

**Application Ref:** 17/01834/NONMAT

**Proposal:** Non-material amendment (removal of condition C15 to no longer re-provide the recycling 'bring' facilities) of planning permission 16/02184/R4FUL

**Site:** Car Park, Hampton Court, Westwood, Peterborough  
**Applicant:** Burmor Construction

**Agent:** Mr Anthony Richardson, The Design Partnership (Ely) Ltd

**Referred by:** Director of Growth and Regeneration  
**Reason:** Wider public interest

**Case officer:** Mrs Louise Simmonds  
**Telephone No.** 01733 454439  
**E-Mail:** louise.simmonds@peterborough.gov.uk

**Recommendation:** **Approve** non-material amendment

**1 Description of the site and surroundings and Summary of the proposal**

**Site and Surroundings**

The application site comprises the Westwood Local Centre, known as Hampton Court, situated at the key junction of Wicken Way, Lutton Grove, Ivatt Way and Hartwell Way which serves the wider Westwood area. The centre is formed by two parades of retail units running east-west with a central hard surfaced concourse between. The concourse is interspersed with mature trees surrounded by metal railings.

Above the retail units are two storeys of residential flats which are accessed by a number of stairwells and ramps throughout the centre.

Parking is provided within a large publicly accessible but private car park to the eastern-most extent of the site which is separated from the Local Centre by the adopted Hartwell Way, and within garages accessed from service roads to the rear of the two parades of buildings. The main car park is fully hard surfaced with a recycling 'bring' point to the south-eastern corner.

The site is bound to the north and south by residential dwellings, and to the west by a Community Centre, Health Centre and area of designated Public Open Space (POS). To the east of the site, is the junction of Ivatt Way with Hartwell Way which benefits from considerable open green space.

**Proposal**

This application seeks, by way of a non-material amendment, to remove condition C15 of planning permission reference 16/02184/R4FUL. This 'parent' permission relates to the redevelopment of the Hampton Court local centre car park to provide 16no. affordable residential units, along with the creation of a new 22 space car park on existing Public Open Space and other associated external changes to the local centre and its parking areas.

Condition C15 relates to the re-provision of the existing recycling 'bring' point within the current local centre car park and states:

*Notwithstanding the approved drawings and prior to the commencement of development, details (a timetable for the installation) of the location, form and finish of the re-provided 'bring' (recycling) point shall be submitted to and approved in writing by the Local Planning Authority. The 'bring' site shall be installed in accordance with the approved details and within a timetable to be submitted to and agreed in writing by the Local Planning Authority.*

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/02184/R4FUL	Construction of 16 affordable dwellings consisting of 4 x 1 bed flats and 8 x 2 bed flats for rent and 4 x 3 bed houses for shared ownership with associated external works and parking; refurbishment and alterations to Hampton Court shopping area; and proposed new parking area - resubmission	Permitted	22/02/2017

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)** **CS28 - Waste Minimisation, Re-use and Resource Recovery**

Waste minimisation, re-use and resource recovery will be encouraged by requiring: a waste management audit and strategy; submission of a completed RECAP Waste Management Design Guide Toolkit Assessment; new development to contribute towards the provision of bring sites; and temporary waste recycling facilities in strategic development areas.

### **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document took place between December 2016 and 9 February 2017. The responses are currently being reviewed. At this preliminary stage only limited weight can be attached to the policies set out therein.

## **4 Consultations/Representations**

### **Waste Management (03.10.2017)**

In addition to comments previously provided to the Developer, further clarification is provided in respect of whether the 'bring' site would have been removed by the Council had the development not been granted permission.

The original removal of bring sites were for other materials (e.g. glass, mixed co-mingled material, small WEEE etc.) however textile sites remained across the city as these are managed by individual charities. The undergrounds were originally positioned for the flats but became defunct as a 'kerbside' service for the residents as they gradually got their own bins, however historically remained. As a result of this application, no new locations were sought for either the textiles banks or the undergrounds. If the proposals had not gone ahead the textile and underground banks would likely remained. It is just the case of we do not look to re-position or relocate the ones that remain (which, on the whole consist of textile banks).

## **Local Residents/Interested Parties**

Initial consultations: 37  
Total number of responses: 0  
Total number of objections: 0  
Total number in support: 0

Ordinarily, a non-material amendment application (in line with Government guidance) is not subject to public consultation as the changes proposed are not deemed to materially alter the impacts of the development permitted. Officers consider that the same is true of the current proposal however, following discussion with Ward Councillors and in light of the strength of public feeling in respect of the 'parent' permission, it has been considered appropriate in this instance to undertake public consultation. Accordingly, any person who submitted representations in relation to the 'parent' permission.

Owing to the relatively short time period given for determination of this type of application (28 days), it has not been possible for Officers to await the end of the consultation period before writing this report and at present, no public representations have been received. However, the consultation period will expire prior to the date of the Committee meeting and any public representations received during the intervening period will be fully presented within the Update Report.

## **5 Assessment of the planning issues**

The only consideration in respect of this application, is whether or not the removal of condition C15 of planning permission reference 16/02184/R4FUL can be considered as 'non-material'.

Condition C15 requires that the existing recycling 'bring' site within the Hampton Court local centre car park, which is permitted to be redeveloped to provide residential dwellings, be re-provided in accordance with a timetable and details to be submitted to the Local Planning Authority. This was a pre-commencement condition, required prior to implementation of the planning permission in order to comply with the requirements of Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011). The reasoning for the condition related to the need to ensure that existing recycling facilities within the locality were not lost.

