

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 30 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
Karen S Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer

6. APOLOGIES FOR ABSENCE

There were no apologies for absence

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

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

9. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

9.1 19/01752/FUL - Land Adjacent To 15 Apsley Way Longthorpe Peterborough PE3 9NE

The Committee received a report, which sought permission for the construction of a one-and-a-half storey dwelling. The proposed dwelling would measure approximately nine point seven metres in width and approximately nine point two metres in depth. The highest point of the property, the proposed ridge line, would measure approximately six point six metres in height above ground level. At its nearest point, the proposed dwelling would be set approximately five point five metres from the back edge of the public footway to the front of the site. The proposed dwelling would be served by a rear garden alongside on-site parking provision to the front of the dwelling. Amended plans were submitted following Officer consideration that the original proposal submitted would have adversely impacted upon the character of the site and the surrounding area as well as the impact to the amenity of adjacent neighbours. Further plans were also submitted given identified drawings errors. The revised plans were subsequently re-consulted upon.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included additional representations. The officer recommendation was to Grant the application.

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

- There were 50 objectors to the proposal, which had been brought to Westward Ward Members attention.
- There had been a number of issues raised in the representations which included streetscene and loss of amenity.
- A resident with a wealth of planning experience and a vast knowledge of the area, had also raised several objections within his document submitted to the report.
- As the proposal was on balanced in relation to decision making, it was doubtful which advice should be considered in terms of planning policy.
- It was a small sized plot and the proposal suggested fitting a large property into a small area.
- The residents felt that the circumstances had been taken advantage of in terms of the land being windfall development.
- The proposal was not ideally situated on a bend and it would be difficult to travel on and off the plot. There were also highway concerns as the road had a 30 mile an hour limit as opposed to a safe 20.
- The proposal was not in keeping with the other houses in the area and would affect the immediate amenity for neighbouring properties.
- The proposal also had no garage and had not met the same size as other properties, in addition the facial frontage was not the same.
- There was a discrepancy of four metres and there had been a figure of six point one metres for the development.
- The proposal, if approved, could set a precedence for other properties on Apsley Way to sell their surplus land for similar types of development. This would be against the streetscene and character of the area.
- From a policy point of view the authority should do more to stop garden grabbing in similar areas to Apsley Way.

Pauline Smith, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There had been an overwhelming reaction from residents of Apsley Way and beyond in relation to this application.
- The proposal was out of keeping with the rest of its surrounding area, due to the highway risks it created.
- Residents had raised policy concerns, such as LP16 design and the public realm, LP3 spatial strategy, LP13 road safety and LP17 amenity.
- The proposal was contrary to LP16 in terms of the impact it would have on local character and distinctiveness.

- The frontages and large space provided residents with a sense of airiness and this was a key factor for home buyers.
- The proposal would be four metres higher than its neighbours, located on the apex of the bend, and would intrude on the streetscene. Its position following the curvature of the bend, rather than a straight line between the existing properties of no. 15 and no.23 would worsen this impact.
- The Committee report seemed to be unreasoned and failed to objectively apply LP16's requirements. The report had also mistaken the objective interpretation of LP3 as including development of residential gardens. Planning policy LP3 focused on 'previously developed land'; and accordance with the National Planning Policy Framework (NPPF) residents felt that this phrase excluded private residential gardens in built-up areas.
- The exclusion of gardens from the Local Plan's spatial strategy was consistent with the NPPF and national policy as it discouraged the development of gardens.
- The application site was a garden outside the focus of the Local Plan's spatial strategy and should be discouraged.
- Road safety in relation to LP13 was a concern and residents felt that this had not been addressed.
- The location of the proposal was on the first bend of Apsley Way carrying traffic into the rest of a large housing area and beyond.
- The Highway Services consultation stated that it was appreciated that local residents had the knowledge and experience of local highway conditions, however, comments could only be based upon on-site observations and the information put before highway officers during the consultation period.
- At least 50 local residents felt that the proposed parking would create highway safety issues on a bend that local residents found dangerous.
- The existing driveway was a secondary parking space to number 15 and had been barely used in the last two decades. The driveway would serve as parking for the new property, and this point seemed to be overlooked or dismissed by officers.
- It appeared that amenity impacted on the streetscene and immediately affected residents of the homes adjoining and opposite continued to be misunderstood and had not been explained by the applicant, despite the requirements of LP17.
- The Local Authority Tree Officer required the existing two trees to be retained, which were in keeping with the streetscene and the proposal location on the curvature of the road bend on Apsley Way, would mean that one or both of the trees would need to be removed in order to construct the property.
- In relation to individual properties, the judgment of the officer that the distancing was sufficient and acceptable, ignored the distinctive character of the area and of relatively generous distancing between properties.
- There would be an impact on amenity for the rear garden at number 23 Apsley Way and the report to Committee had not accurately reflected the benefits and usage of the garden by its occupants.

