

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

18 JULY 2023 AT 1:30PM

- 1 Procedure for Speaking
2. List of Persons Wishing to Speak
3.  
Briefing Update

# UPDATE REPORT & ADDITIONAL INFORMATION

## PETERBOROUGH CITY COUNCIL

### PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

#### Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

**The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.**

**MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.**

**The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.**

1. Objectors.
2. Applicant or agent or supporters.

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 18 JULY 2023 AT 1:30 PM**

**LIST OF PERSONS WISHING TO SPEAK**

<b>Agenda Item</b>	<b>Application</b>	<b>Name</b>	<b>Ward Councillor / Parish Councillor / Objector / Applicant</b>
<b>4.1</b>	22/00779/FUL - Westgate House, Park Road, Peterborough, PE1 2TA	Graham Finding/Paul Lancaster/Andrew Holder/Mike Lane/Mike Lane  Sean Hedley	Objectors  Agent
<b>4.2</b>	23/00046/FUL - Elm Tree, Garton End Road, Peterborough PE1 4EZ	Mark Fishpool  Tim Slater	Objector  Agent
<b>4.3</b>	23/00121/FUL - 1 Padholme Road Eastfield, Peterborough PE1 5EF		
<b>4.4</b>	23/00001/TPO - 76 Guntons Road Newborough Peterborough PE6 7RT		
<b>4.5</b>	23/00004/TPO - Rhine Avenue Peterborough PE2 9SN		
<b>4.6</b>	23/00003/TPO - 99 -101 Fulbridge Road, New England, Peterborough PE1 3LD	Cllr Mahmood  David Clark/Mr Raymond Palmer	Ward Councillor  Objector(s)

## BRIEFING UPDATE

P & EP Committee 18 July 2023

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1 .	22/00779/FUL	<b>Westgate House Park Road Peterborough PE1 2TA</b> Redevelopment of the former Beales store for a residential led, mixed-use development - part change of use, part demolition and part new build to provide 125 residential units and 846sq m of commercial/retail space

### **Local Highway Authority**

Having studied the additional information on matters of detail submitted by the applicant, no objections subject to:

(i) Section 106 agreement

- Payment of a sum of £1300 per TRO amendment to enable the conversion of 2 existing parking bays on Park Road to Electric Vehicle Charging bays, prior to commencement of development (to enable the advertisement to be carried out ready for the highway works to be completed).

- Installation of the EV Charger(s) (specification to be approved by PCC) to serve the 2 new Electric Vehicle Charging Bays, along with the required power supply, signage and road marking amendments (to be carried out by the Developer under the separate required S278/38 Agreement for the highway works), prior to occupation of the development.

(ii) The following additional conditions

35. The access hereby approved shall be provided in accordance with the details shown on the approved layout plan prior to first occupation of the buildings to be served by it. It shall thereafter be retained in accordance with the approved plans. Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan

36. Any areas of the existing access(es) which are made redundant by this scheme shall be permanently closed to vehicular traffic before the new access hereby approved has been brought into use. This shall include the raising of the kerbs and reinstatement of the footway as appropriate. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority. The permanent closure shall be carried out prior to first occupation/use of the site or within 3 months of the new access being brought in to use, whichever is sooner. Suitable temporary barriers shall be placed near but off the public highway as an interim measure if required.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan

37. The loading bays and associated turning areas hereby approved shall be laid out and ready for use in accordance with the approved site plan prior to the first use of the building(s). The loading and turning area shall thereafter be retained and shall not be used for any purpose other than loading and unloading of delivery vehicles and turning of vehicles, unless expressly permitted by the Local Planning Authority.

Reason: In order to ensure that sufficient parking and turning space is available in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

38. Cycle parking and bin storage shall be provided in accordance with the approved layout plan(s) and cycle stand details prior to first occupation of the unit(s) which they will serve, and shall thereafter be retained as such. The cycle parking must be allocated to the individual units as part of their lease / sale.

Reason: In order to ensure that sufficient and suitable cycle parking is available in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

39. No dwelling shall be occupied until details of access control measures for the Loading access from North Street have been submitted to and approved in writing by the Local Planning Authority. Access control measures shall be implemented in accordance with the approved details prior to the first residential occupation and shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the on-site loading area is retained for the intended use and not open for all. In the interests of highway safety, in accordance with Policy LP13 of the Adopted Peterborough Local Plan 40. Prior to first occupation of any unit, vehicle-to-vehicle and vehicle-to-pedestrian visibility splays shall be provided in accordance with the details shown on the approved plan (22- 070/01 B) and kept free of any obstructions over 600mm in height above ground level.

