

# Public Document Pack



Minutes of a Meeting of the Planning and Environmental Protection Committee  
held at the Town Hall, Peterborough on 7 February 2012

## **Members Present:**

Councillors – North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Simons, Stokes, Todd, Lane and Ash

## **Officers Present:**

Nick Harding, Group Manager, Development Management  
Jez Tuttle, Senior Engineer (Development)  
Theresa Nicholl, Development Management Support Manager (Item 5.5)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

## **1. Apologies for Absence**

Apologies for absence were received from Councillors Harrington and Martin.

Councillor Ash was in attendance as a substitute from item 5.4 onwards.

## **2. Declarations of Interest**

- 5.1 Councillor Lane declared that he had a personal, non-prejudicial interest in the item, in that he had a family friend who lived in the flats in Cubbitt Way.
- 5.2 Councillor Lane declared that he had a personal, non-prejudicial interest in the item, in that he knew of the Applicant, Mr Moore.
- 5.2 Councillor Hiller declared a personal interest in that he was a member of a housing sub-group of which Mr David Shaw, the Agent for the application, was also a member. This would in no way affect his decision.
- 5.4 Councillor Lane declared that he had received correspondence from an objector in relation to the application, but this would in no way affect his decision.
- 5.4 Councillor Simons declared that he had a personal, non-prejudicial interest in the item, in that he knew one of the speakers due to address the Committee.

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

Councillor Serluca declared that she would be making representation as Ward Councillor, on behalf of her constituents, on item 5.1, Railworld, Land North of Cubbitt Way, Woodston, Peterborough.

## **4. Minutes of the Meeting held on 10 January 2012**

The minutes of the meeting held on 10 January 2012 were approved as a true and accurate record.

## 5. Development Control and Enforcement Matters

### 5.1 11/01740/FUL – Use of car park for car boot market at Railworld Exhibition Centre Car Park, at Land North of Cubbitt Way, Woodston, Peterborough

The application originally sought full planning permission for the use of the Railworld exhibition car parks (Land north of Cubitt Way, approximately 1.998ha/4.94 acres) for car boot sales on Thursdays 5.00pm – 9.00pm (April to September) and Sundays and Bank Holidays 6.00am – 4.00pm (all year round).

Following consultation feedback the proposal had been amended. The amendments proposed were as follows:

- The revised opening hours to be 7.30am – 4.00pm Sundays and Bank Holidays, with opening to public at 9.00am (all year round), and Thursdays 4.00pm – 9.00pm, with opening to public at 5.00pm (April to September);
- The means of access to the site from Oundle Road via the Railway arches only, apart from high sided trading vehicles which are unable to pass under the railway arches.
- The introduction of buffer zones within the site where no activities would take place on the southern and western boundaries, which were adjacent to residential sites;
- The marking out of the Public Right of Way route on site, to ensure it remained unobstructed and available for use when markets were being held; and
- No pedestrian access to the site from Cubitt Way when markets were taking place.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact on the neighbouring sites, access to the site and highways issues and the impact on the public right of way. The recommendation was one of approval.

The Chairman addressed the Committee and advised that an extension to the speaking times had been requested. The Committee agreed to extend the speaking times to allow 2 ½ minutes per objector, with those speaking in support of the application receiving the same total amount of time, this equating to 7 ½ minutes.

Councillor Lucia Serluca, Ward Councillor, addressed the Committee on behalf of her constituents. In summary the concerns highlighted to the Committee included:

- The original concept of car boot sales had over recent years transformed into more commercial open air markets, attracting antique dealers and eBay traders looking for bargains to sell on for profit;
- People sold new goods as well as old and tended to use large vans;
- The traders often outnumbered the genuine car booters;
- Car boot sales had become a tourist destination in their own right, with bouncy castles and food outlets;
- The boot sales attract significant numbers of visitors travelling by car;
- Traders often set up in the early hours of the morning;
- The existing car boot sale at the football ground had caused issues in the past for local residents in terms of noise, general disturbance and indiscriminate parking in surrounding streets;
- Local residents had questioned why a car boot sale was needed in this area. many of the items offered for sale could be purchased at the permanent market, where those traders had to pay rent and business rates;

- It was in the opinion of local residents that the proposal was for a retail use outside the city centre and should be assessed against Policy CS15 of the Core Strategy and Planning Policy Statement four;
- There had been many objections against the proposal, particularly from the residents of Cubbitt Way;
- The application would offer no benefit to the local residents and would only compound the issues they faced with regards to indiscriminate parking;
- They propose that the application should be rejected on the grounds of Policy CS15, Policy PP2 of the Draft Planning Policies DPD and Policy DA2 of the Local Plan.

