

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING
HELD AT 1:30PM, ON
TUESDAY, 2 APRIL 2019
THE EXECUTIVE SUITE - ABAX STADIUM, LONDON ROAD, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Shaz Nawaz, Martin, Hiller, Warren, Stokes and Bond

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Julie Smith, Highways Control Team Manager
Stephen Turnbull, Planning Solicitor
Karen Dunleavy, Democratic Services Officer

Others Present: Nick Greaves, Principal Engineer (Development)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rush and Serluca, Councillor Warren was in attendance as substitute for Councillor Rush.

2. DECLARATIONS OF INTEREST

Councillor Stokes declared that she was the Housing Champion for children and young adults in care, however, this would not affect her taking part in item 5.1 19/00090/FUL - 1 Brickton Road, Hampton Vale, Peterborough, PE7 8HS.

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

There were no representations to make declarations as Ward Councillor.

4. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 19 FEBRUARY 2019

The minutes of the meeting held on 19 February 2019 were agreed as a true and accurate record.

5. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

5.1 19/00090/FUL - 1 BRICKTON ROAD, HAMPTON VALE, PETERBOROUGH, PE7 8HS

The Committee received a report in relation to planning permission to the change of use from a dwelling house (C3 use class) to a supported living housing scheme (C2 Use Class) for up to six young adults (16-19 year olds).

No external alterations or other associated development was proposed alongside the change of use. Internally the ground floor dining room would be converted to a bedroom bringing the total number of bedrooms from five to six under the proposal.

The Head of Planning introduced the item and highlighted key information from the report. Members were also informed that the application was to provide housing for a vulnerable group of young adults and that this should be given appropriate weight during their consideration. In addition, Members were informed that a late representation had been received objecting to the planning proposal.

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

- There was an understanding in regards to the need for the young adults housing provision, however, there had been an increase in number of Houses of Multiple Occupation (HMO), which had caused issues such as overcrowding and a lack of parking provision.
- A recent visit to Brickton Road had highlighted that there were 12 cars parked illegally. These parking arrangements could potentially inhibit emergency vehicle access and was therefore dangerous.
- Hampton was historically not very well served in regards to parking arrangements and this had caused animosity amongst local residents.
- Given the age range of the young adults to be accommodated, there could be potential of attracting more cars, therefore exacerbating the existing parking issues in the area.
- If the Committee were minded to approve the application, then a condition could be introduced to restrict parking near the property.
- A property known to operate as an HMO in the area was actually Bed and Breakfast accommodation. This had caused parking issues for the neighbours next to the property.
- There were a further two HMO's causing difficult parking issues near Brickton Road.
- It was understood that the fallback position could mean that the property could become a small scale HMO if not approved as supported living.

Jodie Ashton, Irene Mkumba and Juile Wooldridge, objectors, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A petition signed by 116 residents of Brickton Road and surrounding streets, was given to Legal Officer.
- Peterborough City Council had not taken on board the impact on residents, particularly in relation to loss of privacy and the potential of crime and disorder.
- Crime statistics which were identified around the applicant's similar property in Bedford had shown an increase in crime.
- Since 2018, there had only been one recording of anti-social behaviour (ASB) incidents on Brickton Road. This would be a reason for the application not to be approved under PP03 of the Council's development framework.
- Highways had recommended the planning application for refusal.
- The applicant had not been honest with residents over the type of property they were going to introduce. Residents were left to believe that the property would operate as a weekend home for the applicant's family.
- There were parking issues already being experienced at the entrance and exit of Brickton Road. Cars would park on the left hand side of the road and

refuse bins would be placed on the right hand side. This meant that only one car could proceed through the route down Brickton Road.

- There was a crossroads located on Brickton Road and pedestrians were unable to walk on the pathway. This issue had presented due to the number of HMOs in the area.
- There had also been a number of vehicle incidents on a daily basis on Brickton Road and this had created a concern for children's safety.
- There had been no parking issue experienced with the objectors own young adults adding to the parking issues in the area, as this had been managed by parking cars in a garage.
- The Bedford crime statistics researched had included issues such as anti-social behaviour, graffiti and noise pollution in the area.

