

# Public Document Pack



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 20 FEBRUARY 2024  
1.30 PM**

**Council Chamber - Town Hall**

### AGENDA

Page No

- 1. Apologies for Absence**
- 2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

- 3. Members' Declaration of intention to make representations as Ward Councillor**
- 4. Minutes of the Meeting Held on 12 December 2023** 5 - 26  
12 December 2023
- 5. Development Control and Enforcement Matters**
  - 5.1 22/00600/MMFUL - Eye Landfill Site Eyebury Road Eye Peterborough** 27 - 48
  - 5.2 22/01793/FUL - Land To the North Of Lynch Wood Peterborough** 49 - 72
  - 5.3 24/00025/HHFUL - 140 Northfield Road Millfield Peterborough PE1 3QE** 73 - 80



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### **Committee Members:**

Councillors: Iqbal (Chairman), M Jamil (Vice Chairman), W Fitzgerald, Hussain, Sharp, Warren, D Jones, Hogg, A Bond, C Harper and B Rush

Substitutes: Councillors: G Casey, Allen, Mahmood, S Bond and J R Fox

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – [democratic.services@peterborough.gov.uk](mailto:democratic.services@peterborough.gov.uk)

## **CASE OFFICERS:**

Planning and Development Team: Sylvia Bland, Phil Moore, Lee Walsh, James Croucher, James Lloyd, Lucy Buttery, Michael Freeman, Matt Thomson, Asif Ali, Molly Hood, Karen Ip, Connor Liken, Rio Howlett, Sophie Hutchinson and Robyn Weavers

Minerals and Waste: Alan Jones

Compliance: Heather Wakefield, Andrew Muscroft and Donna Preston

Environment Team: Darren Sharpe, Sophia Bix, Daniel Worley, Rebecca Casa-Hatton, Stephen Chesney-Beales, Rowan Rumball, Michael Britton

## **NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.

2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
MEETING  
HELD AT 1.30PM, ON  
TUESDAY, 12 DECEMBER 2023  
IN THE COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** Councillors Iqbal (Chairman), Jamil (Vice-Chairman), A Bond (13.37), Fitzgerald, Harper, Hogg, Hussain, Jones, Sharp, and Warren.

**Officers Present:** Sylvia Bland, Development Management Group Lead  
Phil Moore, Development Management Team Leader  
Lucy Buttery, Development Management Officer  
A Jones  
Karen Ip, Development Management Officer  
Colin Sweeney, Interim Senior Democratic Services Officer  
Karen Dunleavy, Democratic Services Officer  
Chris Gordon, Planning Solicitor,  
Sarah Hann, Principal Engineer (Highway Control)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Rush.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest received from Members.

**3. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR**

None.

**4. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting of the Committee, held on 23 November 2023, were approved as a true and accurate record.

**5. ORDER OF BUSINESS**

At the request of the Chair, the Committee **RESOLVED** that Agenda Item No. 4.2 21/02004/MMFUL (Eye Landfill Site, Eyebury Road, Eye, PE6 7TH) be considered as the last application under Planning and Enforcement Matters.

**6. PLANNING AND ENFORCEMENT MATTERS**

**6.1 23/00488/FUL - 16 Heath Road, Helpston**

The Committee received a report, which sought permission for the erection of two detached dwellings with access from Heath Road, including associated hard and soft landscaping.

The application site lay to the north of the dwelling known as No.16 Heath Road and formed part of its domestic garden. Development along this part of Heath Road was largely confined to the western side and took the form of frontage development. There were fields opposite and an area of ancient woodland to the rear and the site was effectively an infill plot.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included:

- Removal of large, detached garage
- Impact on great crested newts.

***Councillor A Bond arrived at 13.37pm following the commencement of this item. Accordingly, Councillor Bond was ineligible to vote on this matter.***

#### Public Speaking

i) Parish Councillors Dobson and Cross addressed the Committee and responded to questions from Members. In summary, the key points highlighted included:

- Page 15 (site description). The Parish Council contested the description of an infill site in favour of a pond between two houses and that its prominence was debateable. There was no mention of a pond in the initial description.
- Policies A2 and LP20 – ambiguity surrounded the use of the word “should” rather than the mandatory word “must”. The Parish Council’s interpretation was that “should” require a criterion to be observed and therefore, the two houses proposed should not be the same but be given the same weight as any other policy plans.
- The Parish Council further contested that the application was unsound. It stated that the Agent had signed a statement of truth but that the Case Officer did not have to accept these documents. The PC stated that whilst it believed there were genuine options available for the site, the City Council could be party to something, which was unlawful.
- Certificates and ownership - Notice only just recently posted on the website and two certificates when there should only be one.
- Lack of engagement – The Parish Council claimed that the Applicant did not engage at the outset.

ii) Annabel Tighe, John Downey and Richard Astle, as objectors, addressed the Committee and responded to questions from Members. In summary, the key points highlighted included:

- It was contested that the application was non-compliant and said that this had been recognised by the Council’s Officers. They said that when a planning application was compliant, it should be passed and when it was not, it should not.
- Properties at the site were previously flooded in the 1960’s and recently, storm Babette had brought flooding down Heath Row. A video of the water that had flowed out of the pond had been made.

Members raised key points and questions to the objectors, which, in summary, included:

- A Member questioned the reference to non-compliance and why the Applicant had not gone for a compliant application as it clearly undermined public confidence in the system. The same Member touched upon the reference made to the word “should” being applied throughout the Policies highlighted as this suggested a degree of flexibility, however, whilst the Policies stated there should be two different sized houses, there were not.
  - In response to a question by the Chair to the objectors as to what their views were of the assessment being in favour of the development, Mr Astle said that this was a large pond, which covered both houses. He queried where the water would go and said it was important to recognise there was an important covenant on this site already and it was all about the principle.
  - A Member said he could not see any pipes coming out of the pond when on the site visit. In response, the objectors stated that the pond was served by underground pipework.
  - A Member sought clarification that the current pond was not live but that the new one, would be.
- iii) Mr John Dickie, the Agent, then addressed the Committee and responded to questions from Members. In summary, the key points highlighted included:
- The Agent said that, ordinarily, he would not have spoken where Officers had recommended that planning permission be granted. He said that the starting point for the application was well stated in the report and that the Applicant was entirely agreeable to the proposed planning conditions.
  - The Agent said that, from the outset, there had been a “brutal, devil’s advocate approach” to what was, in principle, an infill development and recognised there were two constraints – the pond and protective species’ habitat. He said that two developments would not change the land use whatsoever.
  - The Agent said that several stone house developments to the north have recently been built.
  - In respect of the pond being considered as a heritage asset, he said that this had not occurred to him.

Members raised key points and questions to the Agent, which, in summary, included:

- In terms of the Neighbourhood Plan, why was it that you chose to ignore the two properties having to be different? In response, the Agent said that it did not compel the Applicant to have two identical properties and that reference to “should” within the Policies supported this.
- In response to whether there was a dispute over who owned the land, the Agent said there was a strip of land, which was not a material planning consideration.
- The Chair reiterated that the Policies made references to “should” and said that if this had read “must” or “shall” then the Committee would have to have given it serious consideration.

Members raised key points and questions to Officers which, in summary, included:

- Adhering to Planning Law.
- Ambiguity surrounded the validity of “should” as opposed to “must” in determining applications.
- Whether officers were content that flooding would not take place.
- What was the reason for the officers’ recommending approval, bearing in mind the provisions of the Local Plan.
- When neighbouring properties were built and did they differ in any significant way to those being considered by the Committee today.
- Was encouraging development part of Officers’ consideration as well.
- Confirmation that all objections received had been addressed and that there were no outstanding concerns.
- Whether drainage strategy and flood risk assessment would have to be submitted before work commenced, if Committee was minded granting planning permission.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application.

