

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 3 DECEMBER 2013 AT 1.30PM

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**UPDATE REPORT &
ADDITIONAL INFORMATION**

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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.

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 3 DECEMBER 2013 AT 1.30PM
LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent/Supporters/Parish Council/Town Council/Neighbourhood Representatives
4.2	35	13/00384/FUL – LAND TO THE NORTH OF BARSBY COOKED MEATS, NORTHEY ROAD, PETERBOROUGH	Mr Barry Nicholls, Miss Smith and Mrs Richardson	Agent and Applicants
4.3	69	13/01360/FUL – COMPASS BARN, MAIN STREET, UFFORD, STAMFORD	Mr Simon Percival or Ms Kate Wood and Mr Scott Weavers-Wright	Agent and Applicant
4.4	83	13/01370/WCMM – COOKS HOLE, LEICESTER ROAD, THORNHAUGH, PETERBOROUGH	Mr Richard Clarke Mr John Gough (Planning Manager – Mick George)	Wansford Parish Councillor Applicant
4.5	99	13/01374/WCMM – COOKS HOLE, LEICESTER ROAD, THORNHAUGH, PETERBOROUGH	Mr Richard Clarke Mr John Gough (Planning Manager – Mick George)	Wansford Parish Councillor Applicant

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BRIEFING UPDATE

P & EP Committee 3 December 2013

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	13/00147/FUL	Land To The Rear Of Barsby Cooked Meats, Northey Road, Peterborough , Construction of stables – retrospective.

No Further Comments

2.	13/00384/FUL	Land To The North Of Barsby Cooked Meats, Northey Road, Peterborough , Change of use to include 1No static caravan and 2No touring caravans with the erecting of a facilities block and stables for one extended gypsy / traveller family - part retrospective.
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No further comments

3.	13/01360/FUL	Compass Barn, Main Street, Ufford, Stamford , Extension of curtilage of dwelling into paddock to enable the building of garage block, tennis court and lake.
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Additional information has been received. This consists of a letter to members, curtilage plan, cross sections and perspective drawing.

Although the person submitting the information has acted on behalf of the applicant previously we have had no written confirmation that this is the case in this instance. The additional details are therefore attached to the file for information purposes only.

Officer Comment

This information was received too late (3.30pm Monday 2nd December) to be considered thoroughly by the LPA. A brief evaluation of the information has been undertaken and nothing submitted alters the position of the LPA.

It would appear that the cross section is inaccurate as the ground is not level, though it has been drawn as such. This cross section highlights the impact that the development will cause, as a greater amount of land is shown as excavated than was anticipated by the LPA.

The perspective sketch is unhelpful and inaccurate and should not be considered by members as it is considered to give a false impression of the proposal.

4.	13/01372/WCMM	Cooks Hole, Leicester Road, Thornhaugh, Peterborough , Application to vary condition 11 of 13/00434/WCMM.
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With regard to number of representations there have now been 9 representations (from different households) which includes 7 from nearby residents, one from Cllrs Holdich and Lamb and one from Augean Plc. who are the site owners.

The above total includes a letter from Mr and Mrs Smith who state that if permission is granted it should be made personal to Mick George to load and unload until 7pm at night. They also state that they are disturbed by the constant unpleasant background noise of lorries moving and dropping aggregate limestone into the back of HGV open bay lorries. **3**

A letter has been received from Gene Wilson of Augean Plc. who raised the following points in reply to the calls for the planning permission to be made personal to the applicant:

- Personal permissions are only justified on rare occasions and the need must relate to a particular planning purpose. It is not justified in this instance because if noise impact is acceptable for Mick George it will be acceptable no matter who the operator is;
- Augean has a comprehensive legal agreement with M George that enables Augean to enforce the planning permission. This agreement could be undermined if a permission is granted personal to M George;
- If M George cannot complete the site for whatever reason, Augean would not be able to complete it without obtaining a new full planning permission;
- It would be difficult for the Planning Authority to enforce the planning consent against the landowner where the planning consent is personal.

