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MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 5 MARCH 2013

Members Present: Councillors Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Todd, Ash, Harrington and, Sylvester

Officers Present: Nick Harding, Group Manager Development Management
Carrie Denness, Senior Solicitor
Julie Smith, Transport and Engineering
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Lane and Shabbir.

Councillor Ash was in attendance as substitute for Councillor Lane.

2. Declarations of Interests

Councillor Todd raised a non pecuniary interest in items 4.2 and 4.3, due to the applications being located within the Councillor's ward area. Councillor Todd advised that the ward association would not affect her questioning, debate or decision making contribution.

3. Members' Declaration of Intention to Make Representation as Ward Councillor

There were no declarations of intention from any Member of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Development Control and Enforcement Matters

The Chairman introduced a proposal to extend the speaking time for supporters and objectors from five to ten minutes for item 4.1 - 12/01734/FUL - Proposed gypsy and travellers site for one extended gypsy family containing two static caravans and two touring caravans. Following a vote, the majority of Members were in agreement to extend the speaking time.

The Solicitor confirmed to the Committee that there were no objectors speaking for item 4.1

The Chairman introduced a request for Committee to allow Councillor Sanders to contribute to the Ward/Parish Councillor speaking time for item 4.1 - 12/01734/FUL - Proposed gypsy and travellers site for one extended gypsy family containing two static caravans and two touring caravans. No objection was received for Councillor Sanders to make representation

4.1 12/01734/FUL - Proposed gypsy and travellers site for one extended gypsy family containing two static caravans and two touring caravans

The site was approximately 0.54 hectares and was located on the south side of Northey Road approximately 1.5km from the urban area boundary and within land designated as open countryside. The site was on agricultural land. The site lies within the southern

boundary of the Flag Fen Bronze Age Settlement, which was now designated as a Scheduled Ancient Monument, (SAM). To the east was sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes, otherwise the surrounding character was flat open agricultural land. An area of rough scrub land to a height of a maximum of 2m lay between the site and Northey Road. The site lay at a lower level than the public highway. The SAM was located to the west, north and north east of the application site and covers an area of approximately 48sq.ha.

The proposal was for the residential use of the site by one Gypsy family currently residing at the Oxney Road caravan site. The living accommodation would include two static caravans and two touring caravans. There was to be parking for four vehicles. It was apparent from the submitted drawings that the static caravans were in effect mobile homes. The sizes of these were to be 9m long by 3m wide and would comprise one double bedroom. The touring caravans would have a length of 9m and a width of 2.5m. The caravans were to be located to the north of centre of the site and the parking spaces were sited immediately alongside the touring caravans. The vehicular access would use the same access that serves the field at present through the eastern boundary of the site off Northey Road.

The proposal showed extensive planting of native plant species and wild flowers as part of the landscaping within all four boundaries. The application details showed that the land within the landscaped areas would be raised by a 0.75m by the importation of top soil. The caravans would not include any foundations. All foul water was to be pumped into an above ground septic tank to be located close to the northern boundary of the site adjacent to the caravans. As the application site lay within a SAM, English Heritage would also be required to provide its approval for the development under the SAM consent regime.

Officer's recommendation was to refuse the site on the grounds of the disputed archaeological evidence which should be examined by the Planning Committee and in addition to be mindful that government policy was to promote the creation of more private Traveller sites. Reasons for Officer recommendations for refusal were:

- The proposal would be damaging to the SAM;
- Development would be degrading to the landscape setting to the SAM;
- Whilst there was an urban back drop to the west of the SAM, the landscape in the east was much more open and sparsely occupied by buildings and this proposal would radically alter the appearance of the open aspect; and
- Development would damage buried archeological remains by changing the hydrology of the area, which had been key to the preservation to the archeological remains associated with Flag Fen;
- Approval for the proposal it set a precedence would lay way for more sporadic development;
- The report received from the applicant stating that there would be no damage to the SAM was flawed as it was written on the assumption that the development would be temporary and it seems only to asses the impact of the development looking westward and northward and not east and north east; and
- The proposed site not easily accessed by foot or cycle to facilities such as shops and schools and would not be safe as of the visibility splays.

Councillor Sanders and Parish Councillor Bartlett addressed the Committee. In summary the main points highlighted included:

- During the 1980s an area south of the site was purchased by Travellers and many tons of rubble had been deposited on the site to prepare for installation of a Travellers site;
- Due to archaeological reasons the 1980s development had resulted in legal

action being taken by the Council through the High Court, which had incurred exponential costs in legal fees and removal of the rubble from the site;

- The recent Eye bypass and Car Dyke bridge installation and the importance of the Flag Fen survey had impacted the application;
- The 60 mile an hour limit combined with the lack of visibility on the ingress and egress for the proposed site access, had posed road safety issues; and
- Ward Members appreciate the need to address Travellers accommodation, unfortunately the proposed site would be an inappropriate placement due to the SAM restrictions.