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

- The proposed bathroom windows, which would overlook the existing property at number 15 would be obscure glazing and could be opened. It was anticipated that people using the bathroom, would not have it open or spend any length of time in there, so privacy was not considered an issue for officers.
- Officers were not concerned about garden grabbing and setting a precedence in the Apsley Way area. Members were advised that the application should be considered on its merits and whether the proposal would fit for the site.
- Members were advised that there was no reason why house numbers 17, 19 and 21 were missing between 15 and 23 and that it was believed that there was no proposal to build anything in the proposed plot previously.
- Officers advised that if there was a similar application received for the Apsley Way area, it would be considered against this application and in line with the planning policies in place.
- It was not lawful for the Authority to take into consideration private access rights as these were private legal agreements without any control of the Council. This was why access was not a consideration.
- The application was previously refused due to the loss of amenity; however, the application was subsequently adjusted by the applicant to make it acceptable. The original proposal was for a three-bedroom house with one bathroom proposed for the rear of the development, and for this reason, officers felt that the original proposal would result in a negative impact with the adjacent property.
- The close boarder fence would be within two metres of the neighbouring window and there would be sufficient space for a path to be installed.
- The hight difference was point four metres compared with other properties in the area and was acceptable to officers.
- Some Members felt that there had been a number of objections by the ward residents and ward councillor, however the application was on balanced. The proposal appeared to be shoehorning a small house into a very small plot and was completely incongruous.
- Members commented that application would not contribute positively to the area and that this was in line with Local Planning Policy LP 16.
- There would be an amenity loss due to the windows proposed for the development, which would be overbearing for the neighbouring property.
- There was a driveway safety issue for the proposed development, as it was located on a bend. There had been issues with speeding vehicles, which residents had witnessed in the area.
- If approved, the development could set a precedence for similar types of application in the area.
- Some Members were not concerned about the driveway access proposed for the development, however, it would be better if the parking area was wider.
- Some Members commented that there were no concerns raised by the Highways Team.
- Members were advised that the only window that could potentially overlook neighbouring properties, would be the first-floor dormer window at number 15 Aspley Way, however the Committee could place a condition that the proposed

bathroom windows were permanently fixed shut. In addition the driveway access was currently in use, and therefore it would be difficult to place any imposition such as a turning area.

- Some Members commented that the design was good however, it would be situated in the wrong place.
- Members were advised that there was a side window which would overlook the proposed dwelling garden area.

RESOLVED:

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

REASON FOR THE DECISION:

- The proposed development was on a plot size and of a scale and mass which was out of keeping with the main character and appearance of the built form of the area of Aspley Way. As such the development would not positively contribute to the character and local distinctiveness of the area and therefore be contrary to part a. of the Adopted Peterborough Local Plan Policy LP16.
- The garden area of the proposed dwelling would be significantly overlooked by the first floor side elevation windows of No. 15 Aspley Way which would compromise the privacy of the users of the garden. The proposal was therefore contrary to the Adopted Peterborough Local Plan Policy LP17 part h.

9.2 20/00128/FUL - 58 Warwick Road Walton Peterborough PE4 6DB

The Committee received a report, which sought permission to change the use of the site from a residential dwelling (Use Class C3) to children's home (Use Class C2). The home was proposed to be occupied by three to four children, aged between eight and sixteen years.