Accordingly, the Committee **RESOLVED** (9 For, 0 Against and 0 Abstentions) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - 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).

C2 - The development hereby permitted shall only be carried out in accordance with the following approved plans and documents:

Plans:

Site Location Plan - JDA/2022/820.LOCATION.001A  
 Proposed Site Plan - JDA/2023/820.SITE.001C  
 Proposed Drainage Strategy - JDA/2022/820.DRAINAGE 001E  
 Proposed Soft Landscaping - JDA/2023/820.LS.001C  
 Proposed Lighting - JDA/2023/820.LIGHTING.001A  
 Proposed Elevations and Floor Plans - JDA/2023/820.LAYS.001  
 Bird and Bat Boxes - JDA/2022/820.BOXES.001

Documents:

Schedule of Renewable Energy Assets (March 2023)  
 Biodiversity Mitigation and Enhancement Plan (March 2023)  
 Preliminary Ecological Appraisal and Preliminary Roost Assessment (31st May 2023)  
 Flood Risk Assessment (July 2023, Version 2)  
 Arbtech File Note: GCN at 16 Heath Road (27th October 2023)  
 Landscaping Specification (V5, dated March 2023)

**Reason:** In the interests of proper planning.



C3 - No development shall take place until an ecological design strategy (EDS) addressing the creation and management of the ecotone area as an area of natural woodland being a habitat extension to the existing rice wood. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. The EDS should cover a period of at least 30 years.

**Reason:** In the interests of protected species in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C4 - No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period

strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C5 - Prior to the occupation of each individual dwelling, the 'ecotone' / 15m buffer in the garden of that particular dwelling (as indicated on Drawing No. JDA/2023/820.SITE.001C) shall be implemented in accordance with the approved details. It shall remain fenced off at all times and shall not be used for any purpose other than an ecotone / buffer zone. No structures whatsoever shall be erected in this area. No plant or animal not indicated on Drawing No. JDA/2023/820.SITE.001C shall be introduced to the ecotone / 15m buffer. The site shall be colonised naturally from the neighbouring woodland over the period of the management plan.

Any trees, shrubs or hedges forming part of the approved ecotone die, are removed or become diseased within five years of the implementation of this scheme, these shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

**Reason:** In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C6 - The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the Biodiversity Mitigation and Enhancement Plan (March 2023), as well as the mitigation measures for Great Crested Newts set out in the document entitled Arbtech File Note: GCN at 16 Heath Road (27th October 2023).

**Reason:** In the interests of protected species in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C7 - The soft landscaping scheme indicated on Drawing No. JDA/2023/820.LS.001C (with the exception of the planting required by Condition 5) shall be completed during the first available planting season following completion of the development.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

**Reason:** In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019).

C8 - The development hereby permitted shall be carried out in strict accordance with the approved plans and arboricultural report - BS5837:2012 -Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at St 16 Heath Road, Helpston from East Midlands Tree Surveys Ltd dated 30th June 2023 (as amended).

- Reason:** In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 of the Peterborough Local Plan (2019).
- C9 - The development shall be carried out in accordance with the external lighting details shown on Drawing No. JDA/2023/820/LIGHTING.001A and no other external lighting shall be erected other than that so approved.
- Reason:** In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).
- C10 - Prior to its installation, details of the height of any proposed closeboard fencing shall be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall include 13cm x 13cm holes at the base of the fence in order to facilitate the movement of hedgehogs. The fencing shall be erected in accordance with the approved details and retained as such in perpetuity.
- Reason:** In the interests of biodiversity and in order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policies LP17 and LP28 of the Peterborough Local Plan (2019).
- C11 - No above ground development shall take place unless and until details of the proposed external materials have been submitted to, and approved in writing by, the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.
- Reason:** For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- C12 - Prior to commencement of development, details of the temporary facilities that shall be provided clear of the public highway for materials storage and for the parking/turning/loading/unloading of all vehicles visiting the site during the period of construction shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- C13 - The dwellings hereby permitted shall not be occupied until a means of access for vehicles has been constructed in accordance with plans to be submitted to, and approved in writing by, the Local Planning Authority. Details should include levels, drainage and methods of construction. The accesses shall be constructed in accordance with the approved details and retained thereafter in perpetuity.
- Reason:** In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP13 of the Peterborough Local Plan (2019).  
C14 Prior to the first occupation of any dwelling, vehicle to pedestrian visibility splays shall be provided in accordance with the details shown on the approved layout plan and kept free of any obstructions over 600mm in height above ground level. Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- C15 - Car parking, including garages and turning, shall be provided in accordance with the approved layout plans prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

**Reason:** To ensure that sufficient car parking and turning remains available on site in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C16 - A wheel cleansing system for construction vehicles (i.e. a portable wheel wash), including a contingency measure should this facility become inoperative, shall be installed on-site. The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of all construction vehicles that shall visit the site during the construction/demolition process.

**Reason:** In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C17 - Prior to their installation, full details of the location and specification of the proposed air source heat pumps shall be submitted to, and approved in writing by, the Local Planning Authority. The air source heat pumps shall be installed in full accordance with the approved details.

**Reason:** In the interests of residential amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

***The Meeting stood adjourned from 14.42pm to 15.00pm***

### **6.3 23/01310/FUL - 1 Grove St Woodston**

The Committee received a report, which sought permission for a proposed change of use to the car sales/showroom (sui generis) and external alterations.

The site contained a vacant building with an existing use for commercial and light industry. The building was positioned on the rear part of the site and set back from the road by 28.3m and was a two-storey flat roof building in the front and a single storey pitched roof building behind. There was a large parking area to the front of the site.

To the north, west and south of the site were residential dwellings. To the east of the site was Grade II listed 'Fletton Tower', with the listed building curtilage, which extended along the southern and eastern boundaries of the application site.

The application site had received planning permission for a change of use to workshop, offices and stores for a hot and cold drink vending machine business under planning permission reference P0136/82. Condition 1 of that planning permission was as follows:

“The site shall only be used for light industrial purposes as defined in the Town and Country Planning (Use Classes) Order 1972 and not for any general or special industrial purposes as so defined.”

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included:

- The site could be utilised without local authority consent (no restrictions) for light industry, such as shops, cafes, employment agencies, gymnasiums, creches etc.
- Plot outlined in red. This had changed significantly since permission was first granted.
- Currently a vacant site in Grove Street.
- Would a change of use be more harmful than current use?

- The site is currently vacant and an application for change of use would allow the Council to influence opening hours and its purpose.
- Resident concerns had been raised in relation to traffic, especially on match days.
- The proposal met with Local Plan Policy and therefore approval was recommended.

### Public Speaking

- (i) Councillors Thulbourn and Coles, as Ward Members, spoke against the application and a summary of the key points was as follows:
- Grove Street, and that part of the city, was largely residential and had large levels of traffic flow.
  - A change of use would make a significant impact with safety concerns surrounding the flow of school children at the S bend there (previous businesses there were very mindful of their responsibilities to the local community.)
  - Concerns around five car showrooms that had opened in the vicinity recently.
  - Constraints seemed to be ignored and there were multiple pinch points and multiple issues.
  - Community impact of multiple car showrooms and sale of second-hand cars.
  - In terms of highway safety, there had been some near misses.
  - The community there was unhappy and not supportive of the proposals but seemed content with previous proposals for residential properties there.
- (ii) Two non-registered speakers, as objectors, had been granted permission to address the Committee:
- Strongly objected, not only to the business but the nature of the business and the traffic going through the narrow road every day = going to be very hard on the local community.
  - Customer parking off-site.
  - Pedestrians would have to go into the middle of road to see what was coming, as vision was blocked.
  - Traffic movements to and from the business would be numerous each day and would not be policed.
  - 16 cars on site would not be viable.
  - Test drives and resultant noise, seven days a week.
  - Road was unsuitable and inappropriate for this type of business and that this was supported by the Highways Authority, hence the no loaders conditions.
  - There would be a negative impact on the community and local amenities arising from pollution.

