

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 15 DECEMBER 2020
VIA ZOOM VIRTUAL CONFERENCE**

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

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer
Stephen Chesney-Beales, Tree Officer
Daniel Worley, Senior Conservation Officer
Daniel Kalley, Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer

30. APOLOGIES FOR ABSENCE

No apologies for absence were received.

31. DECLARATIONS OF INTEREST

A declaration was received from Councillor Hiller in relation to item 4.3 Tree Preservation Order 20/00001/TPO in that he had a predisposition in relation to a current application.

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

A declaration was declared by Councillor Casey to speak as ward Councillor on item 19/01244/OUT - Gloucester Centre Morpeth Close Orton Longueville Peterborough and that he would be speaking as a Parish Councillor.

Councillor Warren advised that although he was a Ward Councillor for Bretton, he would not be predetermined when considering item 20/00843/HHFUL - 85 Outfield Bretton Peterborough PE3 8JP

At this point Cllr Casey left the position of Planning Committee Member.

33. PLANNING AND ENFORCEMENT MATTERS

33.1 19/01244/OUT - GLOUCESTER CENTRE MORPETH CLOSE ORTON LONGUEVILLE PETERBOROUGH

The Committee received a report, which sought permission to outline consent for the erection of up to 100 dwellings with details of access to be approved and all other matters relating to the appearance, landscaping, layout and scale would be reserved to a later stage. In addition, 30% of the dwellings would be affordable.

The development would provide a mix of house sizes from one bed to four bed dwellings, which would be predominately two storey. Access would be provided by an existing access to the Gloucester Centre from Morpeth Close. The access to Wainman Road would be closed. The development would provide an area of 0.77 hectares of on-site Public Open Space.

The existing buildings within the site was to be demolished. An amended layout plan and updated information on Trees, Flood Risk/Drainage and Bat Report had been received since the original application was submitted. A re-consultation had been undertaken on the revised details.

In summary, the indicative mix of house types had changed increasing the number of detached dwellings, the introduction of coach houses and apartments provided in four smaller blocks.

In addition, one drainage attenuation basin was proposed to the south west of the site. It had been acknowledged that there was a problem with the City Council Portal system during the second consultation period. This resulted in a duplication of representations which had been deleted. Issues in relation to their comments that were initially not published on the portal, had been rectified.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included details of a neighbour letter written to the MP, Parish Council, Ward Councillor and other representations. In addition, there had been some amendments made to conditions in relation to archaeology and offsite highways work. The Officer recommendation was for approval subject to the agreement of a s106 agreement in relation to affordable housing to be provided.

At this point the Committee agreed that the speaking time would be extended.

Councillors Farooq and Howard, Ward Councillors and Councillor Casey, speaking on behalf of Orton Longueville Parish Council addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Ward Councillors had been overrun with interest in relation to the application, which included residents concerns.
- A summary of concerns raised by local residents included: size and scale of the development, the negative impact on infrastructure, the proposed felling of the trees, the negative impact on residents' gardens on Basil Green and Morpeth Close, Car parking, the number of flats proposed in a single building and potential traffic increases.
- Although Ward Councillors supported the Local Plan, the proposed development was out of character for the area.
- It was highly dense population, and the proposal was a huge burden on current infrastructure.
- According to the school multiplier, places would need to be sought for 35-45 primary places, 23-33 secondary school places and 20-30 preschool places per 100 houses. None of these facts had been taken into consideration and existing schools were already oversubscribed.
- All the traffic travelling to the Gloucester Centre was through Wainman Road. The proposal suggested that all cars would use surrounding roads in the area and it was felt that this would have a major impact for residents.
- There was a concern that Wainman Road had been deemed not suitable access for the proposal. This meant that there could be 200 vehicles traveling along

surrounding roads at two key points of the day. The increase in vehicle movements would also impact on Shrewsbury Avenue and Oundle Road.