Kriss Byrne and Sue Henrikson, the applicants, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicant would support the neighbours in Brickton Road with any issues they felt needed addressing.
- The HMO parking issues had been present in the area for quite some time. The parking issues should be referred onto the Local Authority and the Police, in order to find a solution.
- The young adults in care were a vulnerable group and were no different to a normal family.
- Staff would be present at the premises to supervise on a 24 hour basis.
- Staff for the supported living facility would be employed locally, and therefore be within walking distance.
- A majority of appointments for the young adults in care, would be facilitated away from the premises.
- Only the manager's car would be present at the property, which would be parked in the allocated space located to the rear of no. 1 Brickton Road.
- The proposed home for young adults in care would not attract additional parking.
- The young adults in care would be supported to live semi independently up to the age of 19. This provided an opportunity for these young adults to learn the basic skills required to live independently.
- It was unlikely for the young people in care to own a car.
- The young people in care would be supervised and would be required to adhere to a curfew of 10:00pm to return to the property.
- Contact arrangements for the young people in care and their family would take place away from the property.
- The applicant was confident that she would deal with any issues that may arise for neighbours to the property. The property could currently operate as a small scale HMO, however, the applicant wanted to provide housing for the vulnerable young adults in care.
- There had been no consultation undertaken by the applicant with local residents.

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

- The late objection suggested that the applicant had already signed a contract to provide the supported living facility, however. It was not known if this information was accurate and was not a material point for the Committee to consider.
- The property could be used as a small scale HMO purpose without the need for planning consent.
- A condition in regards to parking could not be placed on the planning permission, as it would be impossible to enforce.
- Members felt that there was nothing stopping more than eight cars parking at the property if it operated as a HMO.
- The property could be used as a family home with more than one car driver. Members needed to also consider the balance of probabilities regarding parking arrangements, as there was a chance that each member of staff would own a car.
- There was no evidence that the proposed would be likely to result in crime and disorder.
- Planning permission could be made on a temporary two year basis.
- The Highways Department were requested to assess the application on the basis of the property becoming a care home, which was classification C2 and had therefore not met the criteria of three parking space provision.
- The highway assessment of care home parking provision would be irrelevant of property size.
- Brickton Road was a shared surface road, which had not appeared capable of accommodating any additional parking.
- There was one car parking space and one garage which had been owned as part of number 1 Brickton Road.
- The fall-back position was that the property known as Brinkley House (1 Brickton Road) could be converted into a small scale HMO for six residents and could attract additional parking.
- Members felt that the property could operate as a small scale HMO at any point without the need for planning consent. In addition, the applicant had reassured the Committee that by operating the proposed home, there would be better control of parking and other issues raised by the neighbouring residents.
- Members felt that the permission should be given for a limited period.
- Members commented that the noise disturbance alluded to in representations had not been recorded as complaints.
- Members commented that the business model had demonstrated that there would be little or no staff parking in the area.
- Members felt that the home for young adults in care appeared to be a better solution than an HMO.
- Members felt that permission should be granted on a temporary basis. Members were advised that a period of two years would provide a good overview of any issues if they were to arise as a result of operating the care accommodation.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application

subject to a two year temporary period. The Committee **RESOLVED** (8 for and 2 against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of the 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 proposal would provide much-needed housing for up to six children and young adults in a semi-independent manner to act as a transition between full-time care and independent adult living, in accordance with Paragraph 92 of the National Planning Policy Framework (2019) and Policy CS8 of the Peterborough Core Strategy DPD (2011) and would in equality terms benefit a significantly disadvantaged group;
- adequate on-site parking was provided to meet the demands of the development and no unacceptable impact would arise in terms of the safety of the surrounding highway network, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable degree of harm to the amenities of neighbouring occupants nor was there any significant rise of crime and disorder arising, in accordance with Policy CS16 of the Peterborough Core Strategy
- DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).
- The temporary permission would provide an opportunity to assess whether parking within the area would increase as a result of the type of housing provision.

3:32pm at this point the Committee stopped for a five minute break.

5.2 19/00304/WCPP - 333 THORPE ROAD, PETERBOROUGH, PE3 6LU

The Planning and Environmental Protection Committee received a report in relation to planning permission granted in February 2019 subdivide the curtilage of the listed building and convert the detached annex to form a separate dwelling under App Ref: 18/01901/FUL and 18/01902/LBC.

As part of these permissions conditions were attached which required the erection of a stone boundary wall between the outbuilding and the Grade 1 Tower House.

Further to the granting of these permissions the Applicant sought to vary the relevant conditions (Condition 4 and Condition 2 respectively) to use a timber fence rather than cropped limestone wall between the to-be-created dwelling and Grade 1 listed Tower House.

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

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

- Members could specify the type of fence that should be installed such as close boarded fencing.
- There were similar fence arrangements within the area.