Reason: In the interest of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan

41. Development shall not commence until fully operational wheel cleaning equipment has been installed on all exits from the site and the area between the wheel wash and the public highway is hard surfaced in either concrete or tarmac and maintained free from mud, slurry or any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

Reason: In the interest of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan

42. No development shall take place until a Demolition Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition Traffic Management Plan shall include the following:-

- a) A scheme of chassis and wheel cleaning for all demolition vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all demolition operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- b) Haul routes to the site and hours of delivery.
- c) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- d) Details of site compounds, storage area and contractor and visitor parking.
- e) Details of any temporary lighting which must not directly light the public highway.

The demolition shall thereafter be carried out in accordance with the approved Demolition Traffic Management Plan.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan. This is a pre-commencement condition as the Demolition Traffic Management Plan needs to be in place before works start on site.

43. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include the following:-

- a) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- b) Haul routes to the site and hours of delivery.
- c) Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- d) Details of site compounds, storage area and contractor and visitor parking.
- e) Details of any temporary lighting which must not directly light the public highway.

The development shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan. This is a pre-commencement condition as the Construction Traffic Management Plan needs to be in place before works start on site.

44. Prior to the first occupation of the development hereby approved a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be written in accordance with industry best practice and shall include SMART targets and a mechanism for review. This Travel Plan shall set out the requirements for the site as a whole, with the individual businesses then providing updated Travel Plans for their unit(s) within 3 months of occupation. The development shall thereafter be occupied/operated in accordance with the approved Travel Plan and the review practices set out therein.

Reason: In the interests of promoting sustainable travel to and from the site in accordance with Policy LP13 of the Adopted Peterborough Local Plan

45. Notwithstanding the submitted details no window on the following facades shall open outwards and all windows on those facades shall only be of inward-opening or sliding design:

- (a) on the North Street façade facing North Street
- (b) on any façade which faces the onsite vehicular access

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Adopted Peterborough Local Plan

46. No development of the Westgate Building (other than works of demolition) shall take place until the area of highway shown on drawing 22-070/002 has been Stopped-Up.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Adopted Peterborough Local Plan

### Consultees

The Ostrich Inn has submitted a further representation, which is appended in full at **Appendix 1**.

1 further letter of objection has been receiving raising concerns on the potential effect of new dwellings close to The Ostrich Inn and the future of this live music venue.

### Applicant

The agent has also submitted a final representation, which is appended in full at **Appendix 2**.

2.	23/00046/FUL	<b>The Elm Tree Tavern Garton End Road Peterborough PE1 4EZ</b> , Demolition of existing buildings and erection of 7no. three bed homes, landscaping and infrastructure
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#### 1. Additional Neighbour Comment:

Additional neighbour objection has been received on 13/07/2023 objecting to the proposed development and the demolition of the existing building. The comment raises no new issues, and the Case Officer report covers all the relevant issues.

#### 2. Conditions amended

The agent has stated that the Applicant intends to start demolition works during the summer holidays if permission is granted and asked whether condition 3, 7 and 8 can be amended to exclude demolition works. Officers are content that by excluding demolition works the purpose of those conditions still remains appropriate, further Condition 9 will also be amended to ensure that tree protection measures are put up prior to any demolition works.

3. No development excluding any demolition works, shall take place unless and until details of all external finishes have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

*Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).*

7. Prior to the commencement of the development hereby permitted not including any demolition works, and notwithstanding the submitted details, the sizes for all planting stock shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall comply with and reference BS8545:2014.

*The details shall be implemented in accordance with the approved scheme prior to the first commencement of the development hereby permitted.*

*Reason: In the interest of landscaping and biodiversity in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019).*

8. Prior to the commencement of the development hereby permitted not including any demolition works, full tree pit details (sections), with dimensions, must be submitted and approved in writing by the Local Planning Authority, showing all installation features, including means of watering, support, protection, together with all products to be used to protect the adjacent features above from damage, such as root barriers, root directors, deflectors, and 'RootSpace'.