- Thornley Drive, Sheringham and Royston Avenue were currently not wide enough to accommodate two cars and the junctions were not suitable.
- Morpeth Close was undersized for a large volume of cars and was already used for on street parking. If the road was widened, the tree roots would be disturbed on a known bat flight path.
- School runs for St Botolphs was under pressure as Oundle Road was gridlocked at those times.
- There were mature trees to provide a biodiverse environment for bats, birds and insects. There had been protection for some trees during the development, however, the proposal could change some of the trees at the time of construction.
- The proposed installation of bat boxes had been 1.5 metres from the ground however, they should be 2 metres ideally.
- The upper limit of 100 units needed to be revised due to increased impact on vehicle movement and address the tree officer's objections.
- A highways impact assessment had not been carried out in relation to Royston Avenue, Hillwood Close, Sheringham Way and Thornleigh Drive. These roads were noticeably congested at peak and term times. These roads were also used as rat-runs and the wear and tear could visibly be seen on junctions of Sheringham Way and Thornleigh Drive.
- The proposal would provide a residential increase within a heavily dense population and was out of keeping and incompatible with developments in surrounding areas.
- The Parish Council were concerned about the loss of green space and natural habitat.
- The proposed high build flats and design was unattractive, bulky and out of character in terms of appearance compared with other buildings and developments in the area.
- The loss of view for residents would adversely affect the amenity of neighbouring occupiers.
- The development would impact on highways safety and the convenience of road users.
- The Parish Council had not accepted the rationale for the closure of Wainman Road, and post COVID surveys had not been taken, especially at the junction of Royston Avenue.
- Previously, traffic would travel through Wainman Road to access businesses and offices. Vehicles would not currently use Morpeth Road and Oakleigh Way.
- There was a signpost on Shrewsbury Avenue that directed traffic to the Gloucester Centre through Wainman Road.

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

- The Gloucester Centre was identified as surplus to requirements by NHS England and was sold by Homes England who acted on behalf of the Government, to ensure that best value was obtained when assets were being disposed of.
- Homes England were please to bring forward the sale in line with the LAs local development plan for 100 dwellings.

- Homes England planned to dispose of the proposed site in due course on the open market and therefore had applied for outline planning permission in order to market the site with as much certainty as possible for the purchaser.
- A master plan had been submitted to demonstrate that the number of dwellings proposed for the site was reasonable.
- The master plan included matters raised at the pre application process such as the number of dwellings, provision of affordable homes at 30%, ability to comply with parking standards, sustainable drainage and ecology issues.
- The proposal met the requirement for opens spaces set by the LA.
- Wainman Road was proposed for closure should the development be permitted at the request of the Highways Authority.
- The client agreed with LA policy that trees should be retained where possible, however there had been degree of professional difference. At this stage it was difficult to finalise the treatment as the proposal was for outline planning permission. The applicant had done their best to keep trees and no felling would take place until the relevant negotiations had taken place and final approval of a scheme and relevant conditions had been obtained.
- The applicant had liaised closely with Natural England in relation to ecology, on site evaluation, monitoring and the proposed mitigation measures. Although a European Protection Species (EPS) licence would be required, this could not be applied for until other necessary permissions were in place.
- Homes England had applied for and gained permission for the demolition of buildings, installation of a purpose built bat barn and other bat boxes.
- It was Homes England's intention to commence with the construction of the bat barn, installation of the bat boxes and gain EPS licence prior to the demolition of buildings once outline permission had been agreed. This would provide evidence that mitigation had been achieved before the land was passed to the housing developer.
- The proposed development would result in a net reduction in traffic as outlined by the Highways Authority and the applicant's highway consultant. Any existing vehicle movement issues could not be addressed or resolved by the development proposed within this application.
- To meet the demands for more housing, the LA had a strategic role through Community Infrastructure Levy (CIL) and social care to expand services as a result of growth in the community.
- The LA highways advice was that the impact on road junctions in the area was below the minimum thresholds for national guidance and therefore would not require further work or testing.
- The traffic flow to the Gloucester Centre had tapered off and Wainman Road was being used less than in the past.
- The two exits to the site had been considered by highways including the pressure on junctions and it was found that the minimal impacts would not justify further exploration. In addition, the Highways Authority asked for the applicant to explore a scheme which incorporated the closure of Wainman Road.

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 school provision for 100 houses, was subject to the LAs CIL policy and there was a standardised fixed amount of money depending

on the floor space of each dwelling, which the developers would need to contribute to. The money could be spent on expanding school facilities.