The scheme had been amended from that which was originally submitted, to remove part of the proposal which sought the construction of a two metre high fence along the western and southern boundaries, to enclose the garden area.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included concerns raised about the lack of garden space. The officer recommendation was one for approval subject to the imposition of any condition, such as allowing temporary planning consent in order to gauge how the premises had operated during a two year period.

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

- Objections were being raised behalf on behalf of many local residents in the Warwick Road, Richmond Avenue and Hastings Road area.
- Other ward councillors had also been contacted by people objecting to the planning application.
- The report stated that of the 25 people who submitted comments, 23 were opposed to the planning application; and it was felt that it reflected the strength of local feeling in the area in.
- Objections were not about the Council granting permission for the setting up of a children's home, however, questioned whether the location was appropriate. Key objection concerns were in relation to the character of the local area.
- Warwick Road in particular, was in the immediate vicinity of the development site, and was populated largely by a settled population of predominantly elderly and retired people. Residents felt that putting a children's home in this location would not be an appropriate development.
- Some residents' concerns raised were about the possibility of young people with behavioural difficulties being placed in the home. Even a small number of children could have the potential to cause considerable disturbance to the residents of nearby homes.
- An objector had also quoted that the house at 58 Warwick Road had been significantly expanded previously to remove most of the garden space at the rear. In addition, the space at the front of the property was intended as car parking use, leaving little room for the children to play outside. It was therefore a concern that children would play on the road, which raised safety issues.
- The operators of the home originally intended to surround the property with a two metre high fence and comments were made about why they thought it would be necessary in the first place.
- The Police had objected to the proposal originally because of the potential for crime or anti-social behaviour. This was withdrawn as Ofsted would regulate the facility. Concerns were raised that Ofsted could only respond to problems after they had occurred and would not be on site 24 hours a day.
- It was felt that the proposal was contrary to paragraphs 110 and 127 of the National Planning Policy Framework as it would not create places that were safe, secure and attractive or be sympathetic to local area.
- In addition, the proposal was contrary to LP16, as development should respond positively to local, Paragraph H also stated that development should be safe and reduce antisocial behaviour.
- It was also felt that the proposal was against LP17 due to the lack of amenity and community space.
- The proposal would employ staff at the facility and LP4 stated that a business should not adversely impact an area.
- There would have been more residents in attendance at this meeting, however, many were not familiar to the technology being used.
- The approach of temporary permission would create a presumption that the facility would continue. Many residents had valid concerns about the proposal being approved and members should consider all the policy reasons raised when making their decision.

- Members commented that a family could move into the property and planning would not be a consideration in this situation.
- A large family would probably not be attracted to the property as the garden was very small. Concerns were raised over children with behavioural difficulties using the outside space.

Mr Banhire, the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were people living in flats with children with no garden space and this was not an issue. In addition, there was a park nearby.
- The applicant was a qualified Social Worker and had worked in traditional institutional children homes for over ten years before qualifying as a social worker. Modern society should shift away from the image of traditional institutional children homes.
- The proposal had also been recommended by Ofsted, who were the regulators of children homes. Ofsted had also commented that children in care should be placed in normal houses with normal environments. In addition, there were no preferred areas in Peterborough that had been designated for children with disabilities or behavioural issues to live in.
- The statistics available online in relation to children and issues with anti-social behaviour had not defined whether they were in care or not. Therefore, children in care should not be limited to live in a normal house setting.
- The United Nations convention of children's rights, article two, stated that children in care should not be discriminated against because of their disability or behavioural difficulties.
- There were care homes in Peterborough that were not regulated by Ofsted that had operated without any issues.
- The anxiety of neighbours was understood, however, children in care had human rights also.
- The care home would run the same as a business and was intended to make a profit. The main aim was to provide placements for children in care within the area rather than out of county.
- The applicant had a tender with Peterborough and Cambridgeshire to place children in care, however if there was a need to accommodate children out of the Peterborough area, that would also be accommodated.
- The original application called for fencing around the property, however this was removed due to it being deemed out of character. A fence or hedge suggestion was to create privacy and had nothing to do with the children that would be accommodated.
- The average ages of children anticipated to live at the property would be eight to 16 years old. An eight year old could live at the property until they were 16 and then move into an adult placement if appropriate. The move to an adult placement would be assessed as some may not be able to live in an adult environment.
- Everyone had a duty of care to look after vulnerable children and the proposal would provide a stable placement to thrive in.

