

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

12 DECEMBER 2023 AT 1:30PM

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

# UPDATE REPORT & ADDITIONAL INFORMATION

## PETERBOROUGH CITY COUNCIL

### PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

#### Procedural Notes

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

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

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

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

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

**LIST OF PERSONS WISHING TO SPEAK**

<b>Agenda Item</b>	<b>Application</b>	<b>Name</b>	<b>Ward Councillor / Parish Councillor / Objector / Applicant</b>
<b>5.1</b>	23/00488/FUL - 16 Heath Road, Helpston	Cllr Over/Parish Councillors Joseph Dobson and Arthur Cross  Annabel Tighe/ John Downey/Richard Astle  John Dickie	Ward Councillor  Parish Councillors  Objectors  Agent
<b>5.2</b>	21/02004/MMFUL - Eye Landfill Site, Eyebury Road, Eye, PE6 7TH	Cllr Simons, Cllr Steve Allen  Chris Cutteridge  James Stewart – Irvine	Ward Councillors  Objector  Applicant
<b>5.3</b>	23/01310/FUL - 1 Grove St Woodston	Cllr Thulbourn Cllr Coles	Ward Councillors
<b>5.4</b>	23/01386/FUL - 43 Viney Close, Eastfield, Peterborough, PE1 5LS	Cllr J Allen	Ward Councillor

## P & EP Committee 12 December 2023

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1 .	23/00488/FUL	<b>16 Heath Road Helpston Peterborough PE6 7EG</b> , Erection of 2no. detached dwellings with associated hard and soft landscaping

Since the Committee report was finalised, three further representations have been received from members of the public.

Two of these representations raise concerns that have already been highlighted by other objectors previously and these matters are addressed within the main report.

A third representation makes the following new observations (in summary):

- Site description does not mention the pond
- Proposal section does not refer to the fact the pond would have to be filled in to realise the proposal
- Planning Policy section - Although the Helpston Neighbourhood Plan 2021 to 2036 is listed, it has not been properly taken into account. Policy C1 has been ignored, whilst Policy A2b has been neutered by unfortunate Semantics.
- Future owners have not been taken into account in terms of No. 16
- The sentence 'Furthermore this part of policy A2 criterion b of the Neighbourhood Plan is worded as "should" rather than the mandatory "must" or "will" of criteria a, c and d"' is a serious misinterpretation and is inconsistent with the Paragraph 7 Recommendation.

Taking each of the above in turn:

- For the avoidance of doubt, the proposed development will entail the loss of the existing pond on site, as referenced in the Drainage section of the main report and clearly shown on the submitted topographical survey and proposed site plan.
- Policy C1 of the Helpston Neighbourhood Plan concerns 'Views to Open Countryside and Gaps in an otherwise built-up frontage' and states that 'The defined views to open countryside are to be maintained as shown on Map 7. Gaps in built up frontages allowing key views in and out of the village shall be protected from in-fill as shown on Map 7. Developments will not be permitted which would significantly restrict these views to open countryside or restrict views out of the village from these gaps.' For clarity, the application site does not fall within/represent any of the protected views in or out of the village that are indicated on Map 7 of the Helpston Neighbourhood Plan. Therefore there is no conflict with policy C1.
- If no. 16 were to be sold in the future, potential new occupiers would clearly have the opportunity to decide whether the relationship with the adjoining development is appropriate for them. For the avoidance of doubt, officers are satisfied that the relationship is acceptable and would not result in an unacceptable overbearing impact, or cause unacceptable loss of light or overlooking.
- In legal terms, "shall" is commonly accepted as expressing a mandatory obligation, whereas "should" is used to express a recommendation or suggestion. It is therefore not considered that there has been a misinterpretation of policy wording and there is appropriate consistency in the use of terms.

All other matters raised by the objector are considered to be already adequately addressed in the main report.

