



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING
HELD AT 1:30PM, ON
TUESDAY, 20 OCTOBER 2020
VIA ZOOM VIRTUAL CONFERENCE**

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

Officers Present: Sylvia Bland, Development Management Group Lead
Daniel Kalley, Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer

20. APOLOGIES FOR ABSENCE

No apologies for absence were received.

21. DECLARATIONS OF INTEREST

No declarations of interest were received.

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

There were no declarations to speak as ward Councillor.

**23. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING HELD ON 30 JULY 2020 AND 1 SEPTEMBER 2020**

The minutes of the following meetings were agreed as a true and accurate record:

- 30 July 2020
- 1 September 2020

24. PLANNING AND ENFORCEMENT MATTERS

24.1 20/00708/FUL - Acorn Lodge Kennels And Cattery Thorney Road Eye Peterborough

The Committee received a report, which sought permission to erect a two storey building, which would comprise of replacement staff facilities and vet room at ground floor, and a one-bed, self-contained flat to be used as staff accommodation at the first floor. The proposed building would be two storey, with a floor area of 14.6m x 4.3m and proposed to stand at 5.3m to eaves and 6.6m to ridge utilising brick and tile. The supporting information stated that the self-contained flat would only be used by a member of staff when the Applicant, who currently resided on site, was away. It had been stated that a vet was not required to stay on site overnight.

The Group Lead for Development Management introduced the item and highlighted key

information from the report and the update report, which included two Ward Councillor representations in support of the application.

Mr Ian Gowler, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The use of the staff flat was purely to be used by staff at the business in an intermittent basis when the Applicant and business owner was not available to be on site.
- At present the Applicant operated a 24hour service and when he was not available, a member of staff would be required to stay at the Applicant's house to cover the service need.
- The situation was not ideal for privacy reasons, and therefore the Applicant wished to build an occasional staff flat to provide this accommodation.
- Providing permanent night shift cover was not practical or financially due to the infrequent and inconsistent need for the cover.
- The Applicant living on site, normally provided the overnight cover.
- The Applicant was happy for the occupancy of this to be attached to the business by condition restricting its occupancy to staff working at the business.
- The Applicant currently relied on staff and family members covering whilst on leave or at times of ill health.
- The Royal Society for the Protection of Cruelty to Animals (RSPCA), Armed Services and other emergency operations required the lodge services 24 hours and this was very intermittent.
- The Agent was not aware of the issue highlighted mentioned the report in relation to the two-storey building proposal and confirmed that the Applicant would be willing to lower the height. This could be achievable by lowering the eaves or building a single storey extension application.
- The accommodation would be used occasionally by an existing member of staff.
- There was no intention to employ an additional member of staff in relation to the proposed dwelling.
- The Applicant had not provided any financial viability information.
- It made economic sense to the Applicant to extend up on the existing property and to avoid using land used to exercise the dogs.
- The Applicant had not wanted a separate dwelling for agricultural workers, only occasional accommodation for a member staff to stay over to cover a service when the applicant was on leave.
- The impact of not providing financial records was not felt detrimental to the Applicant as the need was for staff to occasionally stop over and provide cover in the service. This seemed to be where the confusion was.

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

- The L shape defined on the map application had been taken from the Applicant's submission and had not included the whole site.
- The application had been proposed several times and a previous application was located on a green part of the land near unused access from the highway and would have had its own garden if approved.
- It would be difficult to sell the property as a separate dwelling due to the location of kennels attached to the piece of land.
- Members were advised that it would not be possible to apply a time limited

operation such as for caravan sites, as these were not effective or enforceable. Members were also advised that an agricultural occupation condition could be attached if Members were minded to approve the application.

