

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING
HELD AT 1:30PM, ON
TUESDAY, 23 JULY 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

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

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

Others Present:

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

Councillor Rush declared an interest in item 6 by virtue of being an objector to the application and agreed to stand down from the Committee for this item.

Councillor Harper declared an interest in item 6 by virtue of being an objector to the application and agreed to stand down from the Committee for this item.

Councillor Amjad Iqbal declared a pecuniary interest in items 5.2 and 5.3 by virtue of being the landlord of the property and agreed to leave the room for the item.

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:

4.1 11 JUNE 2019

The minutes of the meeting held on 11 June 2019 were agreed as a true and accurate record.

4.2 2 JULY 2019

The minutes of the meeting held on 2 July 2019 were agreed as a true and accurate record.

The Committee agreed to take item 6 first on the agenda.

At this point Councillor Harper and Rush stood down from the Committee. Councillor Casey took over as Chairman for the item below.

6. URGENT - 19/00168/FUL - THE FENMAN, WHITTLESEY ROAD, STANGROUND, PETERBOROUGH

The Committee received a report in relation to application regarding the Fenman Pub which was determined at Committee on 11 June 2019.

The Head of Planning introduced the report and explained that the application was refused for a number of reasons, one of which was around air pollution in particular around the proximity of the petrol station to the nursery and the traffic flowing close by. The applicant had indicated that they were possibly planning to appeal the refusal. After discussion with Environmental Health it had been advised that the grounds for refusing on air quality would unlikely be easily defended. The petrol station complied with UK fuel vapour standards. In connection with road traffic it was estimated that the road would see less than 10,000 vehicle movements a day and did not would be screened out for the assessment of Nitrogen Dioxide air pollution as the risk was low. The Committee were being asked to agree that if an appeal came through that the grounds on air pollution not be contested. However it was confirmed that all other areas of objection would still be contested if an appeal came through.

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

- The decision to refuse the application, as a whole, by the Committee would still be contested as per the Committee's recommendation, with the exception that one of the grounds for refusal on air quality would not be contested.
- There was no public consultation as the timeline did not allow this if a potential appeal was lodged. If an appeal was formally lodged in the next four weeks, it would in effect be too late to not contest a decision.
- There are no current planning regulations in place in England relating to the proximity of schools/nurseries to petrol stations in relation to air quality
- A 2010 study by University of Mercia, Spain was based upon the impact of a petrol station at distance. The petrol station used only had Petrol Vapour Recovery Phase I fitted, Apple Green, Whittlesey Rd has Petrol Vapour Recovery Phase II fitted.
- Local Air Quality Management Technical Guidance TG.17 states that there is no need to assess petrol stations for Benzene air pollution where PVR II is fitted as the risk is deemed low.
- The requirement for PVR II to be fitted is dependant on fuel through-put. In 2017 73% of all petrol stations in the UK had PVR II fitted, only 7% of Spanish petrol stations are fitted with PVR II.
- With regards to Nitrogen Dioxide Local Air Quality Management Technical Guidance T.G 17 does not require the assessment of junctions with less than 10,000 vehicles per day as the risk is deemed low.
- A recent count of traffic at Whittlesey Road/Conergree Road junction estimates that the 24hr traffic count is less than 10,000 vehicles
- There are no air quality management areas for Benzene in England or Wales
- The air quality thresholds that include Nitrogen and Benzene are based on the impacts on vulnerable groups, this includes young children. This means that where levels are under the threshold (the air is better) the risk is low, even for vulnerable groups.

- Air quality standards are based on an annual average, this is therefore relevant to residential, schools and other facilities where the public have regular access to.
- If the Council agreed to not contest the air quality reason for refusal it would mitigate the risk to the Council with regards to costs and awards against the Council, both in terms of an appeal and the reimbursement of the applicant who would need to provide evidence to rebut the claim against air quality issues.
- Committee Members agreed that the environmental impacts were now clearer than when presented at the Committee originally. It was up to the parents whether they wished to send their children to a school that close to a petrol station.

The Planning and Environmental Protection Committee considered the report and resolved not to defend reason 1 (relating to air quality) given in the refusal of planning permission ref: 19/00168/FUL. A motion was proposed and seconded to **ACCEPT** the recommendation. The Committee **RESOLVED** (6 For, 2 Against) to **ACCEPT** as per the officers recommendation.

At this point Councillor Harper and Rush returned to the Committee. Councillor Harper returned to Chair the meeting.

5. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

5.1 19/00854/FUL - OAK BARN FRENCH DROVE, THORNEY, PETERBOROUGH

The Committee received a report in relation to seeking permission for conversion of a barn into a single 5 bedroom dwelling and the construction of a separate garage block.

The Head of Planning introduced the item and highlighted key information from the report and update report. The Development complied with proposed local plan policy. A S106 was to be entered into, this would then bring the paintballing area to an end and bring this development into existence.

