

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 15 NOVEMBER 2022
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chair), Amjad Iqbal (Vice-Chair), Jones, S Bond, Rush, Hiller, Hogg, Coles, Jamil, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Daniel Kalley, Senior Democratic Services Officer
Edna Johnson, Property Lawyer
Chris Gordon, Planning Solicitor
Alex Woolnaugh, Principal Engineer
Shaheeda Montgomery, Development Management Officer
Phil Moore, Development Management Team Leader

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hussain and Councillor Andrew Bond. Councillor Coles and Councillor Sandra Bond were in attendance as substitutes.

27. DECLARATIONS OF INTEREST

There were none.

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

Cllr Jamil declared his intention to address committee as Ward Councillor on item 4.1 22/01294/FUL - 5 Fortune Buildings Cowgate Peterborough PE1 1LR.

29. PLANNING AND ENFORCEMENT MATTERS

29.1 22/01294/FUL - 5 Fortune Buildings Cowgate Peterborough PE1 1LR

1.35pm - at this point Councillor Jamil stood down from the committee in order to address the committee on this application.

The Committee received a report, which sought approval for planning permission for the retention of a fixed canopy for a period of 3 years.

This is a retrospective application as the canopy has already been installed. The fixed canopy has an area of 5.4m (w) x 2.6m (d) standing at 3.1m in overall height, but 2.4m above the footway.

The canopy had been installed using a powder coated aluminium frame (visible to the side) with a canopy coverall and overhang.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

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

- The Pizza Parlour was an institution and was a family run business. This was also one of the few places where people can hear live music.
- This was a vibrant part of the street and the city centre and it was important to protect this.
- The hospitality sector had been hit hard recently. The sector had the highest level of insolvencies since 2009. Businesses such as this needed to be commended for staying open and providing for the local community.
- The property was only added to the conservation area in 2017. The north side of the street had many new buildings. It was arguable if the canopy did not fit policies, however this needed to be balanced against the benefits that the business provided.
- The council had actively encouraged outside dining and it needed to continue supporting local businesses.
- The applicant was asking for a temporary planning permission for three years. This was a lively commercial street and the business was popular amongst residents. and this was a lively commercial street.
- It was difficult to see how the fixed canopy impacted the view of the Cathedral, it was argued that this enhanced the actual building itself rather than cause a detriment.
- By granting a temporary consent there was the opportunity for the committee to look again at the application to see if it had a negative impact.
- It was felt the public benefit outweighed the need to adhere strictly to the policies. If this had to be taken down, it would create additional financial hardship on the applicant.
- A petition signed by over 500 people had been submitted, this clearly showed that residents had welcomed the fixed canopy.

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

- Members were informed that the canopy reached further than the retractable one, however a retractable canopy could reach the same extent as the permanent one.
- There was no retractable device behind the fixed structure.
- Officers only became aware after the fixed canopy after it had been installed. Residents were encouraged to speak to planning officers before carrying out any alterations, however it was not illegal to carry out planning works, but this then did increase enforcement action being taken if it contravened planning policy. In this instance the applicants would have been aware of the restrictions.
- It was felt the design of the canopy was engineered and detracted from the conservation area. A more suitably designed canopy would not have the same impact on the views of the Cathedral.
- The owner of the property replaced something that had been granted planning permission. The new design was not correct and had a big impact on the street scene. There was no clear evidence as to why this canopy had a particular benefit over the retractable canopy.

- There were no clear benefits to having the fixed canopy, the retractable canopy was adequate and this could have been modified to provide the same benefit.
- There were potentially some benefits to the fixed canopy in so much as more people could be accommodated at the restaurant.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per the officer recommendation. The Committee **RESOLVED** (unanimous) to **REFUSE** the planning permission. Enforcement team to undertake formal enforcement action to remove the canopy.

