

- When children were in school it was the schools responsibility to look after the children and ensure they were kept in a safe and secure environment. Even with the fence there could be no assurances that children would be kept safe as it was possible for someone to throw objects over the fence.
- The risk to children needed to be proportionate, if there had been no issues before it was unclear why a fence was now needed.
- There had been lots litter left by school children when it came to using the fields in the evening however there was little evidence of broken glass or dog fouling on the fields themselves.
- Children who were using the fields during school time were always monitored by the staff. In addition there was no evidence that dogs would be walked on the fields when children were using them.
- There was no anti-social behaviour currently taking place on the fields.

Mr Bryan Erwin, applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The issue of safeguarding was important, it was an important ofsted issue for which the school had responsibility to keep children safe. It was not a duty of staff to mitigate risks simply by not having a fence, it was something the school needed. There had also been reports of anti-social behaviour in the area.
- In the schools view there were no alternatives available outside of having the fence erected.
- The location of the fence had been decided upon following advice from the Local Authority and vivacity who would use the pitches outside school hours.
- As dog walkers use the area there was an issue to health and safety and no way that this could be minimised. There was no control over what residents did with their dogs.
- The community would still be able to use the playing fields after school hours and would be welcomed by Vivacity.
- The alternative proposal for the fence to be erected on the south side was not viable. This could become an alley way for anti-social behaviour. In addition the area was poorly light.

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

- Officers confirmed that they only had control over planning permission and not over ownership of the land. This was not a planning consideration. In terms of ownership this was a different legal area and not covered as part of this application.
- The school had a responsibility of ensuring children were going to be kept safe in the school environment. The introduction of the fencing would make children safer in case of any future potential incidents.
- There were concerns over dog fouling, although this hadn't been raised as a particular issue it was still a health and safety issue for children.
- One of the most important aspects of being a Councillor was to safeguard children.
- Although it was essential to have fencing to protect children it should be looked at further to see if there were any alternative locations on site for this to be erected.

- Some members queried how the fence would be of any benefit to the school as there had been no issues previously. There had been no solid evidence presented so far as to the need for the fence.
- Having Vivacity manage the site would be a good thing, they would have more control over the site and those using it.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go with the Officers recommendation and **GRANT** the application. The Committee **RESOLVED** (7 for, 3 against, 1 abstention) 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 proposal would maintain public use of the POS, albeit in a formalised manner, and would not result in the loss of existing playing fields. Furthermore, the proposal would be of benefit to the pupils of the school through improved safeguarding. The principle is therefore considered acceptable in accordance with paragraphs 94 and 07 of the NPPF, and Policy LP23 of the Peterborough Local Plan (2019); - The proposed development would not unacceptably harm the character or appearance of the site or surrounding area, and would accord with Policy LP16 of the Peterborough local Plan (2019); - The proposed development would not unacceptably harm the amenity of adjoining neighbours, and therefore accords with Policy LP17 of the Peterborough Local Plan (2019); and - The proposal would not harm trees of key landscape and visual amenity value, in accordance with Policy LP29 of the Peterborough Local Plan (2019).

Chairman
1:30pm – 3.58pm