In addition, the following email was received from Mrs Laura Currie on 11/12/23 who had registered to speak but is now unable to attend the committee meeting:

*"Protecting John Clare Countryside is a recurring theme within public consultation feedback from the first stage of the Peterborough Local Plan review 2023-2044. Helpston is at the heart of John Clare Countryside and so requires sensitive planning and development for the 'best interest of the village' (1.9 Helpston Neighbourhood Plan). Sadly, this application is non sensitive and has lacked sufficient public consultation from the onset.*

*For myself and others, the application has been a navigational nightmare. Swathes of documents, reports, surveys have been edited, added to the planning portal throughout, and revised. A fair and rigid public consultation has not been possible when information and goal posts have been constantly changing.*

*So, I ask you this, how many chances should be given to an applicant to amend an application? For example, the initial application form was incorrectly ticked, a Certificate A for the applicant owning all of the land was submitted only for it to be resubmitted 7 months later as a Certificate B for not owning all of the land!*

*Time and time again, it has been us, the public who have questioned information included in documents and have highlighted a catalogue of blunders with supporting documents which have turned out to be incorrect. For example, the rewilding of 1.5 acres of land as part of mitigation which turned out to be a 'mistake'. I would like to highlight that it was the previous case officer Shaheeda Montgomery who stated in a June 2023 email that, 'as per council policy at the moment, the applicant will have ONE opportunity to submit a set of revisions to address all planning objections.'*

*Members of the public have provided Peterborough City Council with information and photographic evidence of a Great Crested Newt population surrounding the application site. Both properties on either side of the development have an established GCN population. The ecological survey report does not include the GCN eDNA certificate. This is not on the planning portal. The pond in question was pumped/irrigated prior to the eDNA survey. Guidance from Froglife, advisors to Natural England, state, 'The ADAS website does flag that sediment can cause inhibition of PCR tests for GCN (effectively messing up the detection of eDNA); it's possible that significant disturbance of the site leading to an increase in sediment could have caused inhibition of the test'. The mitigation for GCN was included in the ArbTech letter dated 29th August 2023 which was co-written with the applicant. I strongly believe that further surveys for GCN should be requested. It has only been this week where ecologists for another development in Helpston have recognised the previously undocumented GCN population, centred on local garden ponds. An application was suggested to be made to join the Cambridgeshire District Level Licence (DLL) scheme once planning permission is in place. This would entail the developer making a one-off payment*

*towards GCN mitigation and enhancement works as part of local/county-level provisions. I would like to see a similar pledge and commitment shown by this developer. In addition to biodiversity, the net gain matrix is very wishy washy on the planning portal. There is no information to say who it was written by? When? Did it follow the now statutory 4.0 metric? Also, does this mitigate the trees which were felled by the applicant during bird nesting season and required further surveys for bats?*

*I'll leave drainage and flooding concerns for Heath Road residents but I cannot see that there is a Flood Risk Assessment (FRA) on the planning portal. The previous planning officer in July noted that the EA flood map identifies the site to have high surface water flood risk and therefore an FRA would be required. Was this information ever added on to the planning portal?*

*Lastly, the Helpston Neighbourhood Plan seems to have been ignored by the applicant. Policy A2b of the Plan states that "Development proposals for 2 or more new dwellings (whether through new build or conversion) should provide a range of dwelling sizes in terms of bedrooms." Considering that both proposed dwellings are nearly identical, it appears that this criterion has not been followed. It is the previous case officer, on 7th July 2023 who considered that the siting of the proposed development forward of the prevalent building line of the properties along Heath Road, as well as the design layout with the garages forward of the principal elevation would be considered unacceptable with regard to impact on existing character and pattern of development. 2Nos. new dwellings would also appear cramped and hemmed in as well and result in visual degradation of the site to an unacceptable level. In the event that other material planning considerations were adequately addressed, it is the view of officers that the site would only be able to support one new dwelling'.*

*I have only highlighted a mere fraction of problems arising from this planning application and therefore it should be rejected by the committee as at this point in time there are too many unanswered questions."*

**Officer Comment:** The material planning issues raised have already been addressed in the main report. In respect of the procedural issues raised, the proposal has been amended, through submission of amended plans, additional information and the correction of errors (including submission of the correct

ownership certificate), following concerns raised through the public consultation, consultee responses and officer advice. This is not unusual in circumstances where an application can be made acceptable. All relevant parties were reconsulted on the amended plans/information in accordance with the Council's adopted Statement of Community Involvement and were given a reasonable opportunity to make further representations.