REASON FOR THE DECISION:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below

R1: The retrospective canopy, by virtue of its design, unacceptably harms the character and appearance of the site and the surrounding City Centre Conservation Area. This is specifically in relation to the fixed and non-retractable operation which is at odds with the retractable canopies visible within the street scene, as well as being wholly contrary to Design Principle 3: Blinds and Canopies of the Peterborough Shopfront Design Guidance SPD (2014), which permits only retractable canopies in Conservation Areas. The proposal results in less than substantial harm to the character of the City Centre Conservation Area, which is not outweighed by any limited public benefits. Accordingly, the development is contrary to Policies LP6, LP16, LP18, LP19 and LP47 of the Peterborough Local Plan (2019), the Peterborough Shopfront Design Guidance SPD (2014) and paragraphs 134 and 202 of the National Planning Policy Framework (2014).

29.2 22/00792/HHFUL - 16 Audley Gate Netherton Peterborough PE3 9PG

2.05pm - at this point Councillor Jamil re-joined the meeting.

The Committee received a report, which was a re-submitted application. It is identical to the previous scheme submitted under application reference 22/00109/HHFUL, which was subsequently withdrawn by the applicant after planning concerns were raised by Officers.

The current application seeks planning permission for:

- a 1.5m deep single storey front extension, which would be 3.65m wide on north side, and 3.8m wide on the south side, plus an additional 1m deep canopy above the entrance;
- a 1.5m deep two-storey front extension, which would be 7.1m wide with a gable end;
- a 3.65m deep two-storey side extension to north side, topped with a double gable/M shaped roof;
- a 3.65m deep two-storey side extension to south side, topped with a double gable/ M shaped roof;
- an 8m deep flat-roofed single storey rear extension, which would be 14.5m wide and with a roof lantern; and
- a 3.5m deep first-floor rear extension, above the ground floor rear extension, which would be 7.1m wide and topped with a gable end roof.

The scheme would retain minimum 3nos car parking spaces on the front driveway and finishing materials would match the existing dwelling.

The Development Management Officer introduced the item and highlighted key information from the report and the update report.

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

- This was the same application as had previously been submitted but was then withdrawn.
- There was a need for the development for a number of reasons. One of those reasons was due to the size of the family. There was to be eight people living in the property including the applicants' parents. This needed to be done now so that over the next twenty years the family could live comfortably.
- There had been no objection from neighbours or local residents, they had understood the need to increase the property size and were supportive of the reasons for doing so.
- Both the applicant's mother and father had health issues and were constantly in and out of hospital. It was anticipated that the father would be immobile in the near future and the extension sought would help ease this burden on the family.
- The garden area would be maintained to a high standard. There was to be a large room to the rear of the property, whilst maintaining as much of the garden space as possible.
- The property was one of the largest plots in the area and needed modernising and expanding.
- The state of the property was in its current state and had not changed since it was originally built. There were signs of subsidence and creating an extension would help strengthen the property.
- Support had been received from the local neighbours and friendly relationships had been built up over the years. There had also been a number of developments in the area that had been extended. There had been a double storey garage built in the same street which had been approved and no objections were made on that application. The proposal in front of members did not extend beyond what the double storey garage had done.
- Thorpe Park road had a number of different houses of all different shapes and sizes which had been approved over the years.
- The applicant was keen to complete the extension before the cost of living crisis had too much of an impact on the family finances.
- The property had been purchased in May 2019 and the original application had gone in at the end of 2021. Meetings with the neighbours had taken place at an early stage before the application had been submitted. The residents behind the property had not objected to the application.
- There had been no dialogue with planning officers prior to the application being submitted. There had been an assumption that this would be fine and the application would be granted.
- The architect had put in the application a few weeks after initial comments had been submitted. Members were informed that the applicant had been under a lot of stress around the time the original application had been withdrawn. Following this consideration had been given to the concerns raised, however the extension as was originally submitted was needed in order to ensure the family had adequate living space.

- With regards to the applicants mother, she was in and out of hospital with medical needs. The applicant had a duty of care to look after his parents.
- The guidance from the architect and the feedback was that the extension was too wide. Although officers had suggested making the extension narrower the applicant felt that this would not work and did not want to apply to extend the house in stages, instead doing the extension in one go, which would be cheaper.