Mr Jonathan Radway, a local resident, addressed the Committee in objection to the application. In summary the concerns highlighted to the Committee included:

- The car park was directly visible from Mr Radway's balcony;
- The proposal was a professional market being disguised as a car boot sale;
- The current car boot sale at the football ground had small lorries, large vans, green grocers, electrical stalls, clothes stall etc.
- People made a lot of noise, banging doors, shouting and playing loud music;
- In the Committee papers Transport and Engineering stated that all vehicles must go in through the car park, and Condition C2 in the recommendations said otherwise;
- This large market would not be conducive for such a residential area, it would destroy the peace and quiet of the local residents, and those peoples homes yet to be built;
- Why was there a need for bank holidays and Thursdays? This did not currently happen at the football ground;
- The buffer zones proposed would not be adequate, it wouldn't stop the noise or the unsightliness of the market;
- The proposal was against the Core Strategy and would not enhance the city in anyway.

Mr David Motley, a local resident, addressed the Committee in objection to the application. In summary the concerns highlighted to the Committee included:

- Residents did not think that the proposed buffer zone would be adequate;
- Whilst a 20 metre exclusion zone may be effective at Glebe Road, it would do little to mitigate against the noise and disturbance on Cubbitt Way;
- The cumulative impact on the residents of Cubbitt Way needed to be taken into consideration, the residents already had to suffer the noise and disruption of a fair three times a year on the site and the redevelopment of the Posh ground had led to supporters parking on this site on match days, the proposal as it stood would mean that the site would be utilised for 168 days of the year, 46% of the year;
- The local residents had suffered enough already due to the profit making of others.

Mr Brian Turner was present, as per the speaking list, but did not wish to address the Committee.

Mr Simon Smith, a Chartered Town Planner and representative of Railworld, addressed the Committee in support of the application and responded to questions from Members. In summary the issues highlighted to the Committee included:

- At no time had it been suggested that traffic would use the Cubbitt Way entrance. The pedestrian access at Cubbitt Way was to be gated to discourage

on street car parking along Cubbitt Way and shoppers would be encouraged to use the Council's Meadow Fair Car Park;

- The majority of the objections contained within the objection letters were in relation to the use of Cubbitt Way, as mentioned, this was not proposed;
- There was a lack of sufficient off street parking along Cubbitt Way and the application had caused residents to express their frustrations with regards to this. Railworld shared the residents' frustrations;
- Resident's objections also related to noise and disturbance issues, litter and food smells. All of these objections had been addressed by the seven Conditions proposed by Officers;
- The opening hours had been cut down and the market in practice, started closing down at 12 noon;
- The market would be laid out in a sequential way and the area of land near to residents would only be used on days of peak demand;
- There would be no refrigerated lorries permitted on the site;
- There would be no amplified, or other music, played on the site;
- Generators would not be permitted on the site;
- The food stall would be located at the furthest possible distance away from the flats, next to the entrance of Railworld;
- People didn't tend to go to car boot sales to make a noise or cause disturbance;
- The petition signed in support of the car boot was signed by 25 people for whom the market provided a source of regular income, the remainder were infrequent traders from across the city;
- No material planning considerations of any weight had been reported that would justify a refusal of the planning application;
- The new market would for the continuity of the existing market, there would not be two competing markets;
- There would be a robust gate in place for the duration of the car boot market, and there would be stewards present to ensure that people would not be able to access Cubbitt Way. Mr Smith was permitted by the Committee to circulate a diagram outlining the gate and fence;
- With regards to litter, there would be five stewards employed by the operator as well as a team of volunteers;
- There would be 90 – 150 pitches occupied depending on the time of year.