- The applicant would always work with neighbours to build relationships to ease any fears they had.
- The applicant had also invited neighbours to visit the property in order to demonstrate how the care home facility would operate.
- The applicant also aimed to ensure that children felt part of the community.

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 proposed fence would be installed adjacent to the footway and would be over one metre high. It would also require planning permission.
- Members felt that a temporary consent of two years should be considered for this application. Temporary planning consent would allow the business to operate within a limited period to allow time for the residents to realise the impact of a children's home within their area.
- Some Members felt that although they supported a facility to provide a service to children and young people in care, it was questionable whether the proposal was located in the correct setting around an elderly neighbourhood.
- Children and young people need an area to calm their thoughts, however the proposed facility would not have that opportunity in this type of property.
- There appeared to be a lack of outdoor space for the extension which the applicants were due to construct.
- Some Members felt that there were similar care home dwellings where there were no issues of disturbance to the neighbourhood area.
- Some Members felt that all children need a place to live. The police had no objection to the proposal and the facility would be regulated by Ofsted.
- Section 55 of the Children's act stated that the Authority should take care of the best interests of children.
- Members felt that the proposal should be supported in order to look after children with care needs.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application on a two year temporary basis. The Committee **RESOLVED** (10 For, 1 Against) 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 was acceptable 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 was sound and the proposal would not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings or highway safety;

in accordance with policies LP8, LP13, LP16 and LP17 of the Peterborough Local Plan (2019).

9.3 20/00266/FUL - 20 Broadway Gardens Peterborough PE1 4DU

The Committee received a report, which sought permission for the change of use from residential dwelling (Use Class C3) to a children's care home (Use Class C2) on a permanent basis. Currently, the arrangement was previously on a temporary basis.

In addition, the Committee was advised that the current proposal differed from the 2018 scheme the number of children had been amended from six to five and the staffing ratio had had changed from 3:1 to 2:1. However, as the number of children had been reduced, this resulted in the same number of staff.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included a submission from Ward Councillor Joseph and written statements from two speakers. The Officer recommendation was to GRANT the application.

Mr James Barber, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application for number 20 Broadway Gardens was not objected to as long as it would not adversely affect the residential amenity of its neighbours.
- Objectors believed that if the application was approved, there would be a substantial risk for disturbance and a loss of privacy for the adjoining neighbour to 20 Broadway Gardens. Therefore, it was believed to be grounds to review the planning application and any conditions attached to planning consent that may be given especially in relation to LP17.
- The fence owned by 20 Broadway Gardens had partially collapsed into the neighbouring garden, and as the fence further deteriorated, access could be gained into the neighbouring property leading to a lack of privacy.
- The fence issue had been dismissed by officers as a civil dispute, but there was no dispute with 20 Broadway Gardens, about responsibility for the fence.
- It was felt that the owners of 20 Broadway Gardens should secure the boundary to preserve the residential amenity.
- The fence issue for 20 Broadway Gardens could be resolved by replacing it.

Naidre Werner and Sue Hessom the applicants addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicants were Directors of Florinee Homes Ltd and had applied for planning permission to change the use of 20 Broadway Gardens from a domestic dwelling to an unregulated children's home, for ages 16 to 18.
- Temporary permission was granted in the past with a view to revisiting permanent planning changes in two years.
- Whilst there were no planning objections two years ago, there were considerable concerns received from the community that having this type of

provision within their neighbourhood would increase anti-social behaviour, criminal activity and pose a threat to their own children and household environment.