Members raised key points and questions to the objectors, which, in summary, included:

- In response to a question as to whether the applicant's business would be the same as other similar businesses there in terms of noise and safety issues, it was noted that all such businesses were noisy, and each brought about their own traffic issues.
- In response to a question as to the level of mechanical works carried out at the area of the site, Officers advised that one did undertake such work with the other three being showrooms with no mechanical work being undertaken.
- Whether previous owners of the plot had carried out industrial business.
- Councillors, speaking as objectors, disagreed with the Council's Officers' views as granting planning permission would have a significant adverse impact on the community since the matter was about the trading of vehicles and the impact on the street.
- In response to a question as to whether a small business there would impact neighbours more, Officers advised that the impact would be significantly less than a car showroom.

(iii) The Applicant:

The Applicant advised Committee that there would be no work undertaken but that transporters would be on site. He said he did not wish to upset the local community and confirmed there would be no parking on the road and no speeding there.

Members raised key points and questions to Officers which, in summary, included:

- Reference to "By Appointment Only" meant that all appointments would be made online.
- In response to a question, it was anticipated that up to 120 cars would be on site on any given day.
- Officers confirmed that there were conditions to be applied, if granted, which were enforceable in the event of loaders turning up on site.
- In response to a question around the process of enforcement, Officers would set up an enforcement case, make a judgement about what should happen next and whether then to take enforcement action or impose STOP Notices, which if breached, could be pursued as a criminal offence via the courts. Officers also advised that enforcement was discretionary and that it was for the Council's Enforcement Team to decide whether to take action, or not.
- In response to a question as to whether any permission granted could be temporary, Officers confirmed that it could however, the Committee had to be mindful of potential fallback given that the site could be used for a multitude of trades in any case.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application.

Accordingly, the Committee **RESOLVED** (10 For, 0 Against, 0 Abstention (unanimous)) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - 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).

C2 - The development hereby permitted shall be carried out in accordance with the following drawings:

- Existing and proposed elevations and location plan 231407 - 02 Rev A
- Proposed plans 231407-03 Rev A
- Existing and proposed site plan 231407 - 04 Rev A

**Reason:** For the avoidance of doubt and in the interest of proper planning.

C3 - The car sales/showroom use hereby permitted shall only be carried out between the hours 09:30 - 18:00 Monday to Saturday and 10:30 - 16:00 on Sundays and Bank Holidays.

**Reason:** To ensure that the operation of the use is such that no undue harm results to neighbouring occupants in accordance with Policy LP17 or the Peterborough Local Plans (2019).

C4 - No vehicle transporters or low loaders shall be used for the delivery of vehicles at any time to and from this site. The initial stocking of the vehicles shall not take place during peak times, such as school runs or match days to avoid added congestion to the roads that serve this area. The re-stocking of vehicles shall operate as detailed in the Design and Access statement Rev B (received 25 Oct 2023), on a one-by-one basis and cars delivered individually.

**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)

C5 - The parking and forecourt area shall be laid out in accordance with plan 'Existing and proposed site plan 231407 - 04 Rev A', and retained in perpetuity.

The parking and display spaces, as designated on the plan for staff, visitor and for the display of cars shall be made available for that use at all times and for no other purpose. The manoeuvring space adjacent the parking areas shall be kept clear of vehicles at all times.

**Reason:** In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### 6.4 23/01386/FUL - 43 Viney Close, Eastfield, Peterborough, PE1 5LS

The Committee received a report, which sought permission for the change of use from a residential dwelling (C3) to a children's home (C2) for two children between the ages of 8-18 years old.

The application site was a semi-detached dwelling located on Viney Close, within a residential cul-de-sac. The plot had off road parking spaces to the front and an enclosed rear garden. In addition, there was on street parking with no parking restrictions.

The immediate area was predominately residential, mostly semi-detached dwellings of the same era, around 1950s. Nearby facilities included a variety of shops (at Hill Close), open space areas (Board Close and Reeves Way), two primary schools (Newark Hill and St Thomas More) and two secondary schools (City of Peterborough Academy and St John Fisher). Viney Close was accessed off Reeves Way, which was on a bus route and there were bus stops located close to the application site within walking distance.

The Head of Planning introduced the item and highlighted key information from the report and the update report.

### Public Speaking

- (i) Councillor Jackie Allen, as Ward Member, spoke against the application and a summary of the key points was as follows:
- Any child with special needs would be chaperoned to their own school.
  - Children Services Commissioning contacted to see if there was any need for this home.
  - Staff accommodation was required and asked if this impacted on the amenities for the occupiers.
  - She doubted whether the corridor in the premises could be adapted for wheelchair access and that such conversations should have taken place beforehand.
  - The Council should be considering the application from a corporate parent perspective.

Members raised key points and questions to Councillor Allen, as objector, which, in summary, included:

- Children's Commissioning had not acknowledged the need for this home.
- The home and the space within it had to be made fit for purpose.

Members raised key points and questions to Officers which, in summary, included:

- How staff at the home would access the toilet there.
- Whether there would be a requirement for four parking spaces to be provided to allow for a shift change amongst staff.
- No mention of cycling provision.
- Whether the home was acceptable given the need for wheelchair access etc.
- Whether two staff would be adequate for the needs of the children.



- Day shift ran from 7am to 10pm (15 hours) and it was asked whether there would be a handover with nightshift staff. It was felt that, in terms of vehicle movement, it was a valid consideration for the Committee.
- It was a question of need and suitability and whether the question as to its suitability was a matter, which the Committee could not consider now.
- Whether the Council had its own set of guidelines or criteria for acceptable living standards.
- Provision of overnight accommodation for staff.

The Committee debated the report and in summary, key points raised and responses to questions included:

- OFSTED would decide who lived there. The premises were entirely suitable, and the decisions lay with the Regulator.
- As corporate parents, the adequacy of the space as a home for children was questioned.
- Quite oppressive with a narrow and steep staircase and the rooms were small.
- Corporate responsibility for these children with SEND etc.
- This was a change of use planning application from a C3 to C2 and was no more than “a box for four people!”
- Some disagreement with the design and outline of this property. Mindful to support the officers then let OFSTED do its best to get it to the standard it required.
- The issue the Committee was being asked to determine was whether the site was an acceptable residential amenity for children with SEND.
- The home would be a much-regulated place. The Council’s Officers had made recommendations and residents would be considered by OFSTED.
- OFSTED would not consider residency until valid planning permission had been granted.
- The application was for a change of use, and it was the Committee’s duty to consider it as a change of use and to determine whether the property was acceptable and suitable for future use for four people in this way.
- If the Committee was minded refusing planning permission, then it was required to provide reasons for doing so, which could be challenged.
- Whether consideration could be given to Officers to write a report seeking further information, then grant permission under delegated powers, subject to receiving clarification and further advice.

Officers advised that whatever decision the Committee made, it needed to be based upon evidence and substantiated. They added that it would be very tenuous for the Committee to refuse the application on any of the grounds under LP17.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application. Accordingly, the Committee **RESOLVED** (6 For, 3 Against, 1 Abstention) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - 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).