An email has been received by Mr Gough on behalf of the applicant supporting the comments made by Mr Wilson and confirming that there is no justification for making the permission personal to Mick George.

Officer Comment

Planning permission usually runs with the land and not the applicant. This is and has been the case on all the previous permissions granted by PCC in relation to mineral extraction at Cook's Hole. Circular 11/95 advises that planning permissions should only be made personal to the applicant in exceptional circumstances. There are no such circumstances in this instance because as long as all of the proposed conditions are complied with, it does not matter who the applicant or the site operator is. The proposal to extend the hours of operation by one hour at each end of the day does not justify fundamentally changing the permission from one that runs with the land to a personal permission. It is your officer's opinion that an appeal against such a condition would be successful and there could be a likely costs implication for the Council.

Further Site Meeting Thursday 28 November 2013

At the Thornhaugh 1/Cook's Hole Quarry Liaison meeting held on Friday 22 November, Mr Witherington (an objector) suggested a site visit to Cook's Hole to listen to lorry loading. This meeting took place on Thursday 28 November 2013 and was attended by Mr Witherington, Mr Gough for Mick George and Theresa Nicholl the case officer for PCC. Excavation was taking place at the time and the mobile crusher was in operation. A load of finer material was loaded into the back of a lorry and whilst we stood near the lorry and the crusher the lorry loading was barely audible. A further load of larger limestone material was loaded into the back of a large dumper truck. Although louder, again this was not considered loud. Mr Witherington confirmed that neither the crusher nor the lorry loading were the noises being complained about. Lorry loading was not louder than the operation of the crusher. The crusher was not audible at the site entrance.

As loading of lorries does not appear to be creating the noise issue residents have commented on, then the additional evening hour which will involve loading of lorries and vehicle movements only will not cause a noise nuisance.

Further correspondence received Monday 2nd December 2013

Additional emails have been received from Mr Witherington which in short states that as the nature of the noise that Mr Adderley had heard during the daytime and which is most likely the same noise that Mr Witherington had heard when he was at home has not been pinpointed, the current applications should not be granted on a permanent basis.

An email has been received from Richard Clarke, a Parish Councillor for Wansford who raised the issue of whether Mick George had actually been operating during the additional morning hour.

Officer response

There was no reason to believe that lorries had not been leaving the site between 0600 and 0700 and indeed this was the case when the Senior Minerals and Waste Officer monitored the site at this hour

recently. Upon request Mr Gough (agent for Mick George) provide a spreadsheet (see below) setting out recent lorry numbers exiting the site from 0600 to 0700.

To reiterate, the application is to allow an additional hour in the evening from 1800 to 1900 to allow lorry loading and vehicle movements only (not excavating and not crushing). The lorry movements and lorry loading do not appear to be the source of noise complaints. In any event, this hour is a normal working hour as set out in the NPPF Technical Guidance.

The additional morning hour from 0600 to 0700 would entail vehicle movements only – the same as has been occurring without complaint for the last few months.

To the best of your officers' endeavours, it appears that the loud intermittent noise that we have been advised sometimes occurs, happens during the day and is not related to the additional working hours and practices being applied for as part of this application. It is not reason to refuse the current application.

Information provided by Mr Gough for MGL

Further to the request of Wansford Parish Council please find attached a schedule of HGV's leaving the site on a daily basis from August through to the end of October. (I'm afraid in the time available I do not have the detail for November.)

The three tables show on the number of HGV's that left the site prior to 7am on a daily basis. Over the 3 month period shown, some 677 vehicles left the site prior to quarrying operations commencing each day and this averages out at 10.6 HGV's per day.

The Cooks Hole Quarry has been busy throughout the last 12 months with the total output being some 287,000 tonnes of processed limestone which equates to an average daily output in the region of 1,150 tonnes (or 52 loads per day).

