



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 DECEMBER 2014**

Members Present: Councillors Harper (Chair), Casey, Hiller, North, Stokes, Harrington, Rush, Johnson and Saltmarsh

Officers Present: Nick Harding, Head of Development and Construction
Simon Ireland, Principal Engineer (Highway Control)
Andrew Leadbetter, Principal Engineer (Drainage)
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Serluca, Martin, Sylvester and Ash. Councillors Rush, Johnson and Saltmarsh were in attendance as substitutes.

2. Declarations of Interest

There were no declarations of interest.

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

There were no declarations of intention to make representations as Ward Councillor.

4. Minutes of the Meetings held on 4 November 2014

The minutes of the meeting held on 4 November 2014 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 14/01780/FUL – 55 Wisbech Road, Thorney, Peterborough, PE6 0SA

The planning application was for a proposed new cottage style dwelling with a detached double garage at 55 Wisbech Road, Thorney.

The main considerations were:

- Design and impact upon the character and appearance of the surrounding area
- Landscape implications and the impact upon Thorney Conservation Area
- Neighbour amenity
- Amenity provision for future occupants
- Parking, access and highway implications
- Flood risk
- Developer contributions

It was officer's recommendation that planning permission be granted, subject to the signing of a Legal Agreement and the conditions set out in the report.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- Two previous applications had been submitted for development on this site, both of which had been refused. The most recent refusal had been on the grounds of the size, scale and positioning of the proposal, which was considered to be cramped and not in keeping with its surroundings. The proposal had an overbearing impact and provided a poor outlook.
- The loss of hedging had also been cited as a reason for refusal, however as the hedge could be removed without requiring permission, this was not considered to be a relevant reason to refuse the application.
- The current scheme was in line with the neighbouring property and had been placed further away from the site boundary. It was felt that this addressed all the previous reasons for refusal.
- No objections had been raised from the Tree Officer or the Internal Drainage Board.
- A condition was included in the recommendation to ensure that rear bathroom and en-suite windows were obscure glazed and non-opening.
- Additional representations had been received from the parish council and neighbours.
- An error had been highlighted in the report. The distance from the building and the site boundary with 55A Wisbech Road was 1.9m, not 0.9m.

Councillor Sanders, Ward Councillor, address the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposal had attracted objections for the Parish Council and immediate neighbours.
- The development would be overbearing in size, cramped and not in keeping with the surrounding area.
- Previous applications for a bungalow on the site had been refused because of their intrusive nature. This one and a half storey development would be more invasive.
- The consultation had been incorrect and had not identified all the trees within the site. As such, those consulted were not in possession of the full facts.

The Head of Development and Construction clarified that whilst the document circulated for consultation had included the previously proposed building footprint, it did correctly identify all the relevant trees on site.

Andy Gutteridge, local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The current application had not overcome the reasons for refusal set out in previous applications.
- The area surrounding the site was characterised by detached dwellings with spacious curtilage. The current proposal was for too small a site.
- The loss of the hedge was a previous reason for refusal and would be an unacceptable detriment to the character of the area.
- The proposal would have a detrimental impact on the outlook for neighbouring properties and would result in a loss of daylight to key rooms in adjacent dwellings.
- The oak trees had originally been identified for retention.
- The proposal would impact on Mr Gutteridge's privacy and enjoyment of his property.

- The removal of trees would have a detrimental effect on flooding in the area, as they assisted in removing excess water.

Keith Hutchinson, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The proposals had been worked through with officers in order to address the previous reasons for refusal.
- The area in question had been subject to infill developments and extension for numerous years.
- The majority of the hedgerow on the site was to be retained.
- The removal of trees had been carefully considered, and it was believe to be more appropriate to remove the oak tree to the south of the development, as the root protection zone was infringed.
- The dwelling was set back from the site boundary and resulted in no direct overlooking of neighbouring properties.
- The Internal Drainage Board had not raised any objections to the application, and conditions had been put in place to address any flood risks.

The Committee sympathised with the proposed loss of trees. It was suggested that the application continued to represent overdevelopment of the plot and impacted neighbour amenity. The Committee further considered that the proposal was not in keeping with the character of the area.

The Head of Development and Construction advised that, as the removal of trees on site had not been included in previous reasons for refusal, to include this as a reason now may make the Council vulnerable to an award of costs.

A motion was proposed and seconded to refuse permission, contrary to officer recommendation, on the grounds that the application was not appropriate for the site, did not make a positive contribution and was overbearing. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED**.

Reasons for the decision

1. The proposed dwelling, by virtue of its size, scale and positioning/siting within the plot, would result in a cramped form of development which would be at odds with the established built form of the surrounding area. The proposal would therefore be contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
2. The proposed dwelling, by virtue of its size, height and proximity to the shared boundary with neighbouring dwellings (to the east and west) would result in an unduly dominant and overbearing impact, to the detriment of the outlook from the rear most facing windows of the host dwellinghouse (No.55 Wisbech Road) and an unacceptable loss of natural daylight to primary habitable rooms of this neighbouring dwelling. In addition, the single storey ground floor rear projection of the proposed dwelling, given its proximity to the neighbouring dwelling's (No.55A Wisbech Road) decking / patio area would result in an unacceptably overbearing impact. Accordingly, the proposal would result in unacceptable harm to the amenities of existing neighbouring occupants, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

5.2 14/-1789/FUL – Land to the North of Maxey Road, Helpston, Peterborough

The planning application was an in part retrospective application for the filling in of a ditch on land to the north of Maxey Road, Helpston.