- Members were advised that school infrastructure to increase classrooms had not been explored at this stage as the CIL policy was in place. If further school places were required, then the LA would have to find a way to meet any unmet needs using the funding provided. If there was no local capacity or school places and they could not be increased, the LA would find the next best location for school expansion.
- The normal number of dwellings per hectare on an urban site was 35 per hectare and the site was 3.2 hectares in size, so the proposal was in line with policy.
- There had been no further survey required for highway implications, even though residents had raised many concerns. The LA stance was agreed after a transport assessment conducted by the applicant deemed that no increased traffic movements would happen as a result of the development.
- Wainman Road would close if the application was approved and only one exit access would be provided, however the LA were satisfied that this was within acceptable limits and had presented a reduction, therefore the road closure would not create extra pressure, even during rush hour.
- The highways report submitted by the applicant was reviewed by transport engineer deemed acceptable.
- The highways officer was confident with the vehicle movement assessment that had been carried out by the applicant. Furthermore, the applicant would have needed to undertake a pre application process, which would have asked questions on the issues raised by residents.
- Traffic surveys were undertaken at the end of June 2018.
- The recommendation to close Wainman Road had been in relation to safety concerns raised about domestic traffic moving through an industrial area with HGV movements.
- Members commented that it was hoped timings of vehicle movements carried out by the applicant was in keeping with what might be generated in the future as a result of the development.
- The site had been allocated in the Local Plan and had been consulted on. The application was outline and there were no objections from areas such as highways, police and archaeology. The tree officer had raised concerns, however a TPO could be placed as suggested in the report.
- The application included affordable housing, which was of benefit to all areas.
- The use of the Gloucester centre would have experienced increase traffic volumes when the survey was completed two years ago.
- The density of the proposal was less per hectare than what was acceptable in relation to planning policy.
- The final development layout would be submitted as reserve matters and the residents' concerns were understandable, however the site was included within the Local Plan which had been adopted at full Council.
- Members commented that the traffic from the proposed site would be funnelled down Morpeth Road, which was acceptable however, it would be a huge increase as the option of Wainman Road would not be available.
- The nearest schools would be on Oundle Road and the residents' concerns were shared by some Members about school place provision, as it was unsure if there would be land available for expansion.
- Not all the traffic from the proposed site needed to travel down Oundle Road as there were other options such as Celta Road.
- It had been endorsed by officers that the highways assessment submitted by the applicant was accurate for the site in terms of viability and traffic movement.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (9 for, 0 against, 1 abstain) 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 site was allocated for housing development in accordance under policy LP37 of the adopted Local Plan and therefore the principle of residential development was supported;
- A safe and convenient access could be provided and the development would not have any unacceptable adverse impact upon highway safety in accordance with policy LP13 of the Adopted Peterborough Local Plan;
- The development would provide 30% affordable dwellings in accordance with policy LP8 of the Adopted Peterborough Local Plan;
- Subject to appropriate noise mitigation the proposal would provide a satisfactory level of amenity for future occupants of the development in accordance with policy LP17 of the Adopted Peterborough Local Plan;
- Subject to condition the site was capable of being drained in accordance with policy LP32 of the Adopted Peterborough Local Plan;
- Subject to conditions it was considered that the proposal would not have any unacceptable ecological impact in accordance with policy LP28 of the Adopted Peterborough Local Plan;
- Subject to conditions any contamination within the site will be identified and satisfactory remediation would be secured in accordance with the National Planning Policy Framework; and
- In principle it is considered that the site can be developed without any unacceptable adverse impact upon neighbour amenity in accordance with policy LP17 of the Adopted Peterborough Local Plan.

At this point, Councillor Casey re-joined the Committee.

33.2 20/00843/HHFUL - 85 Outfield Bretton Peterborough PE3 8JP

The Committee received a report, which sought permission to the erection of a single storey side to the dwelling. The land required to build this extension was currently part of the adjacent public open space to the side of the dwelling, therefore this proposal also involved the change of use of the land into residential curtilage.

The applicant was currently in the process of trying to buy a rectangular piece of land measuring approximately 5.5m in width by 16.5m in length from the Council, to accommodate this proposal, although ownership of the land was not material to determination of this application.

The extension would be 4.5 metres in width, but 5.5 metres of the public open space would be required to enable a 1 metre pathway to be provided to the side of the proposed extension. The extension would be set back 0.225m from the property frontage and extend along the full side of both the two storey and single storey elements of property. Giving it a total length of approximately 12 metres. Approximately 4.5m depth of new rear yard/garden space would be provided behind the new extension, gained from the inclusion of the adjacent open space. The height of the proposed extension would be 2.5 metres into the eaves and 3.3 metres to the ridge. The extension would provide a ground floor ensuite bedroom, utility room and playroom. The extension would have a hipped roof and would use matching materials.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included further information in relation to his reasons for the application.