C2 - The development hereby permitted shall be carried out, including the materials to be used, in accordance with the following approved plans:

- o Existing Site and Location Plan Drawing No. 537SD03
- o Proposed Plans REV C rawing No. 537SK01
- o Proposed Elevations Drawing No. 537SK02
- o Proposed Site Plan Drawing No. 537SK03

**Reason:** For the avoidance of doubt and in the interest of proper planning.

C3 - There shall be the presence of at least one staff member at the development hereby permitted 24 hours a day and 7 days a week.

**Reason:** In the interest of neighbour amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C4 - The application site shall be used only for the semi-independent provision for two young people aged between 8-18 within Class C2 Residential Institution of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 2015.

**Reason:** To ensure that any future change in use is assessed by the Local Planning Authority, particularly with regard to car parking provision and amenity considerations and in accordance with Policies LP13, LP16 and LP17 of the Peterborough Local Plan (2019).

C5 - Prior to occupation of the care home, a drawing shall be submitted to show the site access and parking arrangements along with all available visibility splays (vehicle-to-pedestrian and vehicle to-vehicle) clear from any obstructions over 600mm in height. The access, parking and visibility shall be provided in accordance with the approved details prior to the occupation of the care home, and thereafter retained.

**Reason:** In the interests of highway safety, in accordance with Policy LP13 of the adopted Peterborough Local Plan (2019).

C6 - Prior to its implementation a scheme of cycle parking including details of its location, along with details of the type of cycle stands and shelters to be provided shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be installed in accordance with the approved details prior to first occupation of the dwelling/building to which it relates and thereafter retained.

**Reason:** In order to ensure that sufficient and suitable cycle parking is available in accordance with Policy LP13 of the adopted Peterborough Local Plan (2019).

***The meeting stood adjourned from 17.28pm to 17.33pm.***

## **6.2 21/02004/MMFUL - Eye Landfill Site, Eyebury Road, Eye, PE6 7TH**

With reference to Minute No.5 herein, the Committee received a report, which sought permission to compost approximately 50,000 tonnes per annum (tpa) at an Open Windrow Composting facility (OWC). Biodegradable wastes, but not catering waste or waste containing any other animal by-products, would be imported to site, and placed on a concrete pad of some 200m x 128.5m with shallow gradients and kerbs to contain and control surface water, which would drain to two new lagoons, to the northeast and southwest of the pad. Such water may be used to irrigate windrows or be sent off site for disposal. It was expected that the storage tank for off-site disposal of compost liquor would also be capable of storing excess leachate from the wider landfill site if required.

The existing site reception area would be retained to service the operation, and the 'recycling shed' at the site would also be retained for the storage of plant and equipment.

Incoming waste would be placed on the pad prior to shredding and screening and being placed in elongated piles (windrows). Over a minimum of five weeks, each batch, or windrow, would be mechanically turned, with the waste decomposing naturally under aerobic (i.e. with oxygen) conditions, during which compost temperatures would reach 65-80 degrees Celsius during the first two weeks as part of a sanitisation process to destroy weed seeds and reduce any human and animal pathogens. Further to the initial two-week sanitisation period, temperatures would be maintained to at least 45 degrees Celsius by managing moisture levels (using water from the lagoons) during a stabilisation phase. It was anticipated that the site would support approximately 30 windrows, each of which would be approximately 7m wide at the base, reaching to a height of some 3.5m.

A final phase of maturation could be utilised if required, to enable temperatures to decrease further, prior to screening to provide a finished compost product. Temperature and moisture content was monitored throughout the process. Producing compost to PAS 100:2018 (Specification for Composted Materials) required careful control of the incoming green waste streams, details of which would be recorded upon delivery to the site; any unsuitable, or oversized materials would be removed and placed into skips for onward transportation to a suitably licensed recovery or disposal facility.

Finished compost product (produced to quality standard PAS 100:2018), comprising approximately 25,000tpa (which reflected a reduction of approximately 50% of original feedstock material)) would be exported in bulk by Heavy Commercial Vehicles, with smaller bagged compost despatched on pallets. Compost would not be available for sale to members of the public.

Operations at the site, including green waste delivery, composting operations, maintenance and despatch of compost product, were proposed to be carried out between 0700 - 1800 Monday to Saturday, and at no other times or on Sundays, Public, or Bank Holidays.

No fixed or mobile lighting was proposed.

The site comprised an area to the west and centre within the Eye landfill complex, which lay to the southeast of Eye Village. Restored former quarry working lay to the north, beyond which lay the Green Wheel adjacent to a dwelling at Tanholt Farm. The eastern boundary of the wider landfill site was formed by Cat's Water Drain. The "southern extension" lay to the south of the proposal site and open fields lay to the west beyond the site reception area.

The wider site was an operational landfill site, (with a former quarry adjacent to the northwest that had been restored and was in aftercare) and had an appearance typical of such workings; in the central area there was an 'environmental compound' (which included gas management systems), lagoons and a 'recycling shed' and operational storage area. To the south of the southern extension sat an area of leachate management through a series of Miscanthus beds.

The landfill operation was subject to planning permission and a permit from the Environment Agency for eight cells for non-hazardous landfill, and a separate area for inert waste (previously subject of planning application 15/00763/NONMAT to amend the contours to accommodate the previously approved, but not implemented, 'IVC' (In Vessel Composting) facility, subject of permission 14/01307/MMFUL). The proposal site broadly correlated with the area of the unimplemented IVC facility. The eastern strip of the southern extension had been restored as a wildlife corridor as required by previous permissions.

Access was provided via an internal haul road of some 700m on to Eyebury Road.

The area around Eyebury landfill was characterised by a fen edge appearance - large open fields and sporadic farmhouses and other dwellings. Willow Hall Farm quarry was located to the east of the site, separated from the landfill by the Cat's Water Drain.

The Head of Planning introduced the item and highlighted key information from the report.

#### Public Speaking

- (i) Councillors Simons and Steve Allen, as Ward Members, spoke against the application and a summary of the key points was as follows:
  - Concerns raised in relation to highways.
  - Pleased to see that the other application for an extension would be recommended for refusal.
  - 270 houses approved - outline planning permission. Road not fit for purpose for that site at all.
  - Concerns around odour and how the applicant could state that it would not travel beyond 250m.
  - Concerns also around noise, dust and an increase in vehicle movements. Single file country lane with spasmodic parking places – a congested “rat-run”.
  - Threat to the amenities of local residents via noise, dust and odour. The Committee was urged to recognise the concerns of residents of Eye.
  
- (ii) Chris Cutteridge, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:
  - Mr Cutteridge said he had nothing against a wish to recycle and make compost, however, his main fear was the risk of the bad smells (he lived approximately 257m from composting site).
  - He asked whether there were guidelines to reduce the effect to the community and whether a short-term agreement could be put in place to show that the applicant could and had addressed concerns around odour.

In response to a question regarding what, if any impact resulting from current noise from developments and current activities was, it was stated that there was no real impact, however the direction of the wind was quite important.

(iii) James Stewart - Irvine, (BIFFA) the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Welcomed and strongly supported the recommendations of officers.
- BIFFA fully managed a wildlife corridor.
- No. of open window compost facilities.
- Local demand for high-quality compost.
- Location provided excellent site with excellent access to compost products.
- No significant environmental impacts arising from construction of the facility.