- There had not been a financial or functional reason demonstrated by the applicant that the occupancy would be occasional, hence the conflict with policy.
- Members were advised that the information provided by the applicant, at the meeting, had been that the member of staff would not be additional.
- The application was slightly unusual in that the proposal was for a new residential unit as shown on the plans, which would require the financial information to justify it. However, the applicant had suggested something different in that the accommodation would not be permanent. Justification would need to be provided on that basis, which had not happened, therefore officers felt that the application was contrary to policy.
- Members were advised that the proposal would be a difference of 0.6 of a metre in height with the existing bungalow being the highest building on site.
- Although the proposed new dwelling would not be much higher than the present bungalow, surrounding kennel buildings would be much lower and therefore, would not provide effective screening from Thorney Road.
- Members were advised that the 59 dwellings for sales in Eye referenced within the report was to demonstrate that there were other nearby dwellings that could be used for the staff accommodation requirements.
- Members were informed that no access and parking issues had been highlighted by Highways, however, the proposal conflicted with LP11 and LP 4 in relation to new dwellings in the countryside for employment uses.
- Although the Agent had stated that the employee would be existing at the business, Members needed to focus weight around a new proposed accommodation in the countryside.
- The policy had not defined whether the employee would be new or existing for the financial test to apply. Therefore, it was not necessary to state an additional employee within the reason for refusal.
- The applicant had provided a staff room at ground floor level and the proposed plan included a self-contained flat. The applicant could have set out rooms within in the plan for different uses such as a kitchen, shower room or sleeping area, but the proposed application clearly contained a one bed residential flat intended for a member of staff.
- Members commented that it appeared the application was temporary for animal care reasons and not for residential reasons.
- Members felt that it had been difficult to ascertain why the proposal was recommended for refusal as it was not using agricultural land and was intended for shift cover purposes.
- Members would support a mechanism that ensured the proposal would not be used on a permanent basis and for on call purposes only.
- Members commented that the kennels had operated on the site and there had been no complaints received.
- Members felt that although following the letter of policy was important to reach planning decisions, there should be an element of flexibility factored into this proposal. The proposed development would be naught point six metres higher and the applicant was willing to adjust that to meet planning officer requirements. The agent had made clear that the applicant had not wished for the property to be a permanently occupied property. Therefore, the proposal had not warranted refusal as recommended by officers.
- Members were also in favour of conditions in relation to time commandment, contamination work be carried out, and that materials were in accordance with

the application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer's recommendation and **GRANT** the application. The Committee **RESOLVED** (unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of relevant conditions, the proposal was acceptable having been:

1. Members considered that the proposed new building would be located within an existing employment site where there were a number of existing cattery and kennel buildings. The site could be considered as brownfield land.
2. The proposals would not be in conflict with policy LP11 part D as it was not the intention of the applicant to seek permission for a permanent dwelling. The applicant had not sought to create a new dwelling for an additional member of staff; rather he sought to create better working facilities for the existing staff who were engaged in ad hoc overnight work. Members had not considered it reasonable to expect the proprietors to accommodate their workers in their own home as this would be a breach of their privacy. The proposed accommodation would be acceptable providing that a condition was attached to the permission to ensure that it would not be able to be used as a permanent dwelling that could be occupied separately from the existing business.
3. The proposals would not cause material harm to the countryside by way of visual impact as the proposed building would be only 0.9m higher than the existing buildings on site. The proposals would comply with policy LP4.

24.2 20/01005/TRE 7 Enfield Gardens Netherton Peterborough PE3 9RP

The Committee received a report, which sought permission to re-pollard the tree back to the previous pollarding points. These works were to prevent crown failure and to provide clearances to the streetlight and highway. These cyclical works were previously approved in application reference 12/01284/TRE P&EP Cttee, Item No.2, 09.10.2012. The application had been referred to the Planning Committee as the applicant was a Councillor.

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

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

- Members commented that there was no reason to refuse the proposal.
- Members felt that pollarding was happening across the city and rural areas this time of the year, and this application was only matter of protocol due to the tree being located at a Councillor's property.
- In addition, Members felt that though the tree was magnificent, the size was getting out of control.

RESOLVED:

The Planning Environment Protection Committee considered the report and

representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) 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 Peterborough Tree and Woodland Strategy and guidance within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CHAIRMAN
1:30 -
2:32PM