- Members wished to delegate to officers the style of boundary fencing to be installed.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application and for Officers to agree the type of fencing to be installed. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

The proposal to allow the use of timber instead of stone for the boundary treatment 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 as outlined:

19/00304/WCPP - Variation of condition C4 (boundary treatment) of planning permission 18/01901/FUL - that the amendment to an existing Planning Permissions 19/00304/WCPP was **GRANTED** subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), planning permission would be required for extensions, outbuildings, openings and dormer windows, porches, chimneys, flues or soil and vent pipes.

Reason: In order to protect the amenity of the area, neighbouring amenity and the setting of the adjacent Grade 1 listed building, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3 and PP17 of the Peterborough Policies DPD (2012).

C 3 Prior to the occupation of development hereby approved space shall be laid out for 1 vehicle to park in accordance with drawing 1753 E005 (Proposed Site Plan). The parking area shall utilise a solid bound material and shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of the dwelling hereby approved.

Reason: To ensure the development was provided with satisfactory parking, in accordance with Policy PP13 of the Peterborough Policies DPD (2012).

C 4 Prior to the first occupation of the dwelling hereby approved a timber fence shall be positioned between the application site and Tower House, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

C 5 Prior to the occupation of the dwelling hereby approved the swimming pool shall be infilled in accordance with Drawing 1753 E005 (Proposed Site Plan),

and shall thereafter be retained for the purposes of garden / patio serving the dwelling.

Reason: In the interest of providing a satisfactory garden to serve the dwelling in accordance with Policy PP4 of the Peterborough Policies DPD (2012).

- C 6 If, during development, contamination not previously considered was identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination had been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site would be dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 7 The development hereby approved shall be carried out in accordance with the following approved plans:

- 1753 E001A - Location Plan
- 1753 E002 - Existing Site Plan
- 1753 E003 - Existing and Proposed Elevations
- 1753 E004 - Existing and Proposed Plans
- 1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

5.3 19/00305/WCLBC - 333 THORPE ROAD, PETERBOROUGH, PE3 6LU

The Planning and Environmental Protection Committee received the report and discussed the application alongside item 5.2.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application and delegated the type of fencing to be installed to officers. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

19/00305/WCLBC - Variation of condition C2 (boundary treatment) of planning permission 18/01902/LBC - that the amendment to an existing Listed Building Consent was GRANTED subject to the following conditions:

- C 1 Works to which this consent relates shall be begun no later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- C 2 Prior to the first occupation of the dwelling hereby approved a timber fence shall be positioned between the application site and Tower House, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2, PP3, PP4 and PP17 of Peterborough Policies DPD (2012).

- C 3 If, during development, contamination not previously considered was identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination had been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site was dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 4 The development hereby approved shall be carried out in accordance with the following approved plans:

- 1753 E001A - Location Plan
- 1753 E002 - Existing Site Plan
- 1753 E003 - Existing and Proposed Elevations
- 1753 E004 - Existing and Proposed Plans
- 1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accorded with the reasoning and justification for granting approval.

5.4 18/02001/FUL - 3 GREEN LANE , MILLFIELD, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to planning permission to split the existing planning unit through the change of use of ground floor retail storage area and flat, and upper floor flat to Ministry of Transport (MOT) Service Centre with upper floor storage; associated car parking and installation of new roller shutter doors at 3 Green Lane, and rear of 185 and 187 Lincoln Road. The opening times proposed were 8:00am to 8:00pm Monday to Saturday and 10:00am to 4:00pm Sunday and Bank Holiday.

Part of the existing shop that fronted Lincoln Road, would be retained and it would be served from Lincoln Road as the rear access and storage area would be lost to the proposed new use.

In addition it was proposed that two parking bays were to be formed in the access between Green Lane and the MOT bays with access to further parking accessed by driving through the building.

The Head of Planning introduced the item and highlighted key information from the report. Environmental Health had raised concerns about the long opening times and the location of vehicles. In addition, the MOT waiting station would be outside of the red outlined map, which had been a minor inaccuracy. There were also parking restrictions in the area and it had not been demonstrated how the applicant would manage vehicle waiting and movements.