Members raised key points and questions to Mr Stewart-Irvine, as applicant, which, in summary, included:

- In response to a question as to what the applicant would deem as amenable if a temporary contract was awarded, he replied, 10 years at least and that there were two separate regulatory regimes in place to come down on BIFFA if need be.
- Daily odour checks and how risks could be mitigated.
- In response to a question as to whether the applicant had used the same parameters of 250m in other sites and whether he had received complaints there, he replied that 250m parameters were used in other sites, however these tended to be largely rural.
- The Chair asked the applicant what he had to say about the concerns raised during the debate, in relation to noise, dust and traffic. In response, the applicant said that there would be a Dust Management Plan in place and that noise would be covered in planning conditions. He acknowledged that traffic was a sensitive issue in the area, but that BIFFA had considered the 270 new homes planned there and that Red Brick had raised no questions or concerns.

Members raised key points and questions to Officers which, in summary, included:

- In response to a question as to whether the granting of a temporary permission was viable, Officers said that they needed to consider whether it was necessary; what they knew about the site and its operation and that in terms of odour, this was an Environment Agency controlled process.
- There were expectations around traffic numbers, and it was acknowledged that these could change over the next year or two.
- In response to a question as to whether 30 movements a day was less than where the peak had been previously, Officers advised that it was a reduction and previously had been around 430 a day when quarry and landfill activities were undertaken.
- Whether the road would cope with the additional traffic expected to be using Ivy Road.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application.

Accordingly, the Committee **RESOLVED** (10 For, 0 Against and 0 Abstentions) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - 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).

C2 - The Open Windrow Composting facility hereby approved shall be carried out in complete accordance with the following plans:

- Site Location and Land under Applicant's Control, Drawing No. 1 dated 16.12.21.
- Planning Application Boundary and Site Layout, Drawing No. 2 dated 16.2.21.
- OWC Facility Layout, Drawing No. 4 dated 16.12.21.

**Reason:** To clarify what is hereby approved.

C3 - No green waste or other compostable materials shall be deposited, processed or stored other than on the area labelled 'Compost Pad' on the 'Planning Application Boundary and Site Layout' Drawing No. 2 dated 16.12.21

**Reason:** In the interests of protecting the natural environment and in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 20 and 22.

C4 - The rating level of noise emitted from the site shall not exceed the values set out below.

The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be according to BS: 4142:2014

- Location Noise Limit (operational hours, LAeq (1 hour))
- Willow Hall Farm 40dB
- Tanholt Farm 45dB
- America Farm 45dB

**Reason:** In the interests of local amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C5 - Noise monitoring, measurements and assessment shall be carried out to BS:4142:2014 within four months of commencement of composting operations and be made available to the Local Planning Authority, alongside any requisite proposals for mitigation should it be required.

**Reason:** In the interests of local amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C6 - Prior to the commencement of development details of reversing alarms to be fitted to all mobile plant shall be submitted to and approved in writing by the Mineral Planning Authority. The approved reversing alarms shall be utilised on all mobile plant throughout the period of the development.

**Reason:** To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C7 - The operations authorised, required or associated with the development hereby permitted shall only be carried out between the following times: 07:00 - 1800 Monday to Saturdays and at no other times or on Sundays or Public Holidays.

**Reason:** To minimise the risk of disturbance to the nearest residential property in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C8 - No lighting shall be erected or used until and unless a scheme of lighting has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme must demonstrate that use of lighting the development shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document "Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:21".

The development shall thereafter be carried out in complete accordance with the approved scheme for lighting.

**Reason:** In order to protect ecology, the amenity of local residents, and highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 18 and 20.

C9 - There shall be no selling of composted materials to the public from the site or the public delivery of green waste to the site. Weighbridge records shall be kept for no less than a calendar year and presented to the Local Planning Authority upon request.

**Reason:** To minimise traffic movements to and from the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C10 - 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.

**Reason:** To minimise disturbance to residential or rural amenity from the development in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C11 - No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Water and Flood Risk Assessment prepared by WSP Golder (ref: 21451275.605/A.1) dated July 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the Q BAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance.
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it).
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections).
- e) Temporary storage facilities if the development is to be phased.
- f) A timetable for implementation if the development is to be phased.
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
- h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems.
- i) Full details of the maintenance/adoption of the surface water drainage system.
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

**Reason:** This is a pre-commencement condition to ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 22.

C12 - No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

**Reason:** This is a pre-commencement condition to ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 22.



C13 - The Great Crested Newt fence will be maintained around the southern edge of the Composting Pad as described within the Preliminary Ecological Appraisal dated 16 December 2021 unless varied by a European Protected Species licence subsequently issued by Natural England.

**Reason:** To ensure that the recommended mitigation is delivered with the scheme to protect biodiversity and in accordance with Cambridgeshire and Peterborough Minerals and Waste local Plan Policy 20.

C14 - All reasonable precautions to prevent the spread of litter from the working area shall be taken. Any litter from the site which is deposited on nearby land shall be removed and returned to the infill site.

**Reason:** In order to protect the amenity of nearby residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C15 - A scheme for the restoration, landscaping and aftercare of the site shall be submitted to, and approved in writing by, the Local Planning Authority within 12 months of the Open Windrow Composting Facility ceasing to be operational.

The restoration, landscaping and aftercare shall thereafter be carried out in complete accordance with the approved scheme.

**Reason:** To secure a beneficial afteruse for the site in the event of cessation of the approved use, in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 19.

## 7. Quarterly Appeals Report

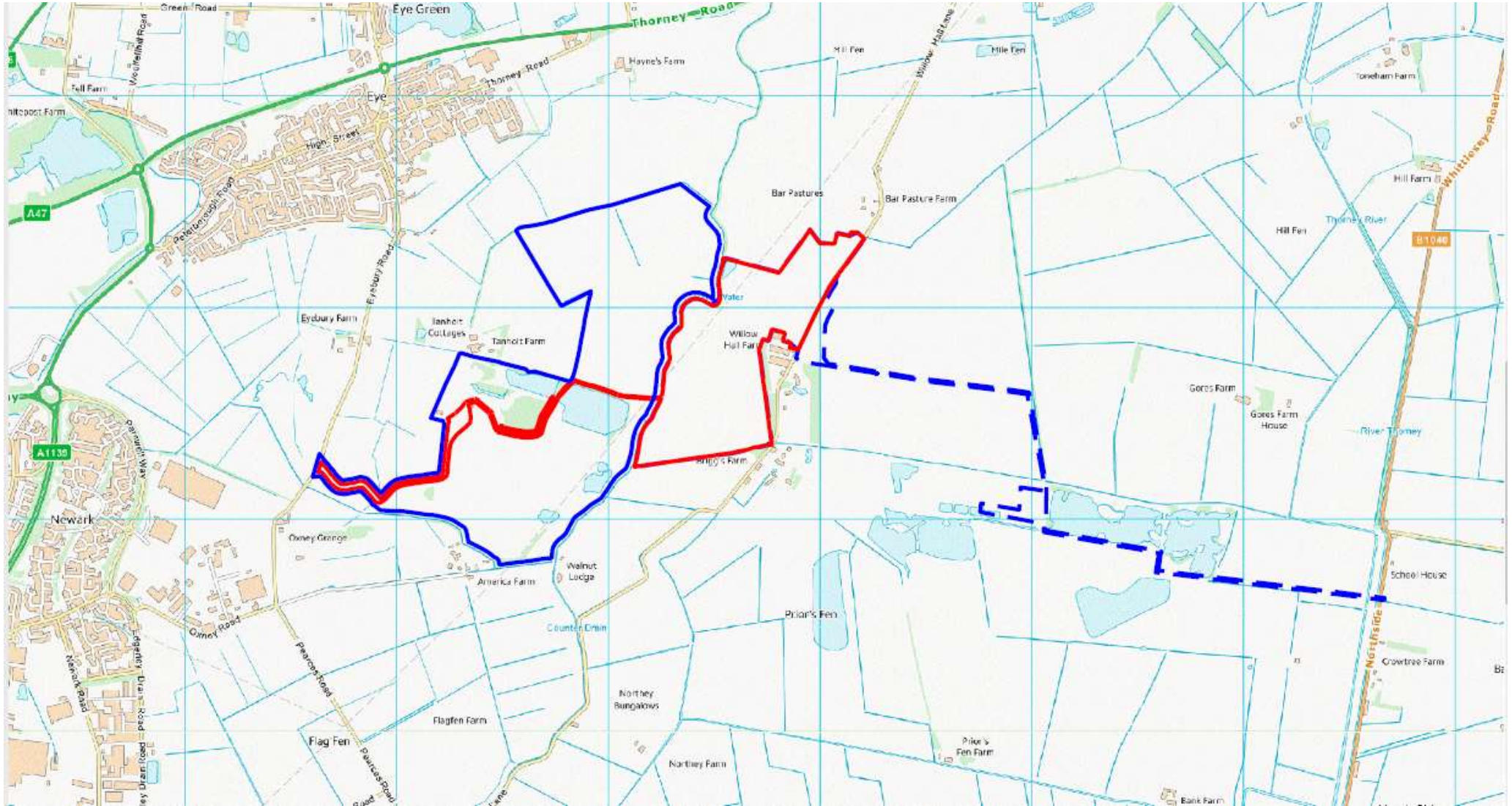
The Committee received a Quarterly Appeals Report, which covered the appeal decisions received for the period from July to September 2023.

