



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 9 JUNE 2020
VIA ZOOM VIRTUAL CONFERENCE**

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:

1. APOLOGIES FOR ABSENCE

There were no apologies for absence

2. DECLARATIONS OF INTEREST

Councillor Amjad Iqbal declared a disclosable pecuniary interest in item 5.3 by virtue of being the applicant and would leave the meeting for the item.

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

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

4. MINUTES OF THE MEETING HELD ON:

4.1 10 MARCH 2020

The minutes of the meeting held on 10 March 2020 were agreed as a true and accurate record.

4.2 12 MAY 2020

The minutes of the meeting held on 12 May 2020 were agreed as a true and accurate record.

5. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

5.1 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.

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

- The Kennels had expanded the range of dogs sold from when it first started operating, making this proposal very different to that applied for originally. The dogs had strong market demand and were valuable. The applicant was aware of concerns regarding financial viability but lived a very modest lifestyle and did not see the need for large amounts of income. Based on these points, the viability grounds for the officer's recommendation to refuse could be dismissed.
- There were passing places along the whole length of Waterworks Lane. The passing place in question was slightly offset from the site but nearly opposite. The bay was 7m wide and could accommodate four vehicles so its use as a passing place was not restricted if customers used it as parking.
- The applicant had a licence for 12 litters. The applicant only produced eight and had no desire to increase this. This level of operation resulted in low numbers of vehicle movements associated with customers of approximately 60 per year. Visits were organised by appointment and customers tended to take a dog away immediately afterwards. If customers parked in the satellite parking area they could walk up the road with caution as residents currently do. Vehicle movements could not be considered to be significant and these only took place during working hours.
- The risk of flooding in the satellite car park was not relevant. Even if the road did flood the result would be cars travelling at slow speeds or not at all.
- Members asked for an explanation for the discrepancy between the cost of dogs advertised on the company's website and those in the financial report. The agent responded that the applicant had a pricing policy to encourage quick sales and did not feel the need to match the prices found on the website.
- Members were confident that the site was not a 'puppy farm' but sought reassurance that dogs were well looked after once sold. The agent responded that the applicant was a well-regarded dog breeder who would not contemplate selling to a family that would not look after a dog well.
- Members noted that the business was considered unviable in the original application but the new updated information showed a doubling of turnover. Members asked if the applicants' income was based on the old or new figures. The agent responded that it was based on the new figures and felt that the business's potential impact on nearby residential properties had been overstated.

The Head of Planning responded to questions from Members as follows:

- The application requested temporary permission be granted a second time. The Council would normally only grant temporary permission once to enable the business to demonstrate financial viability. This application requested a second temporary consent which would not normally be granted as the

business needed to demonstrate sufficient viability for the granting of permanent permission in its three years of operation. It was the officers views that this had not been achieved. However, the Council could not prevent the application for temporary consent being made.

- If the Committee granted temporary consent, it would be unlikely that any enforcement action would be taken regarding the on-site caravan as it did not cause any issues in its own right. If this application was not approved however, an enforcement notice would be served requiring the site to be returned to agricultural use.
- Waterworks Lane was not subject to any parking restrictions so people could park in the passing area. This was not recommended to be used as a permanent parking place however due to the speed of traffic.

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

- Members expressed concern regarding the business's turnover, noting the low profit levels in the previous year. There was concern over relying on projected diversification to enable the appearance of viability as it could set a precedent of figures being produced to meet the required viability standards.
- Members were unclear why an application for permanent permission had not been made and suggested that applications for further temporary permission might need to be considered by the Committee in the future.
- It was noted that the applicant had mental health issues with some members expressing concern over the potential harm to the applicant of refusing permission. It was suggested that a further temporary extension could be granted with the expectation that the next application would need to be permanent if the business was proved to be viable. The Head of Planning responded that if the Committee chose to grant another temporary consent, it would need to be satisfied that the other two recommended reasons for refusal – noise and disturbance and pedestrian safety were not valid. In response, some Members felt there was no history of road safety issues other than the speed of vehicles and was not a sufficient reason to refuse the extension. Members acknowledged the need for a better plan for parking in the future.
- Members commented that the two residential properties nearby would be subject to 60 vehicle movements per year. The location of the satellite parking areas was a concern due to the required 200m walk along a narrow high-speed road. Parking on the road itself was also problematic. It was however noted that the Highways Department had not objected to the application.
- Some members felt that the prices charged for dogs should increase to increase the viability of the business.
- Members noted that some people did not require a high income due to a modest lifestyle. On balance however, the income figures appeared to be contrived and the issues regarding road safety still remained.
- Some Members felt that 'creative accountancy' was common practice and should not be a reason to refuse an application given the short length of consent being requested and the commitment of the applicant to the business.