HGVs prior to 7am	
DATE	Total
01/08/2013	9
02/08/2013	9
05/08/2013	4
06/08/2013	3
07/08/2013	6
08/08/2013	3
09/08/2013	4
12/08/2013	1
13/08/2013	4
14/08/2013	2
15/08/2013	11
16/08/2013	5
19/08/2013	6
20/08/2013	3
21/08/2013	6
22/08/2013	11
23/08/2013	9
27/08/2013	14
28/08/2013	3
29/08/2013	1
30/08/2013	9
Grand Total (August)	123

HGVs prior to 7am	
DATE	Total
02/09/2013	5
03/09/2013	5
04/09/2013	6
05/09/2013	2
06/09/2013	8
09/09/2013	11
10/09/2013	9
11/09/2013	1
13/09/2013	9
16/09/2013	11
17/09/2013	12
18/09/2013	13
19/09/2013	9
20/09/2013	14
23/09/2013	9
24/09/2013	10
25/09/2013	19
26/09/2013	14
27/09/2013	7
30/09/2013	10
Grand Total (September)	184

HGVs prior to 7am	
DATE	Total
01/10/2013	13
02/10/2013	9
03/10/2013	10
04/10/2013	16
07/10/2013	10
08/10/2013	8
09/10/2013	14
10/10/2013	12
11/10/2013	13
14/10/2013	16
15/10/2013	20
16/10/2013	18
17/10/2013	16
18/10/2013	21
21/10/2013	20
22/10/2013	27
23/10/2013	19
24/10/2013	18
25/10/2013	22
28/10/2013	18
29/10/2013	15
30/10/2013	13
31/10/2013	22
Grand Total (October)	370

5.	13/01374/WCMM	Cooks Hole, Leicester Road, Thornhaugh, Peterborough, Application to vary condition 11 of 13/00432/WCMM.
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The update is the same as for 13/01372/WCMM.

Compass Barn, Main Street, Ufford (Application 13/01360/FUL)

I have been asked to write and express the Parish Council's concern that, the above planning application in the neighbouring Parish of Ufford, seeks permission to build outside the Village Envelope.

Village Envelopes form one of the pillars on which our Village Plans are based and Barnack Parish Council would strongly object to any decision which weakened or questioned this very important aspect of local planning.

We support Ufford Parish Council's objection to this plan.

Yours faithfully

Robin Morrison
Clerk to Barnack Parish Council

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Dear Gemma

Ufford Parish Council's comments for the planning meeting on Dec 3rd are given below:

**13/01360/FUL Compass Barn, Main Street, Ufford, Stamford
EXTENSION OF CURTILAGE INTO THE PADDOCK BEHIND COMPASS BARN**

The concept of Village Envelopes has been a fundamental plank in Peterborough City Council's rural planning policies for the past 20-30 years. It has always been supported by planning officers and committees. The Local Development Framework supports the retention of village envelopes. A resident cannot decide where he wants the limits of the village envelope to be set.

The proposed extension of the village envelope behind Compass Barn would set a precedent which would have a disastrous effect, not just on Ufford, but also on all the other villages in the Peterborough Area. If granted, it would drive a coach and horses through all Peterborough City Council's rural planning policies.

Ufford Parish Council regards this as a Test Case. It supports Peterborough City Council's opposition to the extension of the curtilage into the paddock behind Compass Barn.

Frieda Gosling (Councillor)
Ufford Parish Council

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Good Afternoon

Please find below Thornhaugh Parish Council's comments on the Cooks Hole Planning Application which should be brought to the attention of the Planning Committee:-

Thornhaugh Parish Council, further to a liaison meeting with Augean plc and Mick George Ltd and following a suggestion by the TPC representative Martin Witherington and supported by Senior Minerals and Waste Officer Theresa Nicholl (with the full co-operation of Mick George Ltd), attended Cooks Hole Quarry to witness the noise occasioned by the loading of lorries with aggregate.

It is the conclusion of that visit that the loading, as demonstrated, does not represent a noise nuisance and therefore TPC after consultation with Home Farm Residents, is minded to remove its objection to this application.