The purpose of the report was to enable the Committee to view the Planning Service's appeals performance and identify if there were any lessons that could be learned from the decisions made. In addition, the report intended to help inform future decisions and potentially reduce costs for the Authority.

**RESOLVED** that the quarterly appeals report for the period from July to September 2023, be noted.

The meeting was declared closed at 18.34pm

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**Reference: 22/00600/MMFUL**  
**Site address: Eye Landfill Site, Eyebury Road, Eye, PE6 7TH**

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<b>Application Ref:</b>	22/00600/MMFUL
<b>Proposal:</b>	Eastern extension for Non-Hazardous Landfill to Eye landfill, and ancillary facilities
<b>Site:</b>	Eye Landfill Site, Eyebury Road, Eye, Peterborough
<b>Applicant:</b>	Mr James Stewart-Irvine, Biffa Waste Services
<b>Agent:</b>	N/A
<b>Site visit:</b>	16.06.2022
<b>Case officer:</b>	Mr A O Jones
<b>Telephone No.</b>	07920 160 447
<b>E-Mail:</b>	<a href="mailto:alan.jones@peterborough.gov.uk">alan.jones@peterborough.gov.uk</a>
<b>Recommendation:</b>	<b>REFUSE</b>

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

### **Site and surroundings**

The site covers an area of approximately 55 hectares in a rural location to the east of Peterborough and south of the A47. The majority of the site is located to the east of Eye landfill at the quarry site known as Willow Hall Quarry (WHQ). The area proposed for landfill lies within the existing WHQ site boundary, which is separated from Eye landfill by the Cats Water Drain, and which has a stand-off from the Bar Pastures Scheduled Monument, which lies immediately to the north, and includes a residential property and stables. Beyond Bar Pastures lies the western extension of Pode Hole Quarry which is currently being extracted, before restoration to primarily arable fields.

Willow Hall Lane, and the cluster of properties at the Willow Hall hamlet, including the Grade II listed Willow Hall Farm, lie adjacent to the east of the extraction and proposed landfill area, beyond which lies the Willow Hall Quarry eastern extension (also known as Willow Hall Phase II). Willow Holt, a residential property, lies to the south east of the site. The Green Wheel cuts through the site from the main Eye landfill site to the west. Open fields extend to the south, where the Nene Washes SSSI, SPA, SAC and Ramsar sits (and which has SPA functionally linked land extending up to the proposal site).

The haul road connecting the landfill area provides access from Eyebury Road, to the west of the existing landfill site, and passes through the landfill site, around the proposed Open Windrow Composting (OWC) (ref. 21/02004/MMFUL) site located centrally within the landfill site, close to Tanholt Farm, before crossing the Green Wheel and Cats Water Drain before entering the main landfill area.

The entire proposal site lies within the generally flat topography of the Fens landscape, albeit the immediate surroundings to the west, north and east comprise past, current or future quarrying and infill operations. The area around Eyebury landfill is characterised by a fen edge appearance - large open fields and sporadic farmhouses and other dwellings.

### **Proposal**

Permission is being sought for a 3.23 million cubic metre non-hazardous landfill at the site of the Willow Hall Quarry (WHQ) as an eastern extension to the Eye Landfill. Waste would be imported at a rate of 220,000 tonnes per annum (tpa) over a period of approximately 15 years. The proposal would require the removal of previously deposited inert wastes at WHQ to create appropriate void space with such materials being re-deposited in inert cells along the western flank of WHQ in the vicinity of the overhead pylons. This western flank would be restored as a 'wildlife corridor', providing habitat connectivity with the existing wildlife corridor that sits to the south, and east of the southern extension.

The creation of a non-hazardous landfill necessitates a domed restoration profile to allow for settlement, reduce infiltration and to assist in the management of surface water and landfill gas, and accordingly, the maximum height of pre-settlement restoration levels would be at some 13m above surrounding ground levels (given a settlement factor for landfilling wastes of this nature of around 25%, the post-settlement ground levels will be in the order of 9-10m above surrounding ground levels). The proposal has been amended to reduce the visual impact of the raised profile of the restored landform on the Bar Pastures Scheduled Monument immediately to the north by virtue of drawing the northeastern extent of the cell adjacent to Willow Hall Lane further south, and reducing the slope angles.

The proposed restoration includes agricultural restoration over the non-hazardous area of the site, which extends from the Green Wheel in the south to the Bar Pastures SM to the north. The 'corridor' of the Green Wheel will be subject to ecological enhancements, as will the perimeter of the southern extent of the site beyond the Green Wheel, which will be restored with inert fill material to pre-extraction levels. The restoration will comprise 34.1 hectares (ha) of the site being returned to arable land, 4.9ha of native woodland (including wet woodland), 2ha of woodland / edge / native scrub, 3,525m of native hedgerow, 1ha of ponds and swales, 2.1ha of marginal planting / wetland habitat, 14.8ha of neutral grassland / species rich grassland. The 500m section of Green Wheel running through the site will be upgraded to cycle / bridle way and 1,195m of new footpath will be provided around the southern extent of the site.

Access for the proposed eastern extension is to be taken from the existing landfill entrance on the Eyebury Road (not the existing WHQ entrance on the B1040), as per the proposals for the OWC at the landfill site.

Alongside the infill and restoration proposals, permission is also being sought for ancillary works and operations including;

- Replacement of the existing site reception, including provision of a new site reception with car park, office, welfare facilities, weighbridge, wheelwash and leachate storage tank.
- Re-routing of the internal haul road past the new site reception, to the west and north of the recycling shed (and proposed OWC), before re-joining the old internal haul route to the north of the site at the Green Wheel crossing point, then running broadly parallel with the Green Wheel to the south of the previously filled 'Central Area', before connecting with the eastern extension to east of Cats Water Drain and north of the Green Wheel alignment.
- A new Cats Water Drain crossing (for the internal haul road) at the south east corner of the Central Area.
- Infrastructure management including leachate and gas pipework extensions to connect the eastern extension to the Environmental Compound on the main site.