- Some Members felt leniency should be granted due to uncertain times. Other members disagreed stating that COVID - 19 had only been an issue for the last three months whereas the accounts for the business applied to the last four years and failed to demonstrate viability. In response, Members stated that they had not been referring to COVID-19 specifically but that it was currently a 'pinch point' for businesses. The welfare of the applicant and his animals should also be taken into account.
- The Chairman echoed concerns regarding the inability of the business to prove viability over four years despite opportunities to do so as well as highway concerns, e.g. dogs on the road and the close proximity of the parking to the house noted in the site visit. 60 vehicles per year could still cause a disturbance.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per Officers recommendation. The Committee **RESOLVED** (10 For, 1 Against) to **REFUSE** the planning permission.

REASON FOR 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. No overriding public benefit has been identified such that the harm arising from the development would be outweighed.

5.2 19/01875/FUL - 30 HIGH STREET EYE, PETERBOROUGH, PE6 7UU

The Committee received a report, seeking planning permission to change the use of the site from mixed retail and residential to a single residential dwellinghouse. The proposal also includes associated external changes including removal of the existing shopfronts and canopies, insertion of 2no. smaller windows and a personnel door to the principal elevation, and bricking up to make good the principal elevation.

For the avoidance of doubt, during the consideration of an earlier application (identical to this, reference 19/01337/FUL which was withdrawn by the Applicant), the Post Office ceased operating, however the retail unit remains in operation.

The Head of Planning introduced the item and highlighted key information from the report and the update report.

Sarina Patel on behalf of the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Ms. Patel stated that her parents understood the importance of local amenities and Eye currently had Eye Stores, Co-op, a petrol station and a nearby Morrisons as well as the Post Office. From May 2016 onwards the applicants had tried to lease or sell the post office prior to retiring. Despite 55 viewings in three years, the business had not been sold, partially because of contractual changes by the Post

Office lowering their salary and requiring extended opening times. General feedback was that the business was not sustainable.

- Break-ins and an attempted arm robbery had left Ms. Patel's parents feeling vulnerable. The Post Office had been empty since 2019. They had run the Post Office for 29 years with their family growing up there. They now wished to retire in the building as a whole, not just the flat.
- Members asked why an agreed sale had fallen through and noted that there had been interest in the business. Ms. Patel responded that the applicants felt the sale was taking too long with the potential buyer continuously lowering their offer below the value expected, making the sale unsuitable for the applicants' retirement. The agents had advised that this was not a viable sale.
- Members asked if the applicants had considered employing a more local agent. Ms Patel could not comment on this as it had not been her decision but two or three business agents had considered the possibility of leasing the Post Office out as a business.
- Members asked for an explanation of the decline in the applicants' salary. Ms. Patel responded that they were paid by the transaction and there had been a decline in footfall with the growth of online services for bank accounts, bill paying etc. Parcel drops were also now available at the Co-Op.
- Members suggested that the business might have been insufficiently marketed. Ms. Patel responded that there had been 55 viewings and cited agents' advice and the closure of the business as evidence of its lack of viability.
- As a follow-up, Members noted that the 55 viewings had taken place and asked if evidence of this had been sent to the planning department. Ms. Patel responded that she had forwarded some emails from agents when the viewings were organised but did not have access to all of her parents' correspondence.
- It was clarified that the commercial area of the building was closed and empty but the residential element was still occupied.
- Members enquired about the feedback from local residents on the closure of the Post Office. Ms. Patel responded that although people were sad to see it go and asked when it would re-open, no one was willing to take on the business.
- There were Post Office facilities in Thorney and Dogsthorpe.