Following questions to the speakers, Members expressed concern with regards to possible traffic congestion in the area and the discrepancies highlighted in the committee report. In response the Highways Officer advised that there would be no vehicles accessing through Cubbitt Way, bar a small number of high sided vehicles. With regards to the volume of traffic Members were advised that the car park had originally been built to take a lot of traffic and therefore the use of the site for the market would not increase issues in the area.

The Planning Officer addressed the Committee in response to issues raised by the speakers. It was advised that there was no policy requirement for the applicant to demonstrate a need for this facility and a car boot sale could not be compared to normal city centre retailing. The Planning Officer further advised that the applicant had stated that he would be happy to delete the Thursday night market if Members saw this as being an issue.

Members discussed the application and comments were made in support of the application, namely that the area of land was already a car park and there was activity on the site on a regular basis therefore the provision of a boot fair would not alter the scene to a detrimental degree. Subsequent concerns were expressed in relation to the nature of the market and the impact its imposition would have on the local residents.

A motion was put forward and seconded to approve the application, subject to the following amendments; the deletion of the Thursday market trading, for the opening hours on a

Sunday to be 9.00am to 3.00pm with no vehicular access of any kind until 9.00am, to ensure no pedestrian or vehicular access to be allowed along Cubbitt Way and that any fast food vehicles are conditioned to be placed on the far right corner of the site away from residents. The motion was defeated by 5 votes, with 4 voting for, with the Chairman exercising his casting vote against the motion.

After further debate, it was commented that the imposition of a boot fair on the site would have a detrimental impact on the local residents. It would be intrusive and it would not be practical for a boot fair to commence trading at around 10.30am, as per the previously defeated motion. A second motion was put forward and seconded to refuse the application siting Policies CS15, CS16 and PP2. The motion was carried by 5 votes, with 4 voting against, with the Chairman exercising his casting vote in favour of the motion.

**RESOLVED:** (4 for, 4 against with the Chairman exercising his casting vote in favour) to refuse the application, against Officer recommendation.

#### **Reasons for decision:**

The proposed car boot sale would result in a significant degree of noise and disturbance at unsocial hours to the detriment of the residents that live immediately adjacent to the site. The proposal was therefore contrary to the provisions of Policy CS16 in the Adopted Peterborough Core Strategy (2011) and Policy PP2 of the emerging Peterborough Planning Policies DPD (2012). Both these policies sought to protect existing development from new development that would have an unacceptable impact on the amenity currently enjoyed.

The proposal was essentially a retail activity and such uses are directed to the City Centre Primary Shopping Area, District Centre or Local Centre by the retail hierarchy set by Policy CS15 of the adopted Peterborough Core Strategy. The site was positioned outside of these locations and as PPS4 sequential assessment had been undertaken by the applicant, it had not been demonstrated that the proposal would not have a detrimental impact on the City Centre Primary Shopping Area or that it would not conflict with proposals in any Council Plans or Strategies for expanding the City Centre retail Offer. The proposal was therefore contrary to Policy CS15 of the adopted Peterborough Core Strategy.

The meeting was adjourned for ten minutes.

There had been a late speaking request received from a member of Bretton Parish Council. The Committee voted on the request and it was denied.

#### **5.2 11/01572/FUL – Construction of permanent rugby clubhouse with car parking and tennis courts, to replace temporary facilities. Land at former Bretton Woods Community School, Flaxland, Bretton, Peterborough**

The proposal was to redevelop the area currently occupied by the parking, tennis courts and marquee, and incorporate a further 2800 square metres or so of adjacent land into the developed area. The proposal included:

- Provision of 100 car parking spaces as well as 11 disabled parking spaces, parking for 3 coaches and allowance for cycles and motorcycles;
- A new, solid construction, club house set slightly further away from the dwellings, to include changing rooms and support offices, a kitchen, bar and function room, and upstairs a further bar area and lounge;
- Banked seating along the north elevation of the club house, overlooking the pitches;
- Floodlighting around the main pitch (the one closest to the clubhouse);
- A new foul drainage connection;
- A small grounds maintenance store;

- A new security fence around the site perimeter; and
- Reinstatement of four tennis courts (these are currently underneath the temporary marquee club house).