Following the grant of planning permission, the Applicant (Cross Keys Homes) has been liaising with the City Council's Waste Team to try and bring about the re-provision and meet with the requirements of condition C15. The final position of the Waste Team is set out in the attached letter at Appendix A and, as Members will see, the Council does not support the re-provision of the existing 'bring' site. In light of this, the Applicant is now seeking the removal of the condition as they cannot meet with its requirements.

Had Officers been aware of this position during the consideration and determination of the 'parent' permission, the requirement to re-provide the 'bring' site would not have been proposed. As Members will be aware, for a planning condition to be imposed, in line with paragraph 206 of the National Planning Policy Framework (2012), it must meet six key tests, including being necessary to make the development acceptable, and reasonable in all other respects. Given that the City Council no longer provides such facilities and will not adopt any coming forward, and that the existing facility would have been removed (by the Developer, not the Council) irrespective of the development which has been granted permission, it is considered that the permitted development does not result in any harm to resident amenity as adequate recycling facilities are provided. Accordingly, Officers do not consider that the condition is necessary to make the development acceptable, or reasonable in light of this.

On this basis, it is considered that the removal of condition C15 would not materially alter the impacts of the development and therefore can be considered as a non-material amendment to the planning permission granted.

## **6 Recommendation**

The Director of Growth and Regeneration recommends that, under Section 96A of the Town and Country Planning Act 1990 (as amended), the removal of condition C15 be **ACCEPTED as a non-material amendment** to the development approved under planning permission reference 16/02184/R4FUL. All other conditions attached thereto would remain in place and in force.

## Appendix A – Correspondence from Emily Brown, PCC Waste Officer

Telephone: 07966 570561  
E-Mail: emily.brown@peterborough.gov.uk  
Please ask for: Emily Brown



Azhar Ahmed  
Business Development Manager  
Shrewsbury Avenue  
Peterborough  
PE2 7BZ

Peterborough City Council  
Resources  
Town Hall  
Bridge Street  
Peterborough  
PE1 1HG

Thursday 27<sup>th</sup> April 2017

**Re: 16/02184/R4FUL – Construction of 16 affordable dwellings, Car Park Hampton Court, Westwood**

Dear Mr Ahmed

On behalf of the Waste Management Team, I would like to provide further comments on the below condition in relation to the planning application stated above.

**C15** *Notwithstanding the approved drawings and prior to the commencement of development, details (a timetable for the installation) of the location, form and finish of the re-provided bring' (recycling) point shall be submitted to and approved in writing by the Local Planning Authority. The 'bring' site shall be installed in accordance with the approved details and within a timetable to be submitted to and agreed in writing by the Local Planning Authority.*

*Reason: To ensure no loss of community recycling facilities as a result of the development, in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011). This is a pre-commencement development to ensure that a timetable for re-provision is secured before the existing facility is lost.*

As part of budget proposals in 2015 a decision was made to remove all bring sites from the public realm. Although some bring sites remain across Peterborough, these in the most consist of textile banks which are managed by individual charities.

Hampton Court car park hosts a number of charity textile recycling banks for ERC shoes, Wilcox & Helping Your Future. This area also has two Peterborough City Council (PCC) underground co-mingled recycling units. These underground recycling units were originally installed for flats above the adjacent shops, however these dwellings have since received separate recycling bins to use. The removal of the underground recycling units would not result in the removal of any waste collection service from residents within Peterborough, and discussions with CKH are in progress as to whether these underground units could be reused for the dwellings on this site.

To dispose of additional recyclables, residents can place these alongside their recycling bin in a clear bag or take it to the Household Recycling Centre (HRC) in Dogsthorpe. Similarly, if residents have old textiles these can be taken to other textile banks found across Peterborough or again, to the HRC.

In conclusion, as the Council no longer provide 'bring sites' for residents and therefore result in no loss of community recycling facilities, a replacement location does not need to be found.

If you require any further information on this matter, or need to discuss this further, then please do not hesitate to contact me.

**From:** Emily Brown [mailto:[emily.brown@peterborough.gov.uk](mailto:emily.brown@peterborough.gov.uk)]  
**Sent:** 14 August 2017 10:34  
**To:** Azhar Ahmed [REDACTED]  
**Subject:** Hampton Court

Hi Azhar,

Peterborough City Council have previously taken the decision to remove all bring sites from across Peterborough, however as textile banks are not managed by PCC but by individual charities there are some locations where these banks still remain. The land at Hampton Court was sold off with some undergrounds part of the site, but also as a location for a number of textile banks. As PCC would not look to relocate any textile banks to PCC land, we asked the relevant charities to remove their banks.

As part of my response to condition 15 for planning application 16/02184/R4FUL, it was noted that the removal of the textile banks would not result in the removal of any recycling service for residents. These textile banks are also not highly used, I receive monthly reports with tonnages from two of the charities who had banks on the Hampton Court site, ERC and Wilcox. Across the total of 9 banks (including Hampton Court) that ERC and Wilcox operate across Peterborough, in 16/17 the total tonnage collected was only 4.96t. This is only 0.02% of all the recycling collected across the city and 0.01% of all the household waste collected. In some months the charity reports show that the banks aren't even emptied, so the demand for textile banks in the Hampton Court area is extremely low. Bring sites also bring about a lot of anti social behaviour, particularly fly tipping which falls on the land owner to clear at their cost.

With this in mind, there is no requirement to re-position the textile banks elsewhere.

If you need any further information from me, please do not hesitate to get in touch

Kind regards,

**Emily Brown**  
**Waste Technical Support Officer**