There is one matter outstanding. The visit was to determine not only the loading noise but to determine if that noise was the source of objection from residents. The extreme nature of the noise experienced approximately three quarters of a mile away in the case of Mr Adderley and one half of a mile away in the case of Home Farm strongly indicate that there is, at times, high levels of noise originating from Cooks Hole operations. John Gough, for Mick George Ltd, suggests that this does not originate from CH. This is not the opinion of the residents nor Thornhaugh Parish Council. It is a cause of concern as it is tied to CH operations. It is a repeating finite extreme noise which points conclusively to being a product of a process on that site.

Thornhaugh Parish Council therefore requests that if the Committee is minded to approve the application then it puts a condition on the application that it is subject to a clause to enable the loading operations to be reviewed for a period of 6 months, to show no connection to this this extreme annoyance.

Best Wishes.

Deirdre McCumiskey
Clerk
Thornhaugh Parish Council

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Gemma

If possible could you please insert the following suggested alternative wording from Wansford Parish Council: -

C11

No development/operations (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0600-1900 hours	Mondays to Fridays
0700-1300 hours	Saturdays

There shall be no development/operations on Sundays, Bank Holiday or national holidays.

Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. *When loading activities are conducted within these hours, the entire operation shall take place below the natural ground level to ensure that the noise is screened from residents.*

Between 0600 and 0700 Monday to Friday operations shall be limited to traffic movements only.

I will bring some printed copies of this wording to the meeting with me just in case.

Regards

Richard Clarke

Parish Councillor Wansford

Officer Response:

The additional clause being suggested is not reasonable and is unenforceable. The excavation can't take place with lorry loading at a lower level than natural ground level all of the time (although this will be the case for a majority of the time). It varies according to which point the excavation is at and may vary from week to week. We cannot enforce lorry loading does not take place on this basis. There would also be an issue of assessing which level is the natural ground level i.e. the adjacent land or the natural level of the land which is being excavated? To reiterate, lorry loading is proposed to take place for an additional hour between 1800 to 1900 hours and not during the additional morning hour between 0600 to 0700. The evening hour is considered part of normal working hours by the NPPF. In addition, at the time of the site visit undertaken on 28 November, lorry loading was being undertaken at a relatively high level and was not found to be causing a problem.

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Mr Richard Smith QCVS
5 Home Farm Cottages
Leicester Road
Thornhaugh
Peterborough
PE8 6NL

25 November 2013

Miss Gemma George
Chief Executive's Department
Democratic Services
Town Hall
Peterborough
PE1 1HG

Dear Madam

Reference: Cooks Hole, Leicester Road, Thornhaugh, Peterborough

I write with regard to the above quarry and landfill site and as a result of planning application 13/00432/WCMM / 13/00434/WCMM. This is further to my letter to Peterborough Council Planning Services dated 02 Apr 12 a copy of which is attached.

I would like to request that the Council's Planning and Environmental Protection Committee engage with Mick George, Augean, the local parish council and those residents that may be interested or affected to decide what the long term working conditions should be for the remainder of the life of this site.

As stated in my last letter the original planning consent saw the initial quarry being in-filled, landscaped and completed by the end of 2013. Augean obviously made a conscious decision several years prior that this would not be done to the agreed timelines and then submitted a request for extension in 2012 at which point there would have been very little point in the council objecting to a further period of in-fill into what was a part filled quarry. Would a private householder get away with intentionally flaunting a planning application in such a way?

To their credit Augean had a period of public consultation in 2012, providing detailed plans of the various phases of their revised application including the area of Cooks Hole that was due to be quarried. As pointed out in my previous letter they did however omit from consideration using an alternate site access, that of the weighbridge several hundred meters closer to the A1 that was previously operated by Mick George. Although this was pointed out in my previous letter and receipt of the letter was acknowledged, I am unaware if this point was raised by the council for Augean to justify the omission, particularly when the only other access point considered was never really a viable alternative and the Cooks Hole site is currently being excavated by Mick George.