Infill at the site is proposed to follow on completion of infill at the current southern extension, by which point the mineral reserve at the WHQ site is expected to be exhausted, and be undertaken within the currently consented hours of operation for the existing landfill site (i.e. 0700 - 1800 Monday to Saturday - note that these differ from the extant operating hours for WHQ, which are 0700-1800 Monday to Friday, and 0700-1200 Saturday).

The stand-offs from surrounding features incorporated into the approved WHQ operations will be retained or increased, including a minimum of 10m stand off at all boundary points, extending to 15m alongside trees within the south east plantation, 16m alongside Cats Water Drain, 20m to

electricity pylons, a minimum of 50m to Bar Pastures SM, and 150m from residential properties.

Formation of the voidspace takes into account the depth of clay required to avoid basal heave (i.e. to ensure ground stability with regard to upward pressure from underground aquifers), with sufficient clay being available on site to engineer and cap the landfill cells. The maximum depth of void, to be engineered using the onsite clay resource as has been used at the southern extension, is likely to be between 3-4m below surrounding ground levels, to provide sufficient stability, and to meet engineering requirements to contain the proposed infill. Surplus clays and previously filled areas of inert waste will be placed within the western and southern extents of the site not subject to non-hazardous fill, to return them to broadly pre-extraction levels (barring those locations which will host waterbodies).

The site is proposed to be filled in a series of cells, numbered 9-18 as a continuation of the numbering system used at the southern extension, with a further 2 cells, 19 and 20, being those to the west of the pylons to receive inert fill only. Infill of non-hazardous waste would start at the southwest of the site in Cell 9 and progress in an anti-clockwise direction (i.e. towards the east, north, and back down the western side of the site).

The proposal states that there will be no overlap with vehicle movements associated with the current operational landfill site, and that the expected number of daily HGV trips would continue at the present rate, of up to 180 two way trips per day (i.e. 90 inbound and 90 outbound HGV movements). Other vehicle movements, associated with staffing (cars), are expected to be up to 16 two way movements per day, with Large Goods Vehicles (LGVs) expected to be on an ad hoc basis for deliveries, maintenance and repair of plant and equipment, and landfill monitoring.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
21/02004/MMFUL	Development and operation of a green waste Open Windrow Composting (OWC) Facility	Permitted	15/12/2023
21/00002/SCOP	Proposal for a non-hazardous landfill extension into Willow Hall Farm quarry to the west of Willow Hall Lane, and siting of a leachate tank (retrospective) at Eye landfill	Comments	31/01/2022
17/00279/WCMM	Variation to Conditions 2, 3, 4 and 15 of permission 12/01008/MMFUL to allow mineral extraction and infill operations within 50m of the Bar Pastures Scheduled Monument	Permitted	02/11/2017
22/01694/WCMM	Variation of conditions C2 (cessation of operations), C3 (cessation of use of the recycling area), C4 (extend time limit), C21 (approved plans and particulars), C23 (soil movements scheme), C27 (phased landscaping scheme) and C29 (soil placement scheme) of planning permission reference 10/00650/WCMM	Permitted	11/10/2023
21/01938/WCMM	Variation of conditions C1, C2, C21 and C26 of planning permission 15/01059/WCMM for extension of time for southern extension landfill and revision to restoration levels	Permitted	22/09/2023
17/00837/MMFUL	Provision of Miscanthus Beds for the treatment of landfill leachate and relocation of Mess Room (Retrospective)	Permitted	06/09/2017
14/00477/MMFUL	Provision of leachate treatment lagoons and a discharge pipeline	Permitted	29/05/2014

## **3 Planning Policy**

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

### **National Planning Policy Framework (2021)**

#### **Para 197 - Impact on Non Designated Heritage Assets**

The impact should be taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage assets.

### **Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)**

**MWLP01 - Policy 1: Sustainable Development and Climate Change**

**MWLP03 - Policy 3: Waste Management Needs**

**MWLP04 - Policy 4: Providing for Waste Management**

**MWLP10 - Policy 10: Waste Management Areas (WMAs)**

**MWLP16 - Policy 16: Consultation Areas (CAs)**

**MWLP17 - Policy 17: Design**

**MWLP18 - Policy LP18: Amenity Considerations**

**MWLP19 - Policy 19: Restoration and Aftercare**

**MWLP20 - Policy 20: Biodiversity and Geodiversity**



**MWLP21 - Policy 21: The Historic Environment**  
**MWLP22 - Policy 22: Flood and Water Management**  
**MWLP23 - Policy 23: Traffic, Highways and Rights of Way**  
**MWLP24 - Policy 24: Sustainable Use of Soils**

## **Peterborough Local Plan 2016 to 2036 (2019)**

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

## **4 Consultations/Representations**

### **PCC Pollution Team (22.06.22)**

The Environmental Health Officer provided detailed comments on 3 main aspects of the application; noise, dust and odour.

With regard to noise, the data used to assess background noise levels, being based on average values, would result in noise levels exceeding the background level by more than 10dB(A), which should require additional mitigation measures, albeit exceedances of the NPPF maximum noise levels are unlikely. The submission does not reflect an assessment of cumulative impacts of all relevant similar operations in the vicinity of the site.

Operations outside normal working hours will require further consideration and alternative noise limits will need to be specified. The impacts of reversing alarms has not been considered. Dewatering pumps should be located as far as practicable from residential properties with screening as necessary. The haul road should be inspected at regular intervals and any identified defects rectified immediately.

The applicant should set out the mitigations, and their impact, with a view to meeting the 42 dB LAeq, 1 hour (free field) criterion. Noise monitoring should be carried out periodically at agreed intervals or following receipt of a justifiable complaint.

With regard to dust, this has been assessed appropriately and the Dust Management Plan is noted.

With regard to odour, the suitability of location for the proposed activities should be demonstrated, although the assessment makes no prediction of impact from emissions from the active tipping face, the Nuisance and Health Management Plan does refer to a number of control measures which would be controlled through the permitting regime.

**Wildlife Officer (31.01.23)**

No objections subject to control by condition of a construction environmental management plan, ecological design strategy and a scheme of landscaping and aftercare. The proposed scheme demonstrates an overall net gain in biodiversity. Should any lighting be required, this should also be controlled by condition.

**Landscape Architect (07.02.23)**

Further to receipt of amended proposals, the 'Response to Representations etc' and additional photo-montages, the revised scheme is considered to represent an improvement on the initial submission which generally addressed landscape and visual impact concerns. The proposals are considered to provide more of a positive contribution than the extant approved scheme, encompassing interconnecting waterbodies and providing extensive habitat creation linking with the wildlife corridor (to the south), with the Green Wheel being enveloped in a green corridor of habitat creation.

The modification to the proposed restored landform would secure an open setting to Bar Pastures Scheduled Monument and deliver the specific landscape strategy guidelines of 'Improve and Conserve' for the management of the LCA 5b 'Eye Fen Fringe'. The proposal will still result in a 'moderate adverse' visual effect in the long term. Additional widening of the planting buffer alongside the eastern flank of Field 2 would still be encouraged. A detailed Landscape and Ecology Management Plan and maintenance schedule should be secured by condition.