Councillor Sanders and Parish Councillor Bartlett's responses to questions and comments included:

- The need to accommodate Traveller sites was of the utmost importance; however, the proposed site was the wrong place;
- Local residents, which had included one land owner and eight residents had relayed their objections in writing; and
- The Chairman clarified to the Committee that Ward and Parish Councillors had consulted residents over the site proposal, and that detail were listed within the report.

The agent Barry Nicholls, Mr Willers and Jodie Mathews addressed the Committee. In summary the main points highlighted included:

- Travellers had to live somewhere and the Council had a reputation of refusing these applications;
- There may be damage to the site following the development in 1980;
- The application was extended to accommodate a Gypsy family and the family had the right to live in a peaceful open space and not be forced to live in city residential accommodation;
- The Council's suggestion to identify an alternative site should be explored;
- The family had not placed their dwellings on the site and therefore the application was not retrospective;
- The Council should explore solutions to the road safety issues highlighted, as the most roads in the area were appalling and needed investment;
- Technically the site conforms to all the family's needs;
- Consideration should be given to applying a condition to resolve the highway issues, particularly if a refusal case was to go to appeal;
- The Romany family lived on the Oxney Road site which was over crowded and deemed in a poor condition following a survey conducted in 2008;
- Inspectors had highlighted in recent inspections that there was a substantial need to find sustainable Travellers sites;
- It should be noted that the need to provide further Traveller sites should positively outweigh the objections received from English Heritage regarding impact to the SAM;
- The road leading up to Flag Fen and adjacent to the proposed site had been blighted by clutter which had included a field shelter and dilapidated van;
- Appreciation of the setting would only be gained on arrival towards Flag Fen Heritage Park and the entrance itself;
- The SAM designation had happened after the applicant had purchased the land some years ago and the applicant had every intention of moving on to the site before the designation, however this was hindered by the planning permission and SAM consent;
- The application included landscaping, which would be in keeping with the surrounding area;
- The proposal was a no dig development and there would be no undergrounds

- works, which would not affect the hydrology; and
- The access to the site would be installed in accordance with the local highway authority, so there was no risk of disturbing buried artefacts.

Following questions to speakers the Planning Officer, Highway Officer and Senior Solicitor responded to questions, which included:

- No evidence had been provided throughout the planning application such as speed surveys that showed a reduced visibility splay would be acceptable;
- Highways had made reference to the appropriate guidance and Mr Willers comments regarding estate roads and the use for manual streets was inappropriate as it was not a safe road;
- There were currently green and blue splays of 2.4 by 215m which had spanned across neighbouring land, which was outside of the applicants control. The landowner was entitled to install a fence at anytime and as the land was third party land, the Council would be prevented in applying a condition over the splays;
- The unauthorised development of land was in relation to Gypsy touring caravans with storage container and was currently under enforcement action for removal;
- The Traveller site provision was an important local issue, however the SAM was of significant national importance;
- There would be a detrimental impact on the aesthetics of the land and risks that the weight of such a development would depress the archaeological remains if the application was approved;
- Any development would upset the hydrology, which would affect or upset the buried remains;
- Each planning application should be considered on own its merits;
- If Committee were minded to grant the application, it would be stating quite clearly that it was acceptable in policy terms.
- If planning permission for development was granted on a SAM area and the Council was forced to rescind the permission, there would be legal and compensation cost implications; and
- No risks had been received from the Environment Agency over flooding.

Following questions to speakers and officers Members debated further, comments included:

- There were arguments for both sides of the debate due to the lack of Traveller sites;
- It was not suitable to site the development so far from facilities
- The Environment Agency's lack of concern over flooding had concerned Members as the proposed site was situated on a flood plain;
- There were seventy three private and Council owned pitches, which was to accommodate the Travelling community, and investigation to identify further suitable sites was ongoing by the Council;
- Sympathy was given to the Gypsy family wishing to find a peaceful area to reside on; however the proposed site was unsuitable due to the Heritage and SAM;
- If any damage occurred on the SAM, it would be impossible to rectify;
- Flag Fen was a vast and very fragile structure and great consideration would have been given to mark up the area in order to preserve the archaeology;
- There was a danger that approval would set a precedent for further development and therefore, would cause damage to the SAM.
- Although the need of the family was appreciated, the need was outweighed by the preservation of the heritage site

Following further debate and questions by Members regarding planning permission being sought, a motion was put forward and seconded to approve Officer recommendations to

refuse the planning application. The motion was carried by 8 voting for and 1 Member not voting.

