

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the
Town Hall, Peterborough on 12 January 2010

Members Present:

Chairman - Councillor North

Councillors – Lowndes, Todd, Kreling, Thacker, Winslade, C Day, Ash, Lane and Harrington

Officers Present:

Simon Machen, Head of Planning Services (Items 5.1 and 5.2)
Andrew Cundy, Team Leader (Items 5.1 and 5.2)
Louise Lovegrove, Planner (Items 5.1 and 5.2)
Julie Smith, Senior Engineer (Development) (Items 5.1 and 5.2)
Paul Smith, (Item 6)
Kevin Dawson, (Item 7)
Gerald Reilly, (Item 7)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor C Burton.

Councillor C Day attended as substitute.

2. Declarations of Interests

There were no declarations of interest.

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

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the Meeting held on 24 November 2009

The minutes of the meeting held on 24 November 2009 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 09/00996/FUL – Change of use from A1 to A3 and A5 (restaurant and takeaway) at 1 Midgate, Peterborough

The building was currently in use as a retail unit, within use class A1 (shops). Planning permission was sought for change of use to A3 (restaurant) with an element of A5 (hot food take-away). Following deferral by the Planning Committee on 8th December 2009, the applicant had subsequently submitted revised ground floor and first floor layout drawings and indicative 3D visual drawings.

The application site was located within Midgate House on the junction of Midgate and Long Causeway within the City Centre. The Long Causeway frontage formed part of the Primary Retail Frontage for the Central Retail Area. The application property was of 1980s design and was situated on a prominent corner plot. There were a variety of retail and non-retail units in the surrounding area.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the plans which had been submitted at the Committees request clearly indicated that the predominant use of the site would be as a restaurant, with 10% of the site being used as a takeaway. The main issues surrounding the application included the impact on the primary retail area, the impact on neighbouring properties and the impact on the city centre conservation area.

Members' attention was drawn to additional information contained within the update report submitted by Councillor Seaton in objection to the application. Concerns had been raised regarding the number of takeaway outlets in the area, the attractiveness of the frontages of the retail units in the city centre and whether the appropriate funding would be in place to deliver the proposals. Members were advised that Planning Officers considered that the proposal would positively contribute to the vibrancy and variety on offer within the city centre and the frontage would be enhanced from its current state if the proposal was approved. Members were informed that if the unit was left empty, this would have a worse effect on the overall attractiveness of the area.

The Planning Officer further advised the Committee that the applicant had demonstrated that the ventilation flue could be erected without disruption to neighbouring properties or damage to the conservation area.

Mr David Shaw, the agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The additional information which had previously be requested by the Planning Committee had been provided
- The unit was extremely difficult to let in terms of retailing, due to the awkward layout of the unit
- The owner had not had success with long term tenants
- The proposed use would add a lot of activity to the unit, which in the past had been extremely difficult to let
- The proposed use would enhance the look of the unit
- The type of food sold would mainly be cold sandwiches, or subs. Sandwich bars did not need planning permission as they were classed as shops, therefore a large proportion of the units proposed use would have been permitted without a change of use
- This proposal would be more café and restaurant rather than takeaway and would help to fulfil the demand for lunchtime food
- In response to a point raised by Councillor Seaton, the owner of the unit had checked the tenants financial covenant and confidence was high that the proposal would go ahead if planning permission was granted

The Highways Officer addressed the Committee in response to questions raised and stated that there were no delivery restrictions for units in that area. There was a bay at the back of the building and parking for short periods of time for deliveries, was also allowed on the double yellow lines just outside the unit. The total amount of traffic that these deliveries would generate would be nominal as proved by the early morning deliveries which took place in Westgate.

After further debate, a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) that the application be approved subject to:

- The conditions numbered C1 to C3 as detailed in the committee report

Reasons 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 weighting against relevant policies of the development plan and specifically:

- The use as a restaurant with ancillary take away would not harm the retail offer of the Central Retail Area
- There would be no detrimental impact on the amenities of neighbouring residential or retail properties
- There would be no unacceptable impact on the character or appearance of the City Centre Conservation Area

The proposed development was therefore in keeping with Policies CC2 and CBE3 of the Peterborough Local Plan (First Replacement)

5.2 Discharge of condition C1 of planning permission 09/00896/FUL – retrospective external lighting scheme at the Thomas Walker Medical Centre, 87-89 Princes Street, Peterborough

Under 09/00896/FUL, planning permission was retrospectively given for a lighting scheme at the Medical Centre. The permission was subject to a number of conditions as listed in the Committee report.

The current application before Committee was therefore to partially discharge condition C1 in so far as a design for the shields had been submitted for approval.

Conditions C2 and C3 required compliance for the lifetime of the lighting scheme, these conditions therefore could not be discharged.