The site was close to the Bretton Centre, and was accessed from Bretton Way along Flaxland to the north of the Local Centre, and then along a narrow unadopted road which led to the park, a scout hut, and the former Bretton Woods School site. This access road was about 5.5 metres wide.

The area used by the rugby club was the southern part of Bretton Park. It was leased out by the City Council (although it was understood that there was currently no lease in place) and has been used by the rugby club for several years. The site currently included a car park with about 64 spaces, an unused area which was laid out as four tennis courts, and a temporary structure, effectively a large marquee, which was laid out over a further four tennis courts and which was used as a club house and for holding functions. Together these areas covered about 5730 square metres. The pitches were beyond this. The area was immediately adjacent to a County Wildlife Site and the park was surrounded by a wooded area known as Highlees Spinney. There were dwellings within 50 metres of the site.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principles of development, highways impacts, parking, the design, neighbour amenity, landscaping, ecology and the re-instatement of the tennis courts. The recommendation was one of approval.

Members were advised that the application also included improvements to the junction accessing the site where it met Flaxland. It was currently a very tight corner and could not be easily accessed by buses.

There had been an error in the application, in that consultation had not been undertaken with the Forestry Commission and the Woodland Trust, there was therefore a change to the recommendation contained within the update report stating that 'The Head of Planning, Transport and Engineering be authorised to grant permission subject to; there being no objection from either the Woodland Trust or the Forestry Commission and the conditions as per the printed committee report'.

Comments from Councillor Nick Sandford, in objection to the application, had also been received and were outlined in the update report.

Mr David Shaw, the Agent, addressed the Committee on behalf of the Applicant and responded to questions from Members. In summary the issues highlighted to the Committee included:

- It had taken over five years to find somewhere to locate the rugby club;
- The Council's Sports Strategy fully supported new and growing sports clubs;
- The club provided an important social community facility for the people of Bretton;
- The Bretton Festival was held at the club and it attracted over 3000 people;
- The club was a voluntary club and it needed to finance its activities, the clubhouse therefore needed to be utilised and it needed to be successful;
- The club had been at the location for three and a half years;
- It was requested that Condition C3 be amended with regards to access. Coaches already utilised the access point and had done for sometime, it was therefore proposed that markings on some of the existing parking bays be implemented along the side of the road as an access passing bay;

- Conditions C11, C18 and C20 were all in relation to noise. C11 was in relation to a noise management plan and this was perceived as a good way forward, C18 was in relation to the total noise being generated from the site and the limits to that noise. It was therefore felt that C20, which was in relation to the hours during which functions would be allowed to be held, would become defunct if Conditions C11 and C18 were implemented;
- Limitations on the opening hours would be sensible and could be identified through a Management Agreement, this would offer flexibility;
- The club was currently licensed until 12.00pm, with no music to be played after 11.00pm;
- It was hoped that the clubhouse would be utilised by all members of the community, therefore it was requested that Condition C21 be amended to read 'the site shall not be used for any non-sport related activity during the hours of 7.00am to 9.30am and 4.00pm to 6.00pm, Monday to Friday'. This would avoid peak hour traffic.

The Planning Officer addressed the Committee in response to comments made by the speaker and advised that in his opinion, he was unsure whether the implementation of a Management Plan would be effective and operating times should be outlined.

The Highways Officer addressed the Committee and advised that the only issue was the access. The width of the access was acceptable, however the radius was tight. In order to remedy this situation the radius could be 'shaved' and this could be achieved within highways land.

Following debate, Members commented that the facility was greatly needed in the city and the revenue generation for the club was important, therefore Condition C20, in relation to the operating hours, was very restrictive as it stood. A motion was put forward and seconded to approve the application subject to the removal of condition C20 and no objections being received by the Woodland Trust or Forestry Commission. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to approve the application, as per Officer recommendation, subject to:

1. There being no objection from either the Woodland Trust or the Forestry Commission;
2. The conditions numbered C1 to C24 as detailed in the committee report, with the removal of Condition C20.