RESOLVED: to refuse the application as per Officer recommendation.

Reasons for the decision:

Whilst it was acknowledged that there was a shortfall in the supply of pitches for Gypsies and Travellers, it did not outweigh the detriment that would arise in respect of:

- 1 – Impact on the setting of the SAM;
- 2 – Impact on buried archaeological remains;
- 3 – The site being too distant from key services; and
- 4 – An unsafe vehicular access.

4.2 13/00064/MMFUL - Proposed change of use to vehicle dismantling and recycling Warehouse B1, First Drove, Fengate, Peterborough - ASR Autobreakers

The proposed site lay within an existing area of industrial development on First Drove, Fengate within the 'Eastern General Employment Area' (Peterborough Site Allocations DPD - April 2012, Policy SA11; GEA3). The site was surrounded to all sides by commercial / industrial premises, and was separated from the nearest residential properties to the north by a warehouse. The site was accessed via First Drove, and the two single storey industrial units comprising the site were accessed via a securely gated yard.

The proposal was to use the existing yard and buildings for the dismantling of vehicles for export. Two people would be employed on site dismantling approximately five vehicles per week which would be brought to the site on a flat bed vehicle transporter van. Vehicle parts would then be stored and loaded into a shipping container for collection approximately once every six weeks.

The Officers recommendation was to grant the permission subject to relevant conditions CS 9, CS 14, CS20 and CS22.

The Barry Nicholls addressed the Committee in objection to the application. In summary the main points included:

- There appeared to be a difference in standards in the consideration of applications for similar sites;
- Clarification was sought over whether a traffic survey had been conducted in order to identify the number of deliveries expected;
- There was no condition attached over catchment/pollution tanks and junction improvements;
- The application should be subject to a S106 agreement in order to improve the junctions.

Mr Nicholls responses to Members questions and comments, in summary responses included:

- The main objection to the application aside from the lack of funding to improve the junction was the lack of introduction of conditions for pollution tankers;
- A survey had not been conducted by Highways in order to review the historical information over deliveries for the old saw mill and the old recycling businesses that operated on the site in order to confirm the anticipated lorry deliveries for the new proposal;
- Before enforcement action was taken over the illegally operated recycling site,

- the site had received weekly deliveries from forty foot lorries;
- Mr Nicholls site was situated at the far end of First Drove and behind the greyhound stadium and was not in use due to the awaited implementation of the conditions imposed by Planning Committee;
- Mr Nicholls site was previously used as a water filtration station by Anglian Water; and
- The proposal would affect Mr Nicholls site in terms of costs for the provision of junction improvements and water catchment, waste and pollution conditions.

The agent Mr Smith addressed the Committee. In summary the main points included:

- Use of the two buildings in the First Drove area were intended for the recycling of motor vehicles;
- Planning permission was original given in 1962 for the erection of a timber yard and saw mill, and at the time, there no conditions were placed on the industrial use of the site;
- All recycling operations would be carried out inside the buildings;
- The proposed use was relatively low key compared to other units in the vicinity;
- Dismantling would take part in one building with storage of the recycled parts in the second. Solid waste material would be placed in a skip and removed by an approved contractor; waste fluids would also be stored separately;
- Approximately every six weeks a container lorry would arrive on site to collect the recycle parts for export;
- Highways had not raised any objection to the application;
- There was no detrimental environmental impact on residents living in the vicinity of the site;
- In the event that planning permission was granted, a grant from the environment agency would need to be applied for to ensure that the correct recycling processes were being conducted;
- The recent enforcement action on the proposed site had involved a different operator, which may have caused confusion over vehicle deliveries;
- Mr Nicholls site was a greenfield site and had been reviewed by Highways accordingly, which had resulted in Planning Committee imposing the appropriate conditions. In light of this the two sites should not be compared; and
- If granted, the site would fall inline with the industrial use regulations B2.

Mr Smith responded to questions raised by Councillors. In summary responses included:

- The approximate number of vehicles arriving at the site was five vehicles a week,
- The recycled vehicles would be collected every six weeks using a forty foot lorry;
- Exact traffic movement numbers pertaining to the previous business operators, was not apparent to the current agent or site occupiers;
- The noise levels of a saw mill would be far more intrusive to that of hand held tools used to dismantle vehicles.

