

PETERBOROUGH



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE**

HELD AT THE TOWN HALL, PETERBOROUGH ON 4 JULY 2017

Members Present: Councillors Harper (Chairman), Casey (Vice Chairman), Cereste, Hiller, Stokes, Clark, Martin and Iqbal.

Officers Present: Lee Collins, Development Management Manager
Alan Jones, Senior Officer, Minerals and Waste
Louise Simmonds, Senior Development Management Officer
Simon Ireland, PCC Highways
Louise Humphreys, Planning and Highways Lawyer
Dan Kalley, Senior Democratic Services Officer

8. Apologies for Absence

Apologies were received from Councillors Bull, Bond and Ash.

Councillor Cereste attended as substitute for Councillor Bull

9. Declarations of Interest

Councillor Harper advised that he had a personal interest in items 5.1 and 5.2 as he had been involved in both Planning applications, as the Chair of the Committee he stated that he would be removing himself from the Committee at the beginning of items 5.1 and 5.2.

10. Members' Declaration of intention to make representations as Ward Councillor

Councillor Harper advised that, with reference to item 5.1, upon legal advice, he would be withdrawing from the Committee and making representation as a Councillor and resident.

11. Minutes of the Meeting Held on 16 May 2017

The minutes of the meeting held on 16 May 2017 were approved as a correct record.

At this point the Vice-Chair took the seat of the Chair for the substantive items on the Agenda.

12. Development Control and Enforcement Matters

12.1 16/00080/MMFUL – Land Adjacent to Horsey Toll Farm, Whittlesey Road, Stanground, Peterborough

The Committee was presented with an application for the erection of an anaerobic digestion plant. This would run on feedstock, comprising approximately 18 000 tonnes of energy crops from Horsey Toll farm, 20 000 tonnes imported into the site and 26 000 tonnes of waste coming from food supply. The gases emitted by the plant would be blended with propane before being exported to the gas grid. The plant was to produce up to 700 cubic metres per hour of biomethane gas to export to the gas grid.

Members were informed that authority to delegate determination of the application was agreed between Cambridgeshire County Council and Peterborough City Council, such that Peterborough City Council was to be the determining authority, This was due to the fact that the site straddled both Peterborough and Cambridgeshire.

Furthermore the Committee were informed that the applicant was granted sufficient time to respond to a number of issues, which they failed to meet. The applicant agreed on this basis that the application should still be decided with the current information presented to Committee.

The facility would be operational 24 hours a day and over the course of a month there would be a maximum of 154 vehicle movements into the site and a maximum of 114 digestate collections,

The Senior Officer, Waste and Minerals commented that 147 letters of objection and 3 petitions had been received by the Council against the construction of the plant. In addition the Senior Officer, Waste and Minerals directed the Committee to a letter received by the applicants which had been included in the update report.

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

- The proposed site was only 400m from local residents, who would have to put up with odours being produced by the plant and increased levels of traffic around the site.
- There was no contract in place with Peterborough City Council for local waste, transportation of waste would be coming into Peterborough from further afield.
- Horsey Toll Bridge would not cope with the increased levels of traffic and the bridge itself was not strong enough to cope with the volume of lorries being suggested each month.
- There were medical side effects to the potential odours being produced, including harm to the lungs, inflammation of the respiratory system and dermatitis.
- Committee were informed that rotten food smells were far worse than cooking smells.
- There was the possibility of spillage from the site. There had been previous recordings of spillage at other plants which had a catastrophic effect on the local wildlife.
- People in the local area were not supportive of this proposal as evidenced by the number of objections and petitions received.
- A sequential flood test was needed and the applicant had not been forthcoming in carrying out this test.
- At no stage had this application been discussed with other members of the Committee and they had not been lobbied in any way.

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

- No alternative site had been looked at by the applicants
- The impact on the local wildlife would be detrimental, especially in the case of any spillage.
- There would be a massive impact on residents in terms of the odours being produced and increased levels of traffic.
- The application had failed to take into account the visual impacts on residents, including the impact on the Cathedral.

Jan Hamilton, a local resident, addressed the Committee. In summary the key points highlighted included:

- The residential location was surrounded by low levels of noise and an abundance of wildlife, this would be negatively impacted upon with the erection of the plant.
- The number of HGV's coming into and out of the site would increase noise levels to an unacceptable level. The bridge that the HGV's would use was not strong enough to sustain that level of traffic.
- The area was prone to large areas of dust, which would be increased with the construction of the site,

Mr Richardson, a local resident, addressed the Committee. In summary the key points highlighted included:

- When the wind blew in the direction of his property there would be odours and smells emitted from the plant.
- Lorries on the roads would be bringing further noise pollution, adding to the noise being created by the compressor.