The main considerations were:

- Drainage and surface water flood risk
- Impact on visual amenity

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report.

The Head of Development and Construction provided an overview of the application and raised the following key points:

- When development on Maxey Road had originally been approved, the ditch was to be retained. The ditch had initially been isolated and subject to periodic scraping in order for water to drain from the highway.
- The developer departed from this plan and installed a pipe drainage system. Following this a retrospective application was submitted, then subsequently withdrawn.
- The current proposal retained the pipe drainage system and connected this to the existing Internal Drainage Board network.
- The highway verge would be regarded to slope toward the ditch, thus eliminating the need for periodic scraping.
- The Internal Drainage Board had no power to retrospective schemes, however had not expressed any objections.
- It was determined that the landscaping plan would not be affected, nor would it affect the pipe drainage system.
- Additional comments has been received from the Parish Council and residents.

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

- The village of Helpston had grown and its rural nature had almost been destroyed.
- The dykes within the village were a traditional feature and worked to drain away flooding from the fields.
- The village was prone to flooding, with a number of houses built on raised banks.
- The proposed pipe drainage system may work for one or two years, but after five or 10 years the land may shift and break.
- The adjacent road was very narrow and cars would park on the verge, which could crack the pipe.
- Further infill development would continue to cause ongoing problems.

Mr Smith, Helpston Parish Council, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The dyke had previously run off to a nearby drainage channel.
- The retrospective application was not necessary, as the initial application had identified the dyke as a feature.
- The developer was circumventing the planning system by a 'planning creep' process or subsequent, retrospective applications.
- The trees that had been removed from the site had previously assisted in clearing any flooding.
- The application ignored the man-made causes for flooding.

- It was considered that the surface water situation had worsened since building work had commenced.
- It was believed that traffic parking on the verge would damage the pipe, which would then provide inadequate drainage.

In response to a question the Head of Construction and Development advised that as there was sufficient parking provided on site and that the verge was a highway verge, it was not considered necessary to provide a feature to physically block parking on the verge. It was likely that ownership of the ditch would be transferred with the properties on site.

The Senior Engineer (Drainage) clarified that, under the Land Drainage Act, the owners of the properties that fronted the swale would be responsible for its maintenance, regardless of whether they owned the land itself.

The Committee expressed concern that the developer had installed the pipe when it was not included within the original permission. It was questioned whether the proposed system would attract any maintenance costs. The Committee further discussed the improvements associated with the pipe drainage system and the benefits these would provide.

In response to questions from the Committee the Senior Engineer (Drainage) advised that the proposal would eliminate any problems previously experienced with blockage and pollution, as debris would be filtered out, leaving only clean water drain into the pipe. In relation to cars parking on top of the pipe, there would be a considerable slope down to the pipe so parking would be unlikely. Any damage inflicted through cars running off the road would be rectifiable. It was further clarified that the Internal Drainage Board had inspected the pipe works and were happy with where it lay and the size of surrounding stones.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried six voting in favour, three voting against.

RESOLVED: (six voted in favour, three voted against) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision

Subject to the imposition of 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 amendment to create a drainage swale not unacceptably reduce the capacity to accommodate surface water run-off and the level of the land would allow for water to run-off from the public highway. As such, the proposal would not result in any increased flood risk to either the public highway or surrounding area, in accordance with paragraph 100 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Chapter 6 of the Peterborough Flood and Water Management SPD (2012); and
- The proposed amendments would not result in any unacceptable impact to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policies Help 7 and Help 13 of the Peterborough Design and Development in Selected Villages SPD (2011).

6. Adoption of Wording Leading up the Adoption of Community Infrastructure Levy

The Committee received a report which outlined a number of changes to how developer contributions were collected which were in process. Specific wording was identified to be added to all Committee reports during the period leading up to the adoption of a Community Infrastructure Levy (CIL).

It was officer's recommendation that that a wording was inserted in all Committee reports during the lead up to the adoption of a CIL to prevent planning applications having to go through the Committee process twice.

The Head of Development and Construction provided an overview of the report and raised the following key points:

- The new CIL regime would commence in April 2015. Prior to this an examination would take place in January and results would be fed back.
- The main agents and developers in the Peterborough area were being written to, advising them of the timescale for upcoming changes.
- Current applicants were also being contacted and advised of the changes.
- A new set of wording had been proposed to include in future Committee reports, to address the CIL regime.

RESOLVED: that the wording:

“Recommendation:

[The Director of Growth and Regeneration] [The Planning and Environmental Protection Committee] recommends that planning permission is **GRANTED** subject to the following conditions and satisfactory completion of a Section 106 legal agreement.

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Director of Growth and Regeneration on the grounds that the development has failed to adequately mitigate its impacts.

Should the Community Infrastructure Levy (CIL) Charging Schedule come into force prior to the completion of the Section 106 legal agreement, the development may be wholly liable to CIL or the S106 legal agreement may be amended to exclude those items that could be funded by the CIL.

Items that could be funded by CIL will be listed on the Council's Regulation 123 List in accordance with Regulation 123 of the CIL Regulations 2010.

A Regulation 123 List will be adopted by the Council on the same day as the Council's CIL Charging Schedule. Currently, a Draft Regulation 123 List can be viewed on the CIL pages of the Council's website.”

be inserted in all Committee reports during the lead up to the adoption of a Community Infrastructure Levy.

Reasons for the decision

To prevent applications having to go through the Committee process twice.

Chairman
1.30pm – 2:50pm

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