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Minutes of a Meeting of the Planning and Environmental Protection Committee
Held at the Town Hall, Peterborough on 24 April 2012

Members Present:

Councillors: North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Simons, Stokes, Todd, Harrington, Lane and Shabbir.

Officers Present:

Nick Harding, Planning Delivery Manager
Andrew Cundy, Area Manager Development Management
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Lawyer
Alex Daynes, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Martin.

Councillor Shabbir was in attendance as substitute.

2. Declarations of Interests

Councillor Todd declared a personal interest in items 5.2 and 5.4 as they were in her ward.

Councillor Shabbir declared a personal interest in item 5.4 as it was in his ward and also a personal and prejudicial interest in item 5.2 as it was in his ward and he had referred it to the committee. Cllr Shabbir would leave the committee when item 5.2 was considered.

Cllr Stokes declared a personal interest in item 5.3 as it was in her ward.

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

Cllr Todd declared that she would be making representation as ward councillor on behalf of local residents about item 5.2 on the agenda.

4. Minutes of the Meeting held on 6 March 2012

The minutes of the meeting held on 6 February 2012 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 11/02052/WCMM - Variation of Conditions 1, 19, 21 and 31 of Planning Permission 08/01562/WCMM to Allow the Acceptance of Asbestos in Dedicated Cells and to Increase the Catchment Area For Asbestos at Eyebury Quarry, Eyebury Road, Eye, Peterborough

The Planning Delivery Manager introduced the application that was made under Section 73 of the Town and Country Planning Act 1990, for the variation of conditions 1, 19, 21

and 31 (now proposed condition 29) of permission 08/01562/WCMM. The applicant wished to vary these conditions to enable the acceptance of asbestos waste in four dedicated stable non reactive hazardous (SNRHW) cells within the “southern extension area” of the Eye landfill site and to increase the catchment area from which asbestos waste (only) could be accepted.

Mr Mike Harty, the applicant for Biffa Waste Services Ltd, along with Mr Duncan Wright, the operations manager for the site, were available so that the committee could receive further information about the proposal. Responses to questions from the committee included:

- Recycling of asbestos was not the recommended method of disposal by the Environment Agency;
- Water dousing systems would be in operation around the site when the container bags were being moved;
- No sharp edges were allowed on the transportation vehicles which were regularly inspected;
- The asbestos containers were not moved once in place on the ground;
- Three separate lakes provided the water supply for the site so it was not reliant on mains water;
- Washing of vehicles was not required but was done so as an additional measure;
- Procedures were in place to deal with vehicles which may breakdown when transferring the material.

During debate, key points that were raised included:

- Local Friends of the Earth representative had indicated his acceptance of the application;
- Lack of alternative disposal options;
- Biffa was a reputable company.

A motion was put forward and seconded to approve the application with the conditions as set out in the report. The motion was carried unanimously.

RESOLVED: to approve the application, as per officer recommendations and conditions as set out in the report:

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

The Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD policies CS14, CS18, CS19, CS22, CS23, CS25, CS29, CS32, CS33, CS34, CS35, CS36 and CS39;

Saved policy OIW15 of the Peterborough Local Plan (First Replacement); and

The National Planning Policy Framework, PPS 10 Planning for Sustainable Waste Management, EC Waste Framework Directive on Waste 2008, Strategy for Hazardous Waste Management in England 2010, Waste (England and Wales) Waste Regulations 2011 are material considerations.

The proposal had been assessed against the above policies and material considerations and in accordance with the provisions of the Town and Country Planning Environmental Impact Assessment Regulations 2011. The cumulative effects of the proposed changes

to the approved scheme together with those elements of the scheme that will remain as previously assessed are considered to be acceptable, as any impacts that have been identified are satisfactorily mitigated against and will be sufficiently controlled by planning conditions or other regulatory requirements. The proposal was in compliance with development plan policy and where there was a possibility of conflict i.e. need for SNRHW and catchment area, it was concluded that there was not sufficient conflict with adopted policy or with material considerations that would justify a refusal of the application.

5.2 12/00134/FUL – Construction of Four Two-Bed and One Three-Bed Affordable Bungalows Including Associated External Works and Parking, Demolition of 15 Eastleigh Road to Provide Access to New Dwellings At Land to The Rear of 9-33, Eastleigh Road and 197-215 Padholme Road, Eastfield, Peterborough

The Planning Delivery Manager introduced the application that sought permission for four 2-bed and one 3-bed affordable detached bungalows, including one bungalow which would be wheelchair compliant. The development would require the demolition of one semi detached dwelling at 15 Eastleigh Road to provide access to the development. 10 car parking spaces would serve the development. The Planning Delivery Manager highlighted that here had been issues with fly-tipping on the land, outbuildings and single story extensions were not included on the plan to assess accurately the proximity to existing residents' dwellings and the bungalows, as single storey buildings would not overlook the existing residents' gardens.

Councillor Todd addressed the committee on behalf of local residents and raised issues including:

- Lack of play areas for children in the area;
- Residents would like to purchase the land for garden space;
- The gardens in the houses most affected were not large enough and the space should be maintained;
- Development would be detrimental to quality of life and environment;
- Retirement bungalows were not consistent with the family sized housing that would surround them; and
- Parking issues Eastleigh Road could mean emergency vehicles would struggle to access the development.