2 .	21/02004/MMFUL	<b>Eye Landfill Site Eyebury Road Eye Peterborough</b> , Development and operation of a green waste Open Windrow Composting (OWC) Facility
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No Further Representations.

A review of the proposed conditions has established additional precision is required with regard to the wording of proposed Condition 10. The amended condition is as follows, with the additional wording shown in **bold type**.

“The total number of HCV movements for the purposes of all operations and development undertaken pursuant to Open Windrow Composting facility shall not exceed 30 per day between Monday and Saturdays inclusive, and none on Sundays, Public Holidays and Bank Holidays.

**Weighbridge records shall be submitted to the Local Planning Authority annually on a date to be agreed with the operator and shall be made available to the Local Planning Authority within one week of such request.”**

3 .	23/01310/FUL	<b>1 Grove Street Woodston Peterborough PE2 9AG</b> , Change of use to car sales/showroom and external alterations
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No Further Representations.

A review of the proposed conditions has established additional precision is required regarding the restriction of use to cars only. The new condition, C6, is as follows shown in **bold type**.

**C6: The development hereby permitted shall only be used for the sale or display of cars and for no other use.**

**Reason: To ensure the development would not give rise to unacceptable harm to the amenity or highway safety of the area in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019)**

4 .	23/01386/FUL	<b>43 Viney Close Eastfield Peterborough PE1 5LS</b> , Change of use from single dwellinghouse (Use Class C3) to residential care home (Use Class C2) for children with Special Educational Needs and Disabilities (SEND) / Learning Difficulties (LD) / Emotional and Behavioural Difficulties (EBD) and associated alterations
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Since the Committee report was finalised, a further four representations have been received from members of the public.

Some of these representations raise concerns that have already been highlighted previously and these matters are addressed within the main report.

Additional concerns in summary:

- Who can 100% guarantee that staff will be able to supervise their 8 – 18 year old child solely?
- If staff on site working 7am – 10pm or 10pm – 7am (nine hour shift) NO sleeping should be happening from staff on duty. So why is there a staff bedroom?
- Applicant would buy more homes in Viney Close and occupy more properties
- Due to the very short notice of the meeting that we should be able to know the outcome and that the Beeches should make themselves known to any residents that have objected to this Care home on the street.
- Planning Officer never returned my calls
- The internal configuration of the property would be unsuitable for children in an emergency evacuation especially if they have specific conditions/needs.
- The property nearly backs onto one of the city's parkways and is close to a bridge where people in the past with mental health issues have tried to end their own lives. Is this the right place for a home for children with the above conditions?

Taking each of the above in turn:

- The quality and standard of care is managed by the care provider and governed by **Care Standards Act 2000 legislation** and regulated by **Ofsted**.
- Government guidance for Childrens homes advises suitable accommodation and facilities should be provided for staff that sleep in the home overnight.
- This is not a material planning consideration. The Council cannot control who buys property and where they buy.
- This is a civil matter between the applicant and neighbours, not a material planning consideration.
- Planning Manager Lee Walsh made calls to the resident concerned and the matter was dealt with.
- There are exits to the front and back of the property. The internal configuration includes route of exit for both the occupants and for staff to evacuate the property. Further adaptations would be made if necessary to accommodate the needs of the individual children. This is regulated by Ofsted.
- Location and safety assessment would be included in the Local Area Risk Assessment, which is required by Ofsted. Ofsted registration and assessment comes after the planning process. With regards to the children's conditions, assessment and care plan is made by Children's commission before placement in an appropriate home. The location of the care home should meet the needs of the children who will live there before being placed.

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