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

- The Ward Councillor was in support of the planning application, for Mr Sibtain Damji,
- Mr Damji had been a resident at 85 Outfield for nearly 40 years, and this was the home he had built for himself and his family.
- The original application was submitted for the extension to take in the land to the side of his property, with the intention of building an extension to his family home. He had been told by the PCC legal officers, that the land was available to purchase, and a price was agreed.
- He was advised by a senior landscaper for PCC, to submit plans in full for the use of the land and the extension to his property.
- Mr Damji, had all the plans drawn up and the application was submitted.
- The piece of land was nothing more than a small, grassed area, with scrubland bushes. It was regularly used as a dumping ground for litter and had been unused by any local residents for any recreational purposes.
- The need for additional downstairs room, was to provide accommodation for his mother in later life, and the need for more space for his growing son.
- The land marked on the plan was the only area that was intended for purchase and development.

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

- To date, the applicant had not received an extension letter from the LA in relation to the application, which was submitted in July 2020
- Several case officers were assigned to the application. Each one had conflicting opinions.
- The medical condition in relation to family members had not been requested at the planning householders application part of the process when it should have been.
- The applicant had followed the correct processes, procedures and guidance as required by Peterborough City Council.
- Both the property and legal team had consulted in relation to the sale of the land and the proposal before it was offered to the applicant.

- The proposal covered the land and hedgerow next to the applicant's own property. The hedgerow was hardly maintained. The report mentioned that the hedgerow softened the landscape.
- The land covered by the extension was 89 square metres approximately, compared to the area of 322 square metres of green space available. The majority of the 89 square metres was covered by hedgerow and had been used as a den for antisocial activities.
- The tree officers report in July 2020 identified the land as public open space, but had not raised any objection, however had requested that a tree survey had to be completed. Following the survey in November 2020, the tree officer went against the original findings.
- There seemed to be many inconsistencies made throughout Peterborough City Council departments during the whole process.
- The applicant's proposal was intended to future proof options for his elderly mother's needs and negated the need for support from Adult Social services.
- The proposal would also cater for his son's medical care needs.
- The applicant had lived at the address for 37 years.
- The care needs included physical exercises that the applicant's son required for his medical condition, and the proposed extension plus garden area would provide this opportunity.

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 land in front of the house had not been purchased area was on a hill and not suitable for the applicant's needs.
- Members commented that the existing property to the proposed extension, was a family home, which the applicant had lived at for 37 years. It had not been the case that the applicant wanted to purchase the land and install an extension to suddenly sell up and move on. The extension was required to accommodate the applicant's family's medical care needs.
- The land was not in a conservation area and therefore, no tree preservation order was required.
- The land was currently intended for public open space, however it was used for anti-social behaviour and fly tipping.
- The existing property was an end terraced house, and an extension would not look in character.
- Members were advised that there had been no requirement for a tree preservation order for the adjacent trees as the Authority owned them. Therefore, the Authority would not issue a tree preservation order against itself.
- Members felt that the extension proposed was minimal to the area.
- Members were advised that the sale of the land was not a material consideration for the proposal. It was always made clear that the provisional sale of the land was subject to the grant of planning permission.
- Members commented that if approved the proposal would reduce the land maintenance cost for the LA.

RESOLVED:

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

REASON FOR THE DECISION:

Members concluded that:

- The extension proposed was not overbearing or out of character to the area.
- The loss of open space as highlighted within the officer's recommendation for refusal, was felt not to be relevant or an issue.
- Officers could place conditions in relation to mitigation circumstances to the correct treatment of the tree.

At this point the committee stopped for a short 10-minute break.

33.3 20/00001/TPO - 45 PETERBOROUGH ROAD, CASTOR

The Committee received a report, which sought permission to confirm a Tree Preservation Order 20/00001/TPO. A provisional Tree Preservation Order (TPO) 20/00001/TPO at 45 Peterborough Road, Castor was made and served on 15th July 2020 following a planning application (20/00775/FUL) to build a four-bed detached dwelling with integral garage in the rear garden.