Responses to questions from the committee included:

- Only minor issues with fly tipping – not widespread or frequent, returning the land to gardens would solve this issue;
- Previous offer to buy back the land was opposed by one resident who no longer lived in the area, more consultation should have been carried out with existing residents;

Mr Brian Cox, a local resident addressed the committee highlighting the following issues:

- Residents desire to resort land to residential gardens;
- Access difficulties along Eastleigh Road for large vehicles turning in and out;
- Trees served as an attractive buffer between the houses of the two roads;
- Removing trees and replacing with streetlights would cause light pollution;
- Lack of alternative play areas nearby;
- Pleasing environment in summer months to have trees;
- Fly tipping not common; and
- Site is not well maintained by Cross Keys, residents would be better to do this.

Responses to questions from the committee included:

- All residents had expressed a desire to purchase the land;
- Children only played in the existing gardens which were not large enough;
- Trees served as a type of oasis in the summer months;
- Not aware of costs to maintain the trees on the site; and
- Could become a communal garden.

The Planning Delivery Manager addressed the committee and advised that the application was not to consider the use of the land as gardens or other alternative uses but to assess the application on planning considerations.

The Senior Engineer (Development) addressed the committee and advised that Eastleigh Road was not a narrow road until residents parked along it and access to the proposed development could be difficult if a car parked opposite the entrance. No objections had been received from the emergency services about the proposal.

The Principal Solicitor addressed the committee and advised that the land was not in the City Council's control and the application must be considered on its own merits.

A motion was put forward and seconded to reject the application on the basis that it contradicted policies CS16 and CS21 of the Core Strategy and also LNE9 of the Peterborough Local Plan. The motion was carried unanimously.

RESOLVED: to reject the application, contrary to officer recommendations.

Reasons for the decision:

The proposal contradicted the principles set out in the following documents:

CS16 of the Core Strategy (Urban Design and Public Realm),

CS21 of the Core Strategy (Biodiversity and Geological Conservation)

LNE9 of the Peterborough Local Plan (Landscaping Implications of Development Proposals)

The meeting adjourned for five minutes.

5.3 12/00402/FUL - Extension of Time of Planning Permission 09/00244/FUL - Two Storey Side, Single Storey Rear and Front and Two Storey Front Extensions at 39 Farleigh Fields, Orton Wistow, Peterborough, PE2 6YB

The Area Manager (Development Management) introduced the application that had previously been approved by the committee on 2 June 2009 and now sought an extension of the time allowed for commencement of the development for a further three years. There had been no material changes to either the site or relevant planning policies which would render the application unacceptable. The committee was further advised that although there was a previous condition concerning the retention of a hedge, it was not considered necessary to impose such a condition again as the hedge could be removed by the occupier of the property without the consent of the Local Planning Authority.

A motion was put forward and seconded to approve the application with the conditions as set out in the report. The motion was carried unanimously.

RESOLVED: to approve the application subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the first floor south facing elevation of the two storey extension hereby approved.

Reason: In order to protect the amenities of the occupiers of the adjoining residential property in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011.

Reasons for the decision:

Subject to the imposition of the conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) (2005); and
- The designs of the various extensions are considered to compliment the general appearance of the dwelling in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) (2005).

5.4 12/00487/FUL - Change of Use to Sui Generis For Use As Private Hire Taxi Business at 93 Fengate, Peterborough, PE1 5BA

Area Manager (Development Management) introduced the application that sought planning permission for the change of use from a light industrial unit (Use Class B1) to a private hire taxi business (sui generis use). It was proposed that up to 10 vehicles would be operated from the site on a 24 hour basis with 2 full time staff and up to 10 part-time staff/drivers (5 full time employee equivalent).

Officers were further recommending that only 6 cars be permitted for use due to restrictions of the site.

In response to questions, the committee was advised that:

- At least one other company was able to operate on a 24 hour basis on the site;
- A tenancy agreement provided that the entrance gate would be locked from 6pm to ensure the security of the site.

A motion was put forward and seconded to approve the application with the conditions as set out in the report. The motion was carried unanimously.

RESOLVED: to approve the application subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 Notwithstanding the details hereby approved, the private hire taxi business shall operate no more than 6 no. private hire/taxi vehicles from within the site at any time.

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

Reasons for the decision:

Subject to the imposition of the attached conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposed use would not result in the loss of high quality employment land and would not prejudice the reuse of the building for an employment use within the General Employment Area in future in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) (2005);
- sufficient car parking and safe access from the public highway can be accommodated in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T10 of the Peterborough Local Plan (First Replacement) (2005); and
- no detrimental impact will result upon the amenities of neighboring residential occupants in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

6. Six Monthly Appeal Performance Report

The Planning Delivery Manager introduced the report highlighting the following aspects:

- some successful appeals were due to subjective reasoning rather than technical aspects;
- due to the relatively low numbers of appeals, any successful appeared to have a greater impact on percentage figures.

Responses to questions included:

- the appeal for Manor Drive Gunthorpe sought only partial costs from the council as the inspector agreed with one of the grounds for the refusal but considered that the applicant had incurred unnecessary expense as a result of the refusal;

The committee agreed to note the contents of the report.

7. Changes to the Local Validation List

The Planning Delivery Manager introduced the report that set out changes to the Local Validation List.

The committee agreed to note the changes which were to be the subject of public consultation.

1.30pm – 3.20pm
Chairman