The application submitted above is the most recent of several requesting changes to the planning restrictions agreed in 2012. Each time there is only what would seem in isolation

to be a minor change in the conditions agreed by the council in 2012 however the net result is accumulative, particularly with regard to effect on the residents of Home Farm.

I therefore request that the committee instruct Augean and Mick George to properly identify what their respective long term requirements are going to be, and to articulate these in a comprehensive planning application for proper consideration rather than constantly attempting to "push the boundaries" a little each time.

Were Augean and Mick George to close the existing access point opposite Home Farm in preference for the aforementioned weighbridge access point, this would allow the landscaping to be completed in the Home Farm area, which in turn would minimise the noise, dust and visual impact of the recent proposals on Home Farm residents.

As stated in my previous letter, I accept that mineral extraction has to take place and that land filling is a necessary evil in the modern world. I also applaud Augean for their generally good working practice thus far on the Thornhaugh landfill site. They and Mick George are however due to be long term neighbours of Home Farm and thus it would be appreciated if some consideration were given to the impact these variations have on the residents if they insist on continuing to use the current access point.

I therefore respectfully request that Peterborough City Council consider refusing the application to vary conditions as it currently stands and advise Augean and Mick George to articulate a comprehensive long term plan for consideration.

I have copied this letter to Mr Martin Witherington as a representative of the local parish council.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R J Smith', written in a cursive style.

R J Smith

Mr Richard Smith
5 Home Farm Cottages
Leicester Road
Thornhaugh
Peterborough
PE8 6NL

02 April 2012

Planning Services
Stuart House East Wing
St John's Street
Peterborough
PE1 5DD

Dear Sir

REFERENCE: 12/00463/MMFUL

I write with regard to the above planning application submitted by or on behalf of Augean PLC. I object to this application in its current form for a number of reasons dealt with below.

Under the current planning permission the site is required to be completed and restored by the end of 2013. Although I understand that there has been a decline in the construction industry over the last 5 years, I do not accept that it will take Augean a further 17 years to meet the requirements specified in their original approved application. By their own admission the consented void would be filled in 8.7 years at the current rate. I do not believe it is coincidental that the site can now be used to dispose of hazardous waste which is generally available in lower quantities and no doubt proves more lucrative. Augean should be made to honour the land filling requirements of their existing application before further permissions are granted.

Augean state that 2 alternative access options were considered for the landfill site. As option 2 is the existing access this does not truly represent an "alternative". It would appear that no consideration was given to the current entrance to Cooks Hole which could be upgraded as required and does not have the same road safety issues as Option 1. It is also across land currently owned by Augean.

Developing a new access point in this area would allow Phase 1A and Phase 1B to be restored and the completion of Phase 3,5,6A and 6B in line with the existing application. This would minimise the visual impact to the North of the site along the A47 and from Home Farm and would allow the restoration of public rights of way between Home Farm and Bedford Purlieus. It would also provide more direct access from the A47 to Phase 4B and 4C and the mineral extraction and stockpiling areas.

The combined traffic flow from the proposed scheme, clay imports and Cooks Hole Quarry mineral extraction shows a predicted total of 132 HGVs entering and exiting the site entrance over a 24hr period. Although as the paragraph that follows table A7.1 points out this is just under half the figures for the recorded maximum in 2004, it still represents a significant increase in the current traffic levels. This will no doubt have an impact on Home

Farm residents and road safety for those entering and exiting this hamlet. Relocating the site entry / exit point as mentioned in the paragraphs above would help mitigate this risk.

I accept that mineral extraction has to take place and that land filling is a necessary evil in the modern world. I also applaud Augean for their generally good practice thus far on the Thornhaugh landfill site. I do believe however that they should honour their obligation to complete the restoration of Phase 1A, 1B, 3, 5, 6A and 6B before being allowed to start land filling phase 4B and 4C.

I therefore respectfully request that Peterborough City Council consider refusing the application as it currently stands.

Yours sincerely

R J Smith