Phil Brantson, the Applicant's Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application had been made because the existing shop currently had not generated a reasonable profit.
- The proposed change would integrate a car spares, accessories outlet and garage repair service, which had not required planning permission. Planning permission had only been sought to operate as an MOT station.
- The existing flats would be removed.
- The operating times and bank holiday proposals could be amended as Members felt necessary.
- The business was already set in an industrial surrounding, which should not impact the character of the area.
- The impact of amenities in the area in respect to noise should be very low as each vehicle movement would occur every hour.
- There would be minimum change to the operation of the site other than rear MOT access and egress. The full highway widths had been submitted with the plans and there had been plenty of parking provision on site. There would be no parking permitted on the street due to parking enforcement restrictions.
- The number of vehicles permitted on site would be controlled by an appointment system, which was similar to a business operated on Padholme Road by the Applicant.
- Shop deliveries would be directed to the front of the site, which had been an existing arrangement. There had also been existing parking spaces located at the front of the shop entrance.
- There were similar businesses that operated in Russell Street, Gladstone Street and Eye.
- The servicing would be undertaken at the existing garage, known as Mr Clutch. There had been no complaints raised by neighbours of the applicant's Padholme Road business.
- The applicant had approach neighbours to the business on Green Lane and they had no objection.
- The vehicle would be removed following the MOT unless it was unsafe to drive. There would be no arrangement for customers to store their vehicles at the proposed MOT station. In addition customers would be required to rebook a slot if a subsequent MOT was required.
- The flats were being demolished to make way for a ramp required for the MOT bay and the other would be a waiting room.
- Officers had recommended that the application should be refused due to the loss of amenity to the flats, which had been confusing. Subsequently the agent contacted the ward Councillor who referred the item to Committee. Since the referral, Officers sited further reasons for refusal of the application as outlined within the report.
- Customers would be required to stay with their vehicle until the MOT had been completed. If there was a requirement for repair work to be undertaken, such as light bulb replacement, the service area part of the garage known as Mr Clutch would be used.
- The applicant had been prepared to amend the operating and opening times of the business such as from 9:00am to 6:00pm and no Bank Holidays.

- There had been a loading bay located at the front of the shop, and the applicant would continue to use it for deliveries.

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

- Members were advised that the reason for referral to Committee in regards to potential lack of amenity space should the flats be subsequently reinstated would not be a relevant reason for the proposal to be refused and therefore had not been listed as one of the reasons within the report.
- If Members were minded to approve the application, consideration should be given to attach appropriate conditions to control the use of land along the boundary of the site, including the service arrangements at the applicants other business known as Mr Clutch. The conditions were required, as the proposed MOT area had not matched the planning drawings submitted with the application.
- Members were informed that there had been a discrepancy on the boundary markings submitted by the applicant, which outlined a piece of land adjacent to the access point on Green Lane. The discrepancy would need to be clarified by the applicant.
- The discrepancy on the applicant's proposal had not demonstrated that there would be enough space to provide the parking proposed.
- The reasons for officer refusal had not been in relation to the boundary discrepancies submitted with the application.
- There had been an issue about whether there was adequate width available on the application site access point between the tandem parking bays and side wall of the adjacent property.
- A five metre area would provide adequate access for deliveries for neighbouring businesses as the tandem parking spaces were set back. However, the proposed parking spaces would need to be moved to suit.
- Members were also advised that there had also been queries about vehicle turning points in the proposed MOT area. For this reason, officers had recommended refusal.
- Access was a planning issue and clarification had been required, especially given the parking restrictions on Green Lane.
- The location plan attached to the report was generated by Peterborough City Council, however, it duplicated what had been submitted by the applicant. The discrepancy issues arose as officers compared additional maps which outlined business use, however these had not matched what had been submitted on the application.
- Officers would accept a relocation of the tandem parking spaces.
- Members felt that there were too many discrepancies to reach a decision about the application and were minded to defer the item.
- Members commented that the reasons for referral to Committee had not been substantial and that it would be beneficial for all Councillors to attend future planning training sessions.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **DEFER** the application. The Committee **RESOLVED** (Unanimously) to **DEFER** the planning permission.

REASON FOR THE DECISION:

The Committee required further clarification from the agent to include:

1. A revised red and blue line on the site map and application as necessary, as the current lines had strayed to include part of the house adjacent to the Green Lane entrance to the site, and had not included the shop to the front of Lincoln Road.
2. A revised description.
3. Which other properties had a right of access in terms of the yard, which would also lead to the MOT bay. This should include any third party land.
4. Revised opening hours and days of shop and MOT operation.
5. Whether there were adequate permissions for use of the premises known as Mr Clutch.
6. Clarification was required as to whether the shop and MOT facility would be a single unit or whether it would be two separate units.
7. A survey of the access width was required.

Chairman
1:30 - 3:31pm

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