**Reasons for decision:**

Subject to the imposition of the conditions and there being no objections received from either the Woodland Trust or the Forestry Commission, 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 principle of having a rugby club on part of the Park was acceptable as it was a use that was compatible with the open space/recreational use of the park;
- Adequate access and parking could be provided;
- The design of the building was appropriate to the use and location;
- Impact on the amenity of nearby residents could be adequately controlled by conditions relating to noise, lighting and hours of use;
- It had no significant impact on the adjacent County Wildlife Site; and
- There was no significant impact on important trees

The proposal was therefore in accordance with Policies CS14, CS16, CS18 and CS21 of the adopted Peterborough Core Strategy DPD and Saved Policies T8, T9, T10, LNE10 and U1 of the Peterborough Local Plan 2005 (First Replacement).

**5.3 11/01676/FUL – Construction of three affordable dwellings for rent, including associated external works, parking and access improvements at garages to rear of 287 Welland Road, Dogsthorpe, Peterborough**

The Applicant sought consent to demolish the existing 17 garages in a parking court and erect three two-storey terraced affordable dwellings for rent with associated parking. Part of the proposal included the formation of a rear access to No.8 Furze Ride and the removal of an existing access from the garage court to the East-West footpath that runs along the North of the site. A new 1.8 metre metal railing fence would be installed along the Northern boundary.

The dwellings stood at 4.8 metres to eaves and 7.5 metres to ridge. Each dwelling would have its own dedicated rear garden space, two off street parking spaces, garden shed and bin store.

The application site was a garage court consisting of 17 flat roof garages with metal doors, accessed from the South-East and was surrounded by residential gardens to the East, South and West, with a non-adopted footpath running East-West to the immediate North. The site was covered in hard standing; there were no trees within the site however a number surrounded the site. The site boundary was formed by a combination of a 2 metre high brick walling or the rear wall of the garages themselves.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the policy context and the principle of development, the design and visual amenity, the impact to neighbouring residents, the amenity of future occupiers and highway implications. The recommendation was one of approval.

Members' attention was drawn to additional information contained within the update report. Additional representations had been received from Mr Chris Brammall, a local resident and from Councillor Adrian Miners, Ward Councillor, both in objection to the application.

Councillor Chris Ash, Ward Councillor, addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There had been extensive comments received from residents in relation to the application;
- The boundary wall was well established and if it was to change, this would have an adverse effect on neighbours amenity;
- The proposed dwellings were to be slightly angled from the properties on Welland Road, however the nearest point was still very close and would make the gardens claustrophobic;
- There would be light loss to the neighbours;
- The garages were reasonably well looked after and a lot of them were in use;
- It was a heavy residential area and there were concerns with regards to construction, this needed to be monitored carefully and there should be no building during unsocial hours namely not on a Sunday or a Saturday afternoon and 8.00am to 6.00pm on weekdays and 8.00pm to 2.00pm on a Saturday.

Mr Chris Brammall, a local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the concerns highlighted to the Committee included:



- Mr Brammall was permitted by the Committee to circulate a photograph highlighting the view from the back of his house on the ground floor;
- Mr Brammall lived at 287 Welland Road and the view from the back of his house currently included the back of the garage walls, this was no intrusive. The side elevation of the proposal would however impact dramatically on Mr Brammall's outlook and would overshadow his view;
- The side elevation would be 8.5 metres away, this was very close;
- Mr Brammall had concerns with regards to the service trench proposed to run along the side of the property, this would be very close to his property;
- Mr Brammall had concerns with regards to his garage wall, his gas central heating boiler was situated on that wall;
- He did not object to the houses in principle, but if it was two houses rather than three it may be less overbearing;
- The garages were currently over 50% in use.

Mr Ian Irwin, a local resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Mr Irwin lived at 285 Welland Road and the third house would also overshadow his property;
- Mr Irwin did not object to the houses in principle, but he believed there were too many proposed for the site;
- The existing gardens were 18 inches higher than the proposed gardens;
- If the houses were turned around, four houses could be accommodated on the site;
- If you created a proper road, this would prevent Travellers from parking on the site;
- The houses should be built out of the same material as the rest of Dogsthorpe.