The TPO had been the subject of consultation and because an objection had been received, the Committee was required to consider the objection, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations were:

1. Whether the trees subject of the TPO worthy of inclusion in a TPO in terms of their public visual amenity value?
2. Was the making of the TPO reasonable and justified having regard to the objections raised?

The Officer recommendation was that the TPO be confirmed without modification.

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 tree officer had visited the trees and an assessment was carried out, which concluded that the trees were worthy of preserving and protection.
- The removal of the trees would have an impact on the public view.
- There were not many trees of that stature in the area and removal would be dramatic.
- Members were advised that the TPO was a provisional order and that they were being asked to confirm the order to give permanence to the preservation of the trees.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **CONFIRM** the Tree preservation order. The Committee **RESOLVED** (unanimously) to confirm the Tree Preservation Order 20/00001/TPO.

REASON FOR THE DECISION:

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

- The trees subject of the TPO, shown were all considered to offer significant, public visual amenity value from the public places.
- All the trees included were assessed to be worthy of TPO status and under threat from the proposed development both directly and indirectly, therefore the serving of the TPO was considered appropriate and reasonable in the circumstances, in order to safeguard the amenity value of the trees and the contribution they make both to the Castor Conservation Area and the wider landscape.

33.4 Local List Update - Conservation

The Committee received a report in relation to the Local List Additions.

The purpose of the report was to provide members with an overview of the items included within the Local List.

The Senior Conservation Officer, introduced the report and in summary the key points highlighted included:

- Information in relation to the creation of the 'Local List' in 2012, some heritage assets, which were served with Article 4 directions' instead of inclusion.
- Changes in government guidance and the expectation that all non-designated heritage assets would be included within a Local List.
- The change in 2016 to the preparation of Conservation Area Appraisals included recommendations for the inclusion of assets within them for the Local List, which were currently being brought forward.
- There had been an expectation that any Conservation Area Appraisals going forward would continue to provide recommendations to help complete the surveying of the district.
- The report was phase one of the proposed collation of the districts heritage asset's within the Local List. Going forward the LA envisaged that a full survey in various phases would be completed.
- There were 98 properties being recommended for placement on the list covered by Article four directions and included Railway Cottages on Lincoln Road and Queens Road, Fletton.
- Twenty seven assets were from officer and Civic Society recommendations, and included.
 - The Town Hall Clock.
 - Arthur Itter Memorial Fountain.
 - Eighteen were from Conservation Area Appraisals.
 - Sutton, Southorpe, Thornhaugh and Pilsgate.

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

- Members were advised that not all of the properties were consulted on, such as the that were covered by the Article four notice protection.
- Members were advised that there would be no responsibility for the property owner ensure that it was kept in a reasonable state. The Government guidance stated the

LA should adopt a Local List. Protection was a material consideration in planning applications.

- Consideration in planning application would be the same status of highways or tree treatment. Historic England had a far more ranging criteria of what should be included in the local list and the LA criteria would change in that respect.
- The recent Government consultation was going to explore at how heritage assets should not be stifled by heritage regimes, however there was no clear guidance on that. There could however be a requirement in the future for LAs to adopt Local and National lists.
- Members commented that it was a good exercise to have a Local List and that the Local List was an important document. In addition, it was positive that other agencies such as the Civic Society had inputted in the exercise.

RESOLVED:

The Committee agreed (unanimously) to:

1. Note the outcome of the public consultation on the inclusions to the Local List of Heritage Assets within Peterborough
2. Support the inclusion of the proposed heritage assets within the Local List of Heritage Assets within Peterborough
3. Support the inclusion of the existing Article 4 properties within the Local List of Heritage Assets within Peterborough

REASON FOR THE DECISION:

Inclusion of the additional one hundred and forty-three heritage assets within the 'Local Lists of Heritage Assets within Peterborough' would:

- Fulfil the Local Planning Authority's obligations under paragraph 197 of the National Planning Policy Framework, and corresponding guidance within the National Planning Practice Guidance;
- Provide explicit guidance to homeowners and developers regarding the status of the heritage assets and consequent clarity regarding the expectations for development; Have a positive impact upon the conservation of the heritage of Peterborough, by ensuring that development takes into consideration the impact upon the relevant non-designated heritage assets; and
- The proposal would further the stated aim of Policy LP19 of the Peterborough Local Plan (2019).

CHAIRMAN
1:30 – 15:59PM

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