The application site covered an area of approximately 0.63 hectares and was located between Princes Street and Huntly Grove. The building was comprised of part-two storey part-single storey elements and contained independent General Practitioner surgeries, a pharmacy, dental practice and mental health services. The site had a car park along the Princes Street frontage for use by visitors and patients, and a car park from Huntly Grove for the use and access of staff. The surrounding area was characterised by predominantly two storey terraced and semi-detached residential properties.

The lights to which the discharge application related comprised of 4 no. pole mounted floodlights to the Princes Street car park and 4 no. pole mounted floodlights to the Huntly Grove car park which had been in operation since their erection in January 2000.

The Planning Officer addressed the Committee and gave an overview of the proposal. The main issue highlighted was whether the design of the light shields would prevent backwards light spillage. Environmental Health Officers had addressed this issue and had stated that the proposed shields would be effective in preventing backwards light spillage.

Concerns had also been raised that there was insufficient information to determine the application and the impact that the lighting would have upon the amenity of the surrounding area.

Mrs Valenzuela, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The grant for the retrospective planning permission was opposed by local residents in the area
- The size of the lights proposed. At over 7 metres tall they were extremely powerful industrial specification lights
- The number of questions surrounding why the retrospective planning permission was granted. Had all of the relevant considerations been taken into account?
- The fitting of shields to the lights may counteract the backwards light spillage, but will have no effect on the light spillage from the front into nearby residential gardens and neighbouring premises. Local policies stated “the effect of development on the amenities and character of an area”
- The local policy DA12 in relation to light pollution. The light shields would do nothing to conform to this policy
- The condition C2 relating to the hours of usage of the lights which was imposed with the original approved planning permission. The lights were currently illuminated for longer than stated in this condition, therefore was this going to be addressed?
- The condition C3 relating to the use of the columns for lighting the car park. These lights were clearly out of proportion to the need of the local area

Mr Roger Thompson, the client, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The proposed lighting was part of the original approved scheme
- The only amendment that had happened to the lighting so far on the site had been to reduce them in number
- The lighting which had caused objection had already been in situ for nearly ten years
- The planning application before the Committee was purely to determine whether the details of the light shields submitted was acceptable or not
- The lights in question were existing, limiting the shield options available. The lights were not designed to have shields fitted in the first instance. The proposal was therefore to fit a metal plate in between the mounted bracket to prevent backward light spillage
- The details of dimensions of the brackets had been provided and it was not clear what other information could be provided in order to progress this proposal forward
- The size of the shields was to be limited due to the effects of windage on the supporting posts. If the size of the shields was increased, this would necessitate the installation of new posts across the site
- Full details of the light spread and lux levels had been computer modelled and submitted to the Local Authority for their approval. These details also highlighted that the scheme would fall well within category E2 in relation to sky glow, as stated in the original condition C3
- The time clock on the car park lighting had been broken resulting in the lights being permanently on for a period of time. The timer had since been replaced and the lights operated during the hours stipulated in the original condition of approval C2
- The light generated in the mornings and evenings allowed for safe entry and exit of all staff to and from work each day
- It would be unfair of the Council to insist that larger shields were fitted due to the large financial outlay this would impose on Assura
- The scheme fully complied with the lighting guidance for urban areas

After debate and questions to the Planning Officer, a motion was put forward and seconded to approve the recommendation that the conditions be discharged. The motion was carried by 8 votes, with 2 not voting.

RESOLVED: (8 for, 2 not voting) that condition C1 of planning permission reference 09/00896/FUL be discharged.

Reasons for the decision:

Condition C1 (shield fitting) – the details submitted with regards to the light shield design were acceptable. The submission element of this condition was therefore discharged. Development must be carried out in accordance with the approved details.

The meeting was adjourned for ten minutes.

6. Planning Obligations Implementation Scheme (POIS)

A report was presented to the Committee which sought its views on the draft Planning Obligations Implementation Scheme (POIS) before its presentation to Cabinet for approval for the purposes of adopting as a Supplementary Planning Document (SPD).

The City Council agreed in 2007 that it needed to adopt a more detailed Section 106 (S106) framework and consultants working jointly for PCC & Opportunity Peterborough (OP) developed proposals. A report on the POIS was then submitted to the Joint Scrutiny Committee on 28 July 2008.

Following consultation between the City Council, its partners, stakeholders and the community, the City Council resolved to approve the draft POIS document at the Full Council meeting held on 10th December 2008. The POIS had subsequently been used as a material consideration in making planning decisions since that date. It was intended that the POIS would then be adopted as a Supplementary Planning Document (SPD), thus forming part of the Local Development Framework (LDF). In order to achieve this, a 6 week consultation period was undertaken resulting in the receipt of substantial external and internal representations. These representations were reviewed and discussed by officers. Some of the comments were then incorporated into the revised POIS creating a clearer, more user friendly document.