The Head of Planning responded to questions from Members as follows:

- There was no specific length of time for a business to be on the market for to be considered unviable in the Adopted Plan Policy. A suitable length of time to be marketed in relation to the level of interest and the sale price could be taken into account as factors in this determination. The previous financial performance of the business had to be taken into account as it was a determining factor in deciding whether the property would be purchased. The Head of Planning acknowledged that the application was finely balanced and the decision over the viability of the business was a difficult one. The Post Office was one of only three retail sites in Eye although it could be argued that the village could not support more than two. The Post Office business had not been successful and would require significance efforts to reverse this trend.

- Members noted that Post Office Ltd. had closed other Post Offices in Peterborough but the proprietors of Eye Post Office were being penalised for doing the same. The Head of Planning responded that he could not comment as this was a policy matter for the post office.
- Members felt that that the applicants had worked hard to keep the business open but it was not a viable proposition. Members felt that it would be unfair to refuse the application given the closure of another Post Office in Thorney and its conversion into live-in accommodation and asked how this application was different. The Head of Planning responded that did not have details of this case to hand, but suggested the application might have been received before the existing Adopted Local Plan policy was in force. Another explanation could be that alternative provision provided made the proposal acceptable under the terms of the existing Plan Policy.

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

- Members cited personal experience of the difficulties of running post offices and noted that the Eye Post Office had suffered from lower printed news consumption and lower income from Post Office Ltd. The nearby shops made the situation more difficult. Businesses such as Post Offices were better marketed by national rather than local firms.
- Some Members felt that it was Post Offices specifically that were struggling rather than shops in general. In this case, the applicants had owned the shop for 25 years so there was clearly no attempt to 'flip' the property to residential use for personal gain and significant investment would be needed to make it suitable for use a private dwelling. The application rested on viability and facilities. Eye already lacked Post Office facilities due to the closure and the lack of business viability had been successfully demonstrated due to the applicant's inability to sell it.
- The Head of Planning requested that if Members were minded to grant the application, that delegated authority be granted to Planning Officers to impose conditions. In response to Members' queries it was clarified that this was to ensure a sympathetic conversion of the building to residential use, e.g. when the windows and canopy are removed.
- Members noted that a temporary Post Office had been established in Bedford Hall after the closure of the Thorney branch and suggested that Eye Stores or the Co-op could set up a Post Office counter. This could be investigated by Ward Councillors.

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** (Unanimous) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

5.3 20/00235/HHFUL - 184 MAYORS WALK, WEST TOWN, PETERBOROUGH, PE3 6HQ

Cllr. Iqbal left the meeting at 2:57pm due to his declaration of interest as the applicant for this item.

The Committee received a report, seeking planning permission for the construction of a first floor extension above the existing garage (to the rear of the existing flat roof extension), alteration to the roof of the existing side extension (replacing from flat roof to dual pitched roof); and construction of a single storey rear extension.

It should be noted that development has already commenced in the form of footings having been dug and therefore the application is part-retrospective.

N.B. This application is a resubmission of refused application 19/01469/HHFUL. This proposal reduces the depth of the ground floor rear extension from 12.93 metres to 10.8 metres.

The Head of Planning introduced the item and highlighted key information from the report.

The Head of Planning responded to questions from Members as follows:

- Members asked if the high level windows facing the adjoining properties would be clear or obscured. The Head of Planning responded that if the application was approved, Officers would seek to require to have the window obscured.
- Members sought clarification if an extension was to be built on top of the garage. The Head of Planning referred back to the PowerPoint presentation and confirmed this was indeed the case. There was currently a flat roof extension of the garage and the proposal included a new pitched roof.

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

- Members commented that neighbours' objections regarding the high level windows would be dealt with if they were obscured and this was the only negative response to the consultation received. It was also mentioned that the applicant had made a concession by shortening the proposed extension, that planning officers considered the scheme to be an improvement to the street scene, most other properties in the area had been expanded and the proposed scheme was appealing.

- Members added that the impact on neighbours was mitigated by a large tree which made the proposed scheme unlikely to be overbearing and had merit as long as the high level windows were made non-opening as well as obscured. It was noted that a neighbour also had an extension.
- Members added that the roof angle sloped away from the neighbour which reduced the impact on them further and would not cause issues if built using attractive brickwork.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the Officers recommendation and **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to relevant conditions delegated to officers, which must include obscure glazing insertion and retention for the side elevation high level windows to the rear extension. These must also be unopenable.

REASON FOR THE DECISION:

The proposal was acceptable 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 – 3.17pm

CHAIRMAN
Times Not Specified