The Planning Officer addressed the Committee in response to comments made by the speakers and advised that in order to ease the relationship between the existing properties and the block proposed nearest to them, the proposed block could be moved at least a metre to the right and the end elevation roof could be hipped.

Following debate, Members commented that affordable housing was required and the proposal would represent an improvement to the area. A motion was put forward and seconded to approve the application subject to amended plans being received showing a hipped roof and the terrace block being move one metre to the right further away from the Welland Road properties and an amendment to condition C13 to outline the construction hours, those being 8.00am to 6.00pm Monday to Friday and 8.00am to 2.00pm Saturdays, with no working on Sundays or Bank Holidays. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to approve the application, as per Officer recommendation, subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the neighbourhood infrastructure needs of the area;
2. Amended plans being received to show a hipped roof and the terrace block moved one metre to the right further away from the Welland Road properties;
3. The conditions numbered C1 to C20 as detailed in the committee report, with an amendment to condition C13 to read 'a scheme of working hours for construction & delivery that restricts such activity to 8.00am to 6.00pm Monday to Friday

(excluding Bank Holidays), 8.00am to 2.00pm on Saturdays. There shall be no construction or deliveries on Sundays or Bank Holidays;

4. If the S106 had not been completed within two months of the date of the resolution without good cause the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report.

#### **Reasons for 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 principle of the development on the site is considered acceptable in accordance with Planning Policy Statement 3 and Policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The development would provide three affordable dwellings which would contribute towards the provision and range of housing available to meet housing needs in accordance with Policy CS8 of the Adopted Peterborough Core Strategy DPD;
- The proposed layout would afford the future occupiers with an appropriate level of residential amenity in accordance with Policy H16 of the Adopted Peterborough Local Plan (First Replacement) (2005);
- The development by reason of its design, layout, scale and height would not result in a sufficiently detrimental impact on the residential character of the area or the amenities of the occupiers of existing neighbouring dwellings;
- Sufficient access, parking and turning provision will be provided within the development in accordance with Policy CS14 of the Adopted Peterborough Core Strategy DPD and Policy T10 of the Adopted Peterborough Local Plan (First Replacement) (2005).

Councillor Ash was in attendance and joined the Committee as substitute for Councillor Harrington.

The meeting was adjourned for ten minutes.

#### **5.4 11/01752/FUL – Demolition of four blocks of garages and construction of four affordable dwellings for rent including associated external works, parking and access improvements at garages to the rear of 90 Hallfields Lane, Gunthorpe, Peterborough**

Permission was sought to demolish the existing four blocks of 22 garages located on the site and to construct four two storey dwellings. It is proposed that the dwellings are constructed as one pair of two bedroom semi detached dwellings and one pair of three bedroom semi detached dwellings. The dwellings were offered for affordable rent by Cross key Homes.

It was proposed that the dwellings were constructed of brick and tile with a gable roof occupying a footprint of approximately 10.5 metres (w) x 8 metres (l) and rising to a height of approximately 7.9 metres. Two tandem style on plot parking spaces were proposed to serve each dwelling. Each dwelling would be provided with an enclosed area of rear amenity space. A bin collection point to serve all four dwellings would be provided adjacent to the north side of the access road.

The application site was presently occupied by four blocks of 22 garages. The site was hard surfaced and level. Existing vehicular access was off Hallfields Lane.

The character to the north, south and west of the site was residential and was comprised of a two storey semi detached development of a uniform pattern and scale. Gunthorpe Primary School and associated playing fields were located to the north east of the site. There was an existing tree located to the south east corner of the site.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, the design and impact of the development on the character of the area, residential amenity, the impact of the development on neighbour amenity, highway implications and a number of other issues. The recommendation was one of approval.

Members' attention was drawn to additional information contained within the update report. Additional representations had been received from Councillor Sue Day, Ward Councillor, and Ms Barbara King on behalf of her mother, a local resident, both in objection to the application.