*The submitted details should also include a plan showing the extent of the above protection barrier/s, including the installation of barrier/s 2m beyond the mature crown spread of the trees in question, together with suitable and appropriate soil volumes required, in cubic meters, for the tree species being planted in each location, in order to sustain the species selected, and to comply with BS8545:2014 and Highways re s.38/s.278 expectations.*

*Reason: In the interest of landscaping and biodiversity in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019). This is a pre-commencement condition because the details to be approved are required to be carried out at the on-set of any groundworks/building works to ensure that the trees are protected.*

9. The measures and details as set out within the submitted Arboricultural Report ('BS5837:2012 -Trees in relation to design, demolition and construction. Arboricultural matters in relation to land at The Elm Tree Tavern, Peterborough' from East Midlands Tree Surveys Ltd dated 22nd December 2022) shall be implemented prior to the commencement of any works on site including any demolition works and retained until the completion of the development hereby permitted.

*Reason: To protect the trees on site in accordance with Policy LP29 of the Peterborough Local Plan (2019).*

3 .	23/00121/FUL	<b>1 Padholme Road Eastfield Peterborough PE1 5EF,</b> Demolition of dress makers unit and ground floor rear extension of existing dwelling, construction of replacement retail unit with 1 no. 2 bedroom apartment above including associated external works (resubmission)
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The following comments have been received from Ward Cllr Sam Hemraj:

“I have looked at the plans. The concerns I have is the lack of parking space in this area which is already lacking. There is no information on what type of business this will be. Are the flats going to be suitable for one person as it looks like the flats are going to be very small in the space.”

Officer Comment: To clarify, the proposed commercial unit is described in the application as a “retail unit”, although no specific end user or type of retail have been identified. All other issues have been discussed in detail in the officer report.

4.	23/00001/TPO	76 Guntons Road
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No Further Comments

5.	23/00004/TPO	Rhine Avenue
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**The following comments and photographs have been received from Mr Smith: (annex 3)**

My reasons are:

1. The two trees are huge and in themselves cause safety issues with their branches falling off and damaging my property.
2. These trees have never really been maintained and again to expect a domestic owner to part with £2,000 – £3,000 every five to eight years for maintenance is unrealistic.
3. One tree is over 50ft in height. Aerial tree maintenance is required and I don't really know how you expect a domestic owner to fulfil this operation.
4. The trees take an awful lot of water from the ground leaving the ground dry and barren and difficult for domestic owners to grow plants and shrubs with copious watering needed, which will be metered and cost lots of money.
5. When these trees where part of the British Sugar Sports Field they were in there right element, but in a small domestic back garden they are a risk to the property, the children of that property and owners, let alone neighbours. I have at present a broken branch puncturing my shed roof.
6. I have been in touch with Olivia Hewitt, the Development Planning Manager at Vistry Partnerships through email on 16th May 2023, but there has been no acceptance of email, in fact purely radio silence. Presumably because of the cost of maintaining these trees.
7. Your TPO Officer Stephen Chesney-Beales believes that it would be easy for anyone to maintain these trees given the TPO requirements. I think that this assertion in itself is at least unrealistic given the size of the trees and the equipment and safety requirements required for maintaining trees of this magnitude.

Please, please, please, remove these trees and replace them with a more sympathetic smaller type which can be easily maintained.

I have appended some pictures for reference.

Tree Officer comment:

The comments are duly noted, however, the Tree Officer does not consider the two Norway Maple within Group G.3 to be 'huge', as one is quite small and the other larger, but more 'unbalanced'. The trees can be managed by means of reasonable pruning in the future, if considered necessary, much the same as many other privately owned trees close to shared boundaries are. There will always be a cost incurred whether the tree/s in question are covered by TPO or not, unless the owner/neighbour takes on the work themselves, as Mr Smith has done in the past.

The Tree Officer does not consider the water demand of the trees to be an issue in this case, and please note, the developers retained the trees on site within the gardens of the proposed new houses.



The Tree Officer considers his report addresses the issue of the tree/land owner's obligation with regards to maintaining the trees in a safe condition by way of their obligations under the Occupiers' Liabilities Act 1984 (see Para 4. Mr Smith's objections).