The Committee discussed the application and commented that the applicant had not provided sufficient information to the Planning department with regards to some of the issues highlighted. There were concerns around the road access for the high number of HGV's expected. It was disappointing that the applicant had not addressed the Committee over some of the issues raised.

A motion was proposed and seconded to agree that planning permission be refused, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimously) that planning permission is **REFUSED** subject to the conditions set out in the report and update report.

Reasons for the decision:

The proposal is 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.

The proposal is considered as a waste management proposal outside an allocated area (CS18). Whilst satisfying one of the criteria for this policy, in making a positive contribution towards sustainable waste management, the lack of additional information prevents a definitive conclusion being drawn regarding its consistency with the spatial strategy for waste management. As such, it is correct for a precautionary approach to be adopted. The merits of the proposal, including compliance with aspects of national policies regarding the economy and rural diversification, the provision of renewable energy and moving waste up the waste hierarchy, cannot be satisfactorily weighed against the potentially negative impacts as they are not fully known. Such potentially negative impacts include:

- Alternatives. The consideration of alternative sites as required by the EIA regulations may demonstrate a more appropriate location.
- Ecology. The potential impact of lighting at the site, which is likely to be required, on protected species. The cumulative impacts with the restoration scenario for the approved Must Farm quarry. The proposal is not therefore in accordance with policies CS15, CS27, CS34 and CS35.
- Landscape and visual impact. Residential visual receptors with views of the proposal. The cumulative effects of the proposal, specifically with the approved mineral workings at Must Farm. The potential impact of lighting at the site. The proposal is not therefore in accordance with policies CS33 and CS34.

- Traffic, transport and highway safety. The ability of the highway network to accommodate increase in traffic. The proposal is not therefore in accordance with policies CS15 and CS32.
- Noise. The residential use or otherwise of the caravan at Horsey Toll Farm needs to be established. The noise impact whereby the baseline has not been adequately established. The cumulative effects of the proposal with the operational scenario for the approved Must Farm quarry. The proposal is not therefore in accordance with policies CS15 and CS34.
- Odour. The residential use or otherwise of the caravan at Horsey Toll Farm needs to be established. Also weighed into the balance is the information provided by the Environment Agency, which, whilst not objecting, notes that a large residential area may be affected should odour be an issue. The proposal is not therefore in accordance with policies CS15 and CS34.
- Floodrisk and drainage. There may be a sequentially more preferable site. Pollution potential during a flooding incident. The proposal is not therefore in accordance with paragraphs 100-104 of the NPPF and policy CS39.
- Heritage and Archaeology. The impact on known (designated and un-designated) heritage assets, including those subject to any requisite off site connection works. The degree of harm to Peterborough Cathedral. The proposal is not therefore in accordance with policy CS36.
- Minerals Consultation Area – The cumulative impacts; associated with noise during the operational scenario for the Must Farm quarry; associated with the effect on groundwater flows; associated with both the operational and restoration scenarios from a landscape and visual impact perspective; and associated with the restoration scenario and ecological impact. The proposal is not therefore in accordance with policy CS27.

A number of additional concerns have been presented through the consultation process, which, whilst representing a depth of feeling in the locality, do not constitute material planning considerations.

12.2. 16/02419/OUT – Land to the South of Oakdale Avenue, Stangroud, Peterborough

The Committee was presented with an application seeking outline planning permission for the construction of 516 residential dwellings and associated infrastructure. The Committee were informed that 363 of these dwellings already benefited from outline planning permission, therefore the proposal was to seek the increase in the number of dwellings by 153. Two rounds of consultation had taken place of which 75 objections were received in the first round and only 6 in the second round.

The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update report.

Councillor Bisby, addressed the Committee and responded to questions. In summary the key points highlighted included:

- A number of issues raised by Ward Councillors had been addressed by the applicant following discussions.
- There would be benefits to completing the construction vehicle entrances at the same time as construction of the dwellings took place.
- A footpath for children should also be created at the beginning of construction to allow school children to access school without having to walk around the site.
- However, overall the comments taken on board by the applicant were welcomed.