Following questions raised by Members, the Planning Officer and Highways Officer provided clarification over some of the points raised. In summary responses included:

- That the applicant was not the same business operator being prosecuted by the Environment Agency;
- The application was not retrospective;
- Mr Nicholls site was a virgin site, which would generate extra traffic which was why it was treated in accordance with planning policy;

- Mr Nichols business had involved metal being tipped out into various silos, which was why the appropriate conditions were imposed through planning consent;
- Restrictions and conditions for operating hours, noise levels, management plans and S106 money for junction improvements were applied to new sites.

Following debate, Members commented that consideration should be given over whether conditions such as traffic volumes, amount of deliveries; non burning of waste material, and the environmental impact for residents should be introduced.

The Planning Officer advised that it would be permissible for the Committee to include the following conditions:

- There was to be no burning of waste; and
- Stock piling of vehicles waiting to be recycled would not exceed a height of 5 metres.

Following debate a proposal was put forward and seconded, a motion was put forward to grant the application, subject to the inclusion of the additional conditions regarding waste burning and storage. The motion was carried by 7 votes for, 1 against and 1 Member not voting

RESOLVED: as per Officer recommendation subject to the inclusion of the following conditions:

- (i) No burning of waste was to be carried out by the recycling facility; and
- (ii) A maximum limit for storage vehicles for recycling would not exceed 5 metres.

Reasons for the decision:

The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision making this means approving development proposals that accord with the development plan without delay. Although the proposal was for a waste management use outside an allocated area the site was acceptable for the use as it fell within the Eastern General Employment Area. The proposal did not represent an intensification of use at the site, and furthermore, to allay any residual concerns relating to parking and manoeuvring of vehicles beyond the site boundary sufficient space can be retained within the site for such purposes by condition to ensure the proposal fully accords with planning policy in relation to transport implications of the development. Amenity and environmental impacts of the development would be satisfactorily controlled by conditions and the proposal would also be subject of environmental permitting regulations. The proposal therefore accords with policies CS18, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SA11 of the Peterborough Site Allocations DPD and policies PP1 and PP12 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

4.3 12/01106/OUT - Residential development comprising up to 230 units, car parking, landscaping and associated works including means of access Perkins Sports Association Club, Site North Of Ideal World, Newark Road, Peterborough

At its meeting on 19th February 2013, Committee resolved to grant planning permission for the development subject to the signing of a Section 106 agreement. The scope of the Sec 106 was outlined to Committee in the presented report and included an off site public open space contribution of £447460 required as a result of a shortfall

in the amount of open space that was being provided on the application site itself. Since the Committee meeting, it has been established that the site would now meet its open space requirement in full on site. This meant that an off site contribution was not now required.

The 2012 Adopted Peterborough Planning Policies DPD Policy PP14 had set out how much open space should be provided on new housing developments. The proposal would meet its open space requirements on site save for:

1. The strategic country park and natural greenspace elements which were provided for by way of the POIS contribution being made by the development; and
2. Allotment provision which would be accommodated by capacity on existing allotments nearby

As the development would comply with the open space requirements set down in the Adopted Planning Policies DPD 2012, there was no need for the developer to make an off site contribution towards off site open space provision.

Officer's recommendation was for the Committee to approve the removal of £447,460 contribution towards off site open space provision for the S106 requirements for the development.

Following presentation of the proposal the Planning Officer responded to questions. In summary, responses included:

- The on site open space provision was slightly larger than a football pitch;
- The POIS contribution for the development would remain at the agreed amount, which had included the £150k reduction given due to site viability;
- The original development scheme would have provided more open space over houses, which was why the S106 reduction was being sought;
- The Government's MPPF document, had stated viability should be taken into consideration to promote sustainability;
- It would be difficult to impose conditions within the reserve matters of the application regarding timescales over the introduction of open spaces, due to the safety issues of placing play areas on a building sites;
- Under planning policy and provision of open spaces for new sites, there was a level of flexibility to be given over the types of open spaces such as children's play and sports areas and their location. The Committee would need to be mindful over the overall size of the open space being provided, which should accommodate the development needs and whether there was already provision established in nearby areas; and
- A 30% provision of affordable housing would still apply to the application. The request had sought the approval of reduction in the S106 contribution.

Following responses to questions a motion was put forward and seconded to approve Officer the recommendation to reduce the S106 contribution. The motion was carried by 7 votes with 1 abstention and 1 Member not voting.

RESOLVED: as per Officer recommendation, to reduce the S106 contribution previously approved by Committee.

Reasons for the decision:

The developers were providing a sizable amount of open space.

1.30pm – 3.38pm
Chairman