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

- There wasn't a concern with loss of amenity as this would be no different a relationship with housing developments on busier residential streets. There was sufficient distance between the proposal and the neighbouring property.
- The proposal was in a remote location and accorded with the new local plan being proposed for adoption.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) 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 in planning terms having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The principle of development is sound in accordance with Policy LP11 of the emerging Peterborough Local Plan (Draft) (2019);
- The proposal would not unacceptably harm the character of the area, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011), PP2 of the Peterborough Planning Policies DPD (2011) and LP16 of the emerging Peterborough Local Plan (Draft) (2019);
- No unacceptable harm would result to the amenities of neighbouring occupants, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011), PP3 of the Peterborough Planning Policies DPD (2012) and LP17 of the emerging Peterborough Local Plan (Draft) (2019);
- The proposal would not pose an unacceptable danger to highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and LP13 of the emerging Peterborough Local Plan (Draft) (2019);
- The proposal would not be at unacceptable risk from, or result in increased flood risk elsewhere, in accordance with Policies CS22 of the Peterborough Core Strategy DPD (2011) and LP32 of the emerging Peterborough Local Plan (Draft) (2019);
- Contamination risks on the site can be adequately addressed so as to not pose a risk to human health, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012); and
- The proposal would ensure that biodiversity is enhanced on the site, in accordance with Policies PP19 of the Peterborough Planning Policies DPD (2012) and LP28 of the emerging Peterborough Local Plan (Draft) (2019).

At this point Councillor Amjad Iqbal left the room as he had declared an interest in items 5.2 and 5.3

5.2 19/00830/FUL - 62 CROMWELL ROAD, MILLFIELD, PETERBOROUGH PE1 2EG

The Committee were informed that this item would be discussed in conjunction with item 5.3 below.

The Committee received a report in relation to seeking planning permission for the installation of a canopy structure to the front eastern elevation (on Cromwell Road) with external lighting to enable outdoor dining associated with the existing restaurant use at ground floor level. The canopy would enclose two large windows within the front elevation and would be set 2.6m above ground level with a forward projection of 3.6m. There would also be 3 spotlights along the eastern elevation, and 3 along the southern elevation.

The proposal had been amended from that which was originally submitted to reduce the overall size of the canopy. As initially submitted, the canopy structure would have been constructed on land within the boundary of the adopted public highway and as such, the proposal has been amended to remove this conflict. Furthermore, the scheme has been amended at the request of Officers to remove railings which were proposed at ground level and would have partially enclosed the entire outdoor seating area.

It should be noted that a canopy frame has already been constructed on the site albeit not completed, and not to the design as currently proposed. Therefore this

application is part-retrospective.

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

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

- If the changes being proposed were not adhered to the Council could take enforcement action. In addition any previous work that had not been adhered to could not be taken into account in terms of the application in front of Committee.
- This was a minor application and would mark an improvement on what was currently on site.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) 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 character and appearance of the site and the surrounding area would not be unacceptably impacted upon by the proposed development, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP18 of the Peterborough Local Plan (Draft) (2019);
- The proposal would not unacceptably impact upon the amenity of surrounding residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Draft) (2019); and
- The proposal would not result in unacceptable harm to the safety of the adjacent public highway and its users, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

5.3 19/00833/ADV - 62 CROMWELL ROAD, MILLFIELD, PETERBOROUGH PE1 2EG

The Committee received a report in relation to Advertisement consent is sought for two internally illuminated advertisements as follows:

- 1no. advertisement to the eastern Cromwell Road elevation which would measure 3.75 metres in width, 0.5 metres in length and would be installed at 2.7 metres from ground level; and
- 1no. advertisement to the southern Russell Street elevation which would measure 2

metres in width, 0.2 metres in length and would be installed at 2.9 metres above ground level.

Both proposed advertisements would comprise individually internally illuminated letters, and each would be illuminated to 300 CD/m. No flashing/intermittent illumination is proposed.

It should be noted that 3no. advertisements have recently been erected on the site (only one of which does not require consent) however these are not subject to the current application and are to be removed. The application originally sought advertisement consent for a further vertical letter sign to the southern elevation however at the request of Officers, this has been removed from the proposal.

Furthermore, a canopy and external seating area are also proposed and are being considered under an application reference 19/00830/FUL which will be determined alongside this current advertisement consent application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) 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 visual appearance of the site would not be unacceptably harmed by the proposed advertisements, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019); and
- The proposed advertisements would not unacceptably harm the safety of surrounding highways, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

At this point Councillor Amjad Iqbal rejoined the Committee.

5.4 19/00738/HHFUL - 16 ENGAINE, ORTON LONGUEVILLE, PETERBOROUGH, PE2 7QA

The Committee received a report in relation to The application seeks planning permission for the construction of a single storey single garage. The proposal would be sited to the front of the dwelling, between the side gable elevation and the public highway. The garage would be of brick and dual pitched tile roof design and measure: 3.7 metres (width) x 5.8 metres (length) x 2.45 metres (height to eaves) and 4 metres (height to ridge).

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

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

- The application was only in front of Committee as the applicants were the parents of one of the planning officers.
- There had been no objections from neighbours or the Parish Council.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) 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 proposed single garage would not result in unacceptable harm 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 emerging Policy LP16 of the Peterborough Local Plan (Draft) (2019);
- the proposal would have little to no impact upon the setting of the Orton Longueville Conservation Area, in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012), emerging Policy LP19 of the Peterborough Local Plan (Draft) (2019) and paragraph 191 of the National Planning Policy Framework (2019);
- the proposal would not result in unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan (Draft) (2019); and
- the proposed development would not result in undue harm to the safety of the public highway, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan (Draft) (2019).

Chairman
1:30 - 2.22pm

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