- Over the past two years, the police presence on Broadway Gardens was perceived to have increased at times. However, this had not been due to criminal activity at the address, nor for increased criminal activity on the street. The police involvement had been in relation to young people missing from the property and the operator's had a duty to report missing children in order to safeguard them.
- Crime statistics showed that there had been no increase in the area since the presence of the children's home on Broadway Gardens, compared April 2018 to April 2020. The statistics had demonstrated a decrease in the amount of crime committed in the Broadway Gardens area with a reduction from 713 crimes reported in April 2018 to 487 crimes reported in April 2020.
- Reports from the Highways Agency and the Conservation Officer concluded that there was ample space for parking vehicles and there were no concerns over traffic generation.
- The domestic use of the property was to be maintained as a family home looking after young people in care, and therefore the proposed change of use had not impacted upon the setting nor undermine the significance of the Conservation Area, and that had not changed in two years.
- The care home continued to enforce firm, sensible house rules and adopted strict curfew times. Noise was contained and the home had not generated any further light pollution than any other regular family home in the street.
- Loitering outside on the street was not tolerated, and the young people's licence agreement clearly stated the consequences of any unacceptable behaviour. Any young person who had continued to disrespect their licence agreement had been transferred to a different home and this issue had only happened twice during the two year temporary permission.
- The applicant's development plan was for the home to become Ofsted registered and regulated with a smaller number of residents.
- The operators would continue to hold a duty of care to thoroughly plan, match and risk assess every young person who might want to live at 20 Broadway Gardens against those who are already living at the property and with due consideration for the community.
- The operators felt that they had delivered their pledge to work with residents and within local community groups to promote community integration.
- The operators were members of the committee of the Friends of Central Park. New activities had been initiated for young people in the park and the operators had worked with Councillors to help to raise funds for local causes in the area.
- There had been a statement made from the Broadway Residents Association, which confirmed that the care home operators had upheld their commitment to keep channels of communication open, and this included access to the operators personal mobile numbers, meeting the Chair and the Secretary on a regular basis to the young people's progress and to raise any community/neighbourhood concerns that had been raised in the residents meetings.

- Many of young people had benefitted significantly from living at 20 Broadway Gardens and had gone onto study at college, achieve gainful employment, pass their driving test, and successfully become independent to live in their own flats. Florinee Homes had achieved what was promised to repair young people's lives through guidance, care, stability, and emotional support.
- The operators had enabled young people to develop trust, a sense of self-worth, responsibility, and citizenship in order that they become young adults who successfully integrate into society and their local community.
- There had been an issue with the fence and the operator was made aware of this in 2018, however the property was owned by a landlord and it was for them to action the repair.
- The applicant was prepared to repair the fence and seek compensation for the costs from the landlord, however, officers advised that this was not something that could be conditioned by the Committee.
- Members were advised that the fence was not broken and therefore was not a safeguarding risk to children living at the care home facility. However, there would be further work undertaken to ensure the landlord would rectify the issue, should there be a safeguarding issues in the future.

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

- Members were concerned that the fence issue could not be rectified to accommodate the neighbouring property.
- Some Members commented that the care home seemed to have operated in a professional and sound manner.
- The facility had operated to satisfactorily in the opinion of the neighbours and it was only the fence that was an issue.
- There was a need for children's homes within communities and these facilities provided a stable environment for children and young people in care.

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 was acceptable 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 was acceptable and the proposal would provide specialist housing for children in care which should be afforded considerable weight, in accordance with Policy LP8 of the Peterborough Local Plan (2019);

- The proposal allowed for adequate parking and the proposal would not adversely impact upon the safety of the surrounding highways, in accordance with Policy LP13 of the Peterborough Local Plan (2019);
- The amenity of surrounding neighbours would be retained to an acceptable level, in accordance with Policy LP17 of the Peterborough Local Plan (2019); and
- The character and appearance of the site and the surrounding Park Conservation Area would not unacceptably impacted upon by the proposal, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policies LP16 and LP19 of the Peterborough Local Plan (2019).

9.4 20/00206/FUL - 24 Park Road Peterborough PE1 2TD

The Head of Planning Peterborough and Fenland requested Members to defer the item to a future meeting as the Councillor that had referred the item to Committee could not be present due to administrative error.

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 decision.

REASON FOR THE DECISION:

The Councillor that referred the planning item was not prepared for the meeting due to an administration error and therefore, the Committee agreed the application should be deferred.

Chairman
1:30pm –16:20pm