6.	23/00003/TPO	99 Fulbridge Road
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**The following comments have been received from Ward Cllr Asim Mahmood:**

- *TPO in this location is not reasonable or justified and does not take into consideration the objections raised by residents.*
- *The council has a duty of care to its residents, due to the height of these trees given the risk of high winds and more importantly the nursery children of 101 Fulbridge road who use the garden where the trees are present and I do not agree with the assessment made by the officer that the trees in question are not Mature*
- *Can the officer say with confidence that the Landowners will seek permission from the Council if the TPO is granted for trees that are already unmaintained and I have seen first-hand branches falling off.*
- *Taking onboard the views of the local residents. As the Ward Councillor I do not believe that these trees bring significant visual amenity value to the local area and does not warrant a TPO*

**Tree Officer comment:**

With regards to the first comment: The TPO 'objections' are being considered by the P&EP Committee, before the TPO is considered for confirmation. It should be pointed out that only two objections were received in the statutory 28 day period for objections, one from Mr & Mrs Clark and one from Sarah Raucci.

With regards to the second comment: 'As stated in the Tree Officer's report, the Council does not have a duty of care with regards to the trees' the subject of the TPO, as the trees remain the responsibility of the tree/land owners' and their obligations under the Occupiers' Liability Act 1984, as they always have been. The Tree Officer does not consider the trees to be fully mature or over mature, or 'near end of life' and 'present a danger to life and property' which was the reference used (see Point 4 of the report).

With regards to the third comment: It is the tree/land owner's responsibility to seek permission to maintain the trees. The removing of dead branches is exempt from consent (an application), the only obligation under the T&CPA 1990 is to give the Council five days notice, before undertaking such works. If the works are considered necessary because of an immediate risk of serious harm, the works can be undertaken, as soon as practicable, but evidence will normally be required by way of photographs or a report to demonstrate that the works were necessary, in such circumstances.

With regards to the fourth comment: The Tree Officer considers the trees do have significant, public visual amenity value to the immediate and wider local area. Please note: Mr & Mrs Clark's independent Arboriculturalist - Caroline Hall states the trees - 'offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of benefit to the local landscape' and considers the trees to have 'considerable stature' and are 'widely visible from the surrounding area' (see Point 5 of the report).

The Tree Officer considers the trees meet PCC's TPO assessment criteria, the Council made the TPO, as it considered the trees' may be under threat from development and mis-management affecting their future health and wellbeing. It was considered that the proposed development had created pressures to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regard to the close proximity of the very tall Lombardy Poplars (see Point 1 of the report). The making of the TPO was considered appropriate and reasonable in the circumstances.

**Additional comments have been submitted by Mr Clark:** (Info attached as annex 4)

Tree Officer comments:

The comments are duly noted, however, the Tree Officer considers all of the points raised have been addressed within his report, including Appendix 3, given that the points raised relate to the refused outline planning application, which the Tree Officer clearly states in his report, he would not respond to. This remains the case (see Para 4 Mr & Mrs Clark's TPO Objection Notice).

**The following comments have been received from Mr Palmer:**

*My name is Ray Palmer, I live at 2a Sheridan Road, and I have lived there for more than 45 years and I am the longest resident in the road.*

*I find it strange that members are asked to make a decision on an application that is submitted by the authority they were elected to.*

*I submit these trees should never have been allowed to grow this high, especially in an urban residential area where the majority of surrounding properties are of a single story.*

*What is the purpose of this application? I support the view of the lady at 101 Fullbridge Road (nursery) that it is to frustrate the planning application on the back land development behind number 5 Sheridan Road. Which I will add is the only property to have suitable access to back land in this vicinity.*

*A TPO does not have to be associated with a planning application, so the question is why has this application emerged at this time when there have already been 4 planning applications on this back land and one application at number 3 Sheridan Road, planning officers and inspectors could have, and should have seen these trees and made a TPO before this date.*

*I would ask you to refuse this application and show support for the residents in Sheridan Road and Fulbridge Road, as 85% of the people objected to it, as indicated by the petition included in the report to which I have signed.*

*If you approve this application, there is no where the residents can go other than a judicial review, whereas if you refuse it, the council can go to an appeal.*

Tree Officer comments:

The comments are duly noted, however, the Tree Officer considers all the relevant points raised have been addressed within his report, especially with regard to the Council making the TPO, as it considered the trees' may be under threat from development and mis-management affecting their future health and wellbeing. It was considered that the proposed development had created pressures to carry out inappropriate and unnecessary pruning or felling, because of the anxiety and apprehension of future occupiers of the proposed dwelling with regard to the close proximity of the very tall Lombardy Poplars (see Point 1 of the report). Please note: Appendix 5, which is the response to the Neighbour Survey, of which Mr Palmer was apart, and which no residents responded to within 14 days with any objections (see Point 8 of the report), including Mr Palmer.