Councillor Rush addressed the Committee and responded to questions. In summary the key points highlighted included:

- There was concern over who would take ownership and look after the 1m buffer zone, as it should not be used as a dumping ground.
- It was essential that the bus lane had some form of number plate recognition system.

Anne Dew, on behalf of the applicant, addressed the Committee. In summary the key points highlighted included:

- This outline application sought to increase the existing approved number of dwellings from 363 to 516.
- These extra units adhered to all principles originally approved.
- All statutory consultees had approved this scheme with the additional 153 dwellings.
- All existing conditions imposed on the original application would be carried forward.
- This scheme helped the Council's five year housing supply.
- The additional infrastructure being put in place included new schools, green spaces and playing fields.

The Committee were informed that there were covenants in place that dealt with the 1m buffer zone, preventing it from being used as a dumping ground.

In response to questions from the Committee the Head of Planning confirmed that:

- The Conservation Officer had looked at the impacts on the local ponds and had deemed there to be no significant impact. Furthermore the applicant was to provide an additional pond, which they were not obliged to do.
- If members agreed a condition could be inserted to enforce that a new cycle storage facility be erected, instead of refurbishing the existing structure.

The Committee discussed the application and welcomed the work carried out by the applicant to address the concerns raised by Ward Councillors. Although the number of affordable homes was under the target of 30%, these were still value for money properties.

A motion was proposed and seconded to agree that outline planning permission be approved, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimously) that planning permission is **GRANTED** subject to the conditions set out in the report and update report.

Reasons 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 application site is allocated for development in the adopted Site Allocations DPD (2012) and already benefits from an extant outline planning permission. Accordingly, the principle of residential development is already established in accordance with Policies CS2 and CS5 of the Peterborough Core Strategy DPD (2011) and Policy SA1 of the Peterborough Site Allocations DPD (2012);
- the site is considered to be a sustainable location with acceptable connections to local facilities;
- the development of the site for housing will contribute towards ensuring that the Council can demonstrate a five year land supply going forward;

- the traffic generation arising from the proposed additional dwelling numbers would not pose an unacceptable danger to the safety of the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- adequate provision will be made for the development to be readily accessible by all means of sustainable travel, with improved foot and cycle links as well as buses, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- the layout, density and design of the proposal would preserve the character, appearance and visual amenity of the wider SSUE so as to not appear incongruous or at odds with its context, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal would not give rise to an unacceptable degree of harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the development would adopt sustainable drainage systems to ensure that surface water drainage is adequately managed on site and discharged at a rate no higher than the existing greenfield levels. Accordingly, the proposal would not be at unacceptable risk from flooding itself, or pose an increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011), the Peterborough Flood and Water Management SPD (2012) and the Flood and Water Management Act 2010;
- the proposal would not pose an unacceptable risk to species of principal importance and would secure biodiversity enhancement, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policy PP19 of the Peterborough Planning Policies DPD (2012) and paragraph 118 of the National Planning Policy Framework (2012);
- no trees of key landscape value would be harmed by the proposal, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in unacceptable harm to undiscovered buried heritage assets, in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 128 of the National Planning Policy Framework (2012);
- contaminations risks on the site will be adequately mitigated to ensure that no undue risk to human health or controlled waters results, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012) and paragraph 121 of the National Planning Policy Framework (2012);
- whilst the proposal would not provide the requisite level of public open space as prescribed in Policy PP14 of the Peterborough Planning Policies DPD (2012), it is considered that adequate open space provision would be met to meet the needs of future occupants;
- the proposal would afford future occupants with an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012); and
- whilst the proposal would not provide the requisite level of affordable housing as prescribed in Policy CS8 of the Peterborough Core Strategy DPD (2011), the Applicant has adequately demonstrated that the development would be unviable in such an event.

Whilst it is identified that some degree of harm would result from the failure to provide the policy requirements in terms of public open space and affordable housing provision, it is not considered that this adverse impact significantly or demonstrably outweighs the benefits of the scheme when assessed against other policies contained within the National Planning Policy Framework (2012) (NPPF) or adopted Local Plan. Accordingly, and applying the presumption in favour of sustainable development as

set out in paragraph 14 of the NPPF, the proposal is considered acceptable on balance.

At this point the Chair returned to the meeting and offered his congratulations to the Planning Customer Service team who had been recognised as excellent for the eighth consecutive year for their customer service operation.

Chairman
1.30pm – 3.02pm