The City Council had plans to grow Peterborough, which required new infrastructure and replacement infrastructure to ensure that the city's growth was sustainably achieved. The City Council had worked with partners to capture the infrastructure requirements which were set out in the Integrated Development Programme (IDP). The IDP was used as the required evidence base to justify 'charging' developers a financial contribution for wider infrastructure.

S106 contributions would only part fund the infrastructure outlined in the IDP. Funding from other sources would be used to meet the overall costs of infrastructure provision. The City Council would seek such infrastructure funding, as appropriate, on a European, national, regional and local level from both the public and private sector.

At a recent officer-level Growth Delivery Steering Group meeting the POIS was discussed against the background of a potential future mechanism for charging developers for infrastructure, known as the Community Infrastructure Levy (CIL). The conclusion of the Steering Group was to progress POIS to an adopted SPD status in the interim prior to the possible introduction of CIL.

Members were invited to comment on the draft document and the following issues and observations were highlighted:

- Members queried what would happen if Opportunity Peterborough, being a predominant partner, were disbanded in the future. Members were advised that Opportunity Peterborough was to undergo changes and the Planning Committee would be briefed on those changes at a subsequent meeting.

- The Committee commented that the POIS was an improvement on preceding schemes, as S106 money had been difficult to acquire in the past.
- The Committee further commented on paragraph 2.4 in the POIS document, relating to the acquisition of funding from other sources other than planning obligations. Would this always be possible to ensure delivery of sustainable communities? The Committee was advised that viability was important in the first instance. Developers were to be encouraged in the area and the seeking of alternative funding sources would help to encourage further development.
- Members expressed concern that determination of the standard contribution for houses and flats was measured on the number of bedrooms a property had. Would this be an easy condition to enforce, as what constituted a bedroom? Members were advised that this recommendation for determination of the standard contribution had been put forward as it was a simple enforceable method of determination. Members were further advised that the determination only applied for up to five bedrooms, however there was a potential for this aspect to change in the future if the Community Infrastructure Levy (CIL) were to be implemented.
- Members expressed further concern at the POIS being based on the three neighbourhood management areas. Members were informed that part of the logic in having the POIS relate to the three neighbourhood areas was that if they were divided down further more deprived areas would potentially not benefit from the neighbourhood investment as they would not potentially get the development. Development tended to take place in the less deprived areas as land values there were higher, therefore pooling and prioritising through the neighbourhood council process would enable a wider spread. Also spend of S106 monies was subject to planning legislation and guidance as set out in Circular 05/05 which detailed where and how monies could be allocated, as such there would need to be correlation in relation to the application site and the spend of s106 monies, therefore even though the pools would be large, the money from a development would still be spent within a local area.
- Members requested examples of where the money had been spent so far. Members were advised that many of the obligations were yet to be triggered due to the downturn in the development market as such, the monies were not yet due to the Council.
- A query was raised regarding whether a levy could be procured on 'dayrooms', these being old converted outhouses in gardens. Members were informed that 'dayrooms' were considered to be 'ancillary curtilage buildings' and not self contained independent dwelling units. These buildings were classed as extensions to existing properties and there was currently no provision in the POIS document to trigger further contributions by building an extension. However, this may possibly change in the future with the introduction of the CIL.
- Members commented that large extensions with additional bedrooms should automatically increase the contributions. Members were advised that this matter would be reviewed after a year of operating the POIS formally and once the situation with the CIL had been ascertained.

RESOLVED: to note and comment on the Planning Obligations Implementation Scheme (POIS) before its presentation to Cabinet for approval.

7. Council Approved Guidance – Towards Inclusive Design

A report was presented to the Committee which sought its approval for the issue of the updated council approved guidance.

In 1999 the City Council produced formal Supplementary Planning Guidance (SPG) entitled 'Design of the Built Environment for Full Accessibility'. Subsequently, in 2004, part M of the Building Regulations was amended and the Planning and Compulsory Purchase Act 2008 was established which introduced the concept of design and access statements and also brought in the statement of community involvement. This then led to the issue of further guidance documents which were completed in 2009.

It was subsequently identified by the then Head of Planning Services, that due to the changes in legislation, guidance and British standards, the Supplementary Planning Guidance (SPG) should be superseded with up to date council approved guidance.

The Committee was advised that the guidance would:

- Involve the customer early on in the planning process;
- Enhance the inclusivity of the built environment;
- Improve the quality of pre-application enquiries;
- Problem solve at an early state in the planning process; and
- Speed up the planning process

After brief debate Members commented that the report was very good and it was essential that developers are advised of what is expected of them at an early stage.

RESOLVED: to approve the guidance "Towards Inclusive Design".

13.30 – 15.17
Chairman

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