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

- It was regrettable not to be able to approve the application in its current state. Officers were of the view that the application failed to respect the site and the surrounding area. More dialogue between the applicant, architect and planning officers was needed to make the application more acceptable.
- The current application was the same scheme that was applied for originally. Officers acknowledged there were historic developments and few of them go before the adoption of the local plan.
- This was a large plot and in principle the site could accommodate a large development. The main objections had been over the design of the property and these went against Local Plan Policy LP16.
- Officers were not aware of any supporting documents which outlined the medical conditions of the applicants' parents. The plans did outline a wet room which would be used by someone who was disabled.
- The proposal did not take up 50% of plot. It was very much the design that the refusal from officers was being recommended.
- It was understandable that time was of the essence for the application to commence as soon as possible. It was regrettable that the suggestions from the planning officers had not been adhered to. There was opportunity for this application to be redone and with help from officers it would likely be more acceptable.
- The scale of the development was too large, even though the plot was large. It was felt this would have a negative impact on the local area and was not the right extension.
- It was clear to see that the applicant needed to extend the property. Get why the applicant needs to have an increase in size of the property. The objections were more around the design of the property. It was clear LP16 was the main driving force for the refusal and that the application was deemed to cause visual harm to the surrounding area.
- The committee needed to bear in mind that the applicant had the right to appeal if the application was refused. This could then be overturned by the planning inspectorate, leading to costs being awarded against the Council. There had been occasions in the past whereby the health of family members had been considered and the application granted.
- It was clear that the design was the issue. There was support from the planning officers who would help the applicant in being able to create an extension that would be acceptable and would allow the applicants family to live in a suitable property.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per the officer recommendation and following a vote (9 for, 2 against) the proposal was **REFUSED**.

REASON FOR THE DECISION:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

R 1 The proposed development, by virtue of its siting, size, scale, design and massing, would fail to respect the scale, design, proportions, and character and appearance of the host dwelling, visually swamping it, to its visual detriment. The resultant property would appear inappropriately wide and would cause visual harm to the character and appearance of the site and surrounding area, by eroding the existing open spacious character and generous separation distances between dwellings. The proposal is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

2.55pm - at this point Councillor Sharp left the meeting.

29.3 22/01164/FUL - 89A Eastfield Road Eastfield Peterborough PE1 4AS

The Committee received a report which sought planning permission to erect a single storey building to form a retail unit. The proposed building would have a floor area of 13m x 5.2m and proposes to stand at 3.2m to eaves and 4.6m to ridge finished in matching materials.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

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

- Officers were not aware of this location being within the “Op Can Do” area of the city. This was not a planning consideration that affected whether planning permission could be granted.
- A condition had been added that required details of a security plan to be submitted to planning officers as part of the granting of the application. This was to prevent anti-social behaviour from occurring down the alleyway next to the application property. This also involved the applicant seeking advice from the Police Liaison Officer. The condition was added at the request from the Police.
- At certain times of the day parking spaces could be used for a short period to go into the shop or be used by residents with a parking permit. Outside of these hours the parking bays were only for residents with permits.
- The application had some issues which needed to be addressed, however officers had explained how these had been addressed. In terms of security this could be dealt with by a condition.
- Parking was not an issue and the rules around parking permits were explained to members.
- Parking and highway safety were worthy of being referred to committee as this could cause issues in the future.
- There were clear reasons for calling the application into the committee. Issues around parking and safety were two of the main reasons for doing so. Officers needed to work with the Police to ensure that safety of residents and the public were maintained with this application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application as per the officer recommendation and following a vote (Unanimous) the proposal was **GRANTED** subject to the conditions outlined and the discharge of Condition 3 was done in consultation with Police ALO to agree which security measures might be most suitable for the proposed development.

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 development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

29.4 22/01159/FUL - 85 Eastfield Road Eastfield Peterborough PE1 4AS

The Committee received a report which sought planning permission for the conversion of the ground floor flat to a shop, installation of new shopfront, ground floor rear extension and associated internal and external works

For the avoidance of doubt, this application relates to the ground floor only. The first floor would remain residential.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

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

- The only real concern could potentially be the loss of the bay window at the front of the property.
- The removal of the bay window would neaten up the shops and make this a more attractive street overall.

RESOLVED:

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

the officer recommendation and following a vote (Unanimous) the proposal was **GRANTED** subject to the conditions as amended in the update report

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 development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

CHAIRMAN
1:30 – 3.25pm