Mr Michael Beeken and Mrs Susan Heffron, local residents, addressed the Committee jointly in objection to the application. In summary the concerns highlighted to the Committee included:

- Mr Beeken had lived in his home for some 46 years without being overlooked;
- The property had been improved to the rear and it had been enjoyed over the years, especially the garden area;
- The proposed houses would overlook Mr Beeken's property;
- The committee report stated that the properties would be 22 metres away at the nearest point, this was still far too close;
- Mr Beeken and his wife were both retired and their house had given them a lot of pleasure over the years. They did not have the funds to move, or wish to move;
- Bungalows would provide a good option as there were older single people living on the estate who could move into these, in turn freeing up their three bedroom properties for families;
- If the Committee were minded to approve the application, could the gable ends be placed to face Mr Beeken's property to ensure their privacy remained?
- The proposal would significantly impact the area;
- The emergency services had expressed concerns with regards to the entrance to the properties.

Following debate, Members expressed concern with regards to the proposal and commented that although affordable housing was required, and the site was a prime location for such a development, the proposal's design layout was sub-standard for the location. The proposal would also result in an unacceptable loss of residential amenity to the local residents by way of overlooking and was therefore contrary to Policy CS16. A motion was put forward and seconded to refuse the application. The motion was carried by 7 votes, with 1 voting against and 1 abstaining.

**RESOLVED:** (7 for, 1 against, 1 abstention) to refuse the application, against Officer recommendation.

#### **Reasons for decision:**

The proposal would result in an unacceptable loss of residential amenity to the occupiers of number 6 and number 8 Cleveland Court by way of overlooking from the first floor windows of the proposed dwellings. The proposal was therefore contrary to Policy CS16 in the Adopted Peterborough Core Strategy (2011). This policy sought to protect existing development from new development that would have an unacceptable impact on the amenity currently enjoyed.

#### **5.5. Consultation by Augean PLC regarding its intention to submit applications to the Infrastructure Planning Commission for an extension of time for the existing landfill operation for disposal of hazardous and low level radioactive waste, new facility for**

**the disposal of such wastes, extension of time and capacity for the existing soil treatment facility and associated development.**

The City Council had been consulted by Augean PLC with regard to applications they intended to submit to the Infrastructure Planning Commission (IPC) in respect of East Northants Resource Management Facility (ENRMF) at Kings Cliffe, Northamptonshire. The proposals were at a pre-application stage but all of the information about the proposals was in the public realm and was available for inspection on the Augean website at [www.augeanplc.com](http://www.augeanplc.com). The proposals were to be determined by the IPC because they would constitute national significant infrastructure projects for hazardous waste facilities.

The site currently had permission to landfill with hazardous waste and low level radioactive waste. Both waste streams were strictly controlled through permits issued by the Environment Agency. The permit for the low level waste allowed acceptance of solid wastes of not more than 200Bq/g. This meant that the waste contained very small levels of radioactivity and in this case it was the bottom 5% of the range of low level radioactive wastes. The waste that would be disposed of would come from the clean up of decommissioned nuclear industry sites such as building rubble and from non-nuclear sources such as hospitals. There was also permission for a soil recycling facility which could take 100,000 tonnes per annum of imported contaminated soil enabling the clean up of this soil on site through washing or treating with chemicals. This facility was not for low level radioactive waste (LLW). The cleaned up soil would be put into the landfill area. The total current permitted imports to the site were 250,000 tonnes of waste per annum.

On 20 January 2012, a meeting organised by the IPC was held and attended by the Local Authorities directly affected by the proposal (named 'B' authorities), namely Northamptonshire County Council and East Northamptonshire, and representatives of neighbouring authorities (named 'A' authorities) including Peterborough. Officers together with Councillor Peter Hiller and Councillor John Holdich attended on behalf of Peterborough. The purpose of the meeting was to explain the application process and not to discuss the merits of the scheme.

In summary, Augean intended to submit applications for the following development:

- A time extension of approximately 3 years to complete landfilling of the consented landfill by the end of December 2016 with an associated time extension to the end of December 2016 for the life of the soil treatment and recycling facility and an increase in the throughput of the soil treatment and recycling facility to 150,000tpa;
- The extension of the life of the soil treatment and recycling facility located in the north west of the site to December 2026;
- The construction of a new landfill void to the west of the current landfill which would provide approximately 10 years of life for a period up to 2026. The new void was to be within the boundary of the extant planning consent. This would be created by removing top and sub soil, overburden and clays, storing some of this for re-use in restoration of the site, exporting some to Thornhaugh 1 for use there and selling any surplus;
- Filling of the landfill void with hazardous waste and low level radioactive waste (LLW) with an activity up to 200Bq/g at a direct input rate up to 150,000tpa;
- A limit on the total waste input to the East Northants RMF site of 250,000tpa. (as existing);
- The extraction and stockpiling of clay and overburden to provide material for use in the construction and operation of an engineered containment system at the site, the exportation of clay for use in engineering the nearby Augean Thornhaugh Landfill Site and for general sale;
- The continuation of the operation of the gas flare and pumping station present at the site; and

- The restoration of the site to woodland and grassland following the completion of landfilling.

The site had a history of mineral and waste development, the most recent and relevant of which being:

- EN/05/1264C. Planning permission granted for hazardous waste landfill and associated operations. This permitted the importation of up to 249,999 tonnes of hazardous and inert waste to the site per annum. July 2006;
- EN/06/01517/CRA. Installation and operation of gas flare and a surface water pumping station in the north west of the site. September 2006;
- 07/00048/WAS and 07/01838/NCC. Installation and operation of soil treatment facility. The consented throughput was 100,000 tonnes per annum; and
- 09/00053/WAS. Landfill disposal of low level radioactive waste in phases 4B, 5A and 5B of the permitted hazardous waste landfill. This proposal was allowed on appeal by the Secretary of State who recovered the appeal from the Planning Inspector who held a Public Inquiry into the appeal. A legal challenge through the Court by opponents of the scheme was not successful. The permission was recently implemented with the first consignment of Low Level Waste being brought into the site for disposal.

Mr Gene Wilson, Augean PLC, was present to respond to any questions raised by Members. Responses to these questions included:

- Low level radioactive waste could be anything that was slightly contaminated. For example outbuildings waste, following demolitions, and waste from hospitals, schools etc;
- The risks associated with low level waste were extremely low;
- There were only a couple of other sites in the country able to take this kind of material;
- In terms of volumes, the low level waste made up around 10% of the waste taken on site. This would equate to about two to three deliveries per day;
- Principally the waste would come from the nearest sites, which could be anywhere in the south;
- Only the waste which could not be disposed of by any other manner would come to the site;
- The Environment Agency had to confirm they were happy for the waste to come to the site;
- An overview of the lining system and soil washing system were given to the Committee.

Following questions to the representative from Augean PLC, Members positively commented on the way Augean had conducted their consultations. A motion was put forward and seconded to accept the Officer recommendations as outlined in the committee report. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to approve the Officer recommendations as outlined in the committee report, those being:

1. That no objections to the proposed application were raised in principle, because this had already been tested on appeal and in the Courts with regard the existing planning permission, the facility complemented the facilities provided in Peterborough which was recognised in the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and the government had indicated that need for such a facility should be taken as accepted;

2. That PCC reserved the right to comment further on the detail once the complete applications were viewable and accepted by the IPC (although it was recognised that substantive changes would not be able to be made);
3. That concern was raised over the variance of terminology used in the technical reports and that the methodology contained within the Environmental Statement should set uniformity in terms of how scale of impact and possibly mitigation was expressed within the document. This aspect should be clear enough for the majority of interested persons to understand;
4. With regard to the 14 day window to comments on whether the application should be valid, that Members delegate this response to the Head of Service for Planning and Transportation;
5. With regard to the submission of other comments to the IPC or attendance of any meetings, Members decided that they wished to delegate further responses to the Head of Service, in consultation with the Portfolio Holder (Councillor Hiller) and the nearest ward Members to Kings Cliffe (Councillors Holdich and Lamb)
6. That Members endorsed the dissemination of information on this proposal to the public via Officers creating a web page giving updates and information on the procedure, and that local Members might disseminate information verbally to their Parishes and constituents.

13.30 – 17.45  
Chairman