**PCC Conservation Officer (01.09.22)**

The Conservation Officer acknowledges that there would be less than substantial harm on the settings of listed building (at Willow Hall Farm), but is concerned that insufficient information has been provided to support this view. The relationship between the site and the heritage asset has been assessed almost exclusively through the Landscape and Visual Impact Assessment, without giving meaningful consideration to what is significant about the site, and the relationship between the site and the heritage asset, and the impact of the proposal upon the significance of the relationship. The tree screening (between the site and the heritage asset) is a relatively recent arrangement in clear contrast to the historical setting, and therefore the focus on visibility is not appropriate. The assessment fails to assess the impacts of benefits and harm. The magnitude of impact (on the listed buildings) will be correspondingly smaller than that on the Bar Pastures Scheduled Monument due to its significance and proximity despite the fact the Listed Buildings in question have a stronger relationship with the site due their more recent direct relationship.

**PCC Peterborough Highways Services (24.10.23)**

Object. Eyebury Road is a 7.5T weight restricted, single lane carriageway with passing places. Vehicles predominantly use the road in a single direction of travel, using passing places, which significantly limits the capacity of the road. The road includes locations with limited visibility leading to near misses, and data shows this area is a high severity scoring cluster for harsh braking. Verges have been over-run where vehicles attempt to pass outside the passing bays. The use of heavy vehicles and volume of traffic contributes to the deterioration of the structure of the road and there is no scope to carry out any improvement to the southern section of Eyebury Road to increase the link capacity.

Major applications for residential (Eyebury Road 19/00836/OUT) and employment (Redbrick Farm 18/00080/OUT) uses are approved in outline, with a reasonable expectation that landfill operations will have ceased prior to their implementation.

The quarry / landfill complex has been operational since the 1960s, with the existing access having

been in use since the early 1980s. Eye village has significantly increased in size over that time, and the use of Eyebury Road has substantially increased, to the point where the section between Oxney Road and the existing landfill site access is operating over capacity.

The access onto Willow Hall Lane for the existing quarrying operations could, with minor alterations, be reused for the proposal. Willow Hall Lane has fewer daily movements than Eyebury Road, directly links to the strategic road network (SRN), and is suitable for 2-way vehicle movements along its length from the existing quarry crossing point to the SRN, albeit that to pass an HGV a widened area of carriageway would be required.

The proposal includes provision of a new reception office, weighbridge and internal access track amendments, which would not bind the proposal site to the existing access arrangement, and the new facilities could be located to serve an access from Willow Hall Lane instead of the current access. No detailed assessment of the potential Willow Hall Lane route has been carried out. The proposal includes three crossings which would need to be designed to current standards.

The Local Highways Authority recommend the following two reasons for refusal;

- 1- The submitted transport information does not demonstrate that there will be no significant adverse impact on the adjoining public highway.
- 2- Eyebury Road is unsuitable in its present condition to take the type and amount of additional HGV traffic likely to be generated by the proposal, and there is no scope for improvements to be carried out to this road, therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

**Lead Local Drainage Authority (27.04.23)**

No objections further to receipt of clarifications to the Flood Risk Assessment and provision of an acceptable Flood Risk Management plan and surface water management measures.

**Archaeological Officer (22.06.22)**

No objections because the proposal will affect areas of restored / made ground due to former uses associated with landfill and mineral extraction.

**Historic England (28.06.22)**

The proposal would have no direct impact on the adjacent Bar Pastures Scheduled Monument, and the retention of the 'underground clay seal bund' (installed as part of the approved extraction and infill) should prevent the risk of dewatering of archaeological deposits and paleoenvironmental remains at the scheduled monument.

The restored landform would be higher than the existing, and would represent a change which would remove some of the sense of open fenland landscape (i.e. the setting) which would be framed as 'less than substantial harm' in NPPF terms. Historic England do not have outright objections to the proposals, but have some concerns about the harm to the scheduled monument arising from the change to its setting, which need to be weighed against the public benefits of the proposals.

**Environment Agency (29.06.22)**

No objections subject to control by condition of flood risk measures. The applicant is advised to discuss the requirements of the proposed crossing of the ordinary watercourse (i.e. the Cats Water Drain) with the Lead Local Flood Authority. The Environment Agency also provided advice with regard to Permit requirements.

**Health & Safety Executive (14.06.22)**

The HSE do not advise against, on safety grounds, the granting of planning permission in this case.

**Natural England - Consultation Service (26.01.23)**

Further to clarifications on the potential impact on the Nene Washes SPA, Natural England note

that based on the information provided by the applicant it seems unlikely that the proposed development will have any significant on the Nene Washes SPA, Ramsar site. Generic advice on a range of issues was also provided, including the requirement to appropriately consider the impacts on best and most versatile agricultural land and the protection of soils.

**Planning Casework Unit (21.06.22)**

No comments.

**Cadent Gas (09.06.22)**

No objections, although there are high pressure assets in the area that will require protection at all times and easements adhered to (and have requested an informative to this effect).

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**North Level District Internal Drainage Board (16.06.22)**

No objections. A 16m stand-off to the Cats Water Drain is proposed which covers byelaw requirements. It is noted that surface water will continue to be dealt with via the existing discharge via ponds and lagoons already in situ. A formal application to the Board will be required for the proposed crossing over the Cats Water Drain.

**Ramblers (Central Office) (09.06.22)**

The development should have no detrimental impact on footpath access to and around the site.

**Councillors Allen & Simons (25.02.2022)**

Objection. The Councillors have grave concerns regarding the application, primarily the increase in heavy duty traffic which will be generated on Eyebury Road.

**Eye Parish Council**

No comments received

**Thorney Parish Council**

No comments received

**Local Residents/Interested Parties**

Initial consultations: 38

Total number of responses: 12

Total number of objections: 8

Total number in support: 0

14 received directly against this application, which was subject to three rounds of consultation, of which 8 were from different addresses.

Traffic concerns were put forward in the majority of representations, with congestion on Eyebury Road, on which it is stated that the passing places can only accommodate a single HGV at a time, being a main concern. Air quality associated with traffic movements was also raised. Consideration should be given to the use of Willow Hall Lane and the existing Willow Hall Farm Quarry entrance for access to the proposal site. Eyebury Road suffers from subsidence which would be exacerbated.

Concern was raised about the proximity of the internal haul route to residential property (the route was subsequently amended).

The dust assessment does not identify all properties that will be affected by dust. The existing

landfill site has issues with odour, dust, windblown litter and reversing beepers.

Concerns with regard to pollution of land, air and light pollution were raised.

Rubbish / litter is often left along the Eyebury Road and should be cleared.

Peterborough has an incinerator so the waste must be coming from outside the city; the local community does not benefit from the waste being brought in, but have to suffer the consequences.

There are no assurances that hazardous wastes, such as asbestos, won't be accepted at the site.

One representation was concerned that there was no financial benefit, no large employment benefits, nor any ecological benefits to the proposal, and that Peterborough could not claim to be a 'green / Environment capital' if it were to allow waste from across the country to be dumped at this location.

One set of comments notes that despite issues of smell, windblown litter and dust, the proposal does include plans for improvements such as planting and wildlife corridors, and requests that reinstated paths are to appropriate standards. The general need for the proposal is questioned.

Due to the timing of submission of various applications relating to the wider landfill site, representations received against all related applications are being taken into account to ensure that salient points are attributed to the correct application.

20 representations were received, including 6 which have come from two addresses against 21/02004/WCMM

Objections to landfill related applications / activities have been made on 1 rep. Concerns about the use of heavy traffic, alongside new developments including Allison homes and Redbrick Farm, on, and the suitability of, Eyebury Road were raised in nearly all representations. Concern was also raised about the use of passing places as waiting areas prior to the site being opened (i.e. before 6am).

Odour, with particular concern for the school and nearby housing, was also raised as a concern in nearly all representations.

Noise and dust concerns were also raised.

Proximity to nearby housing as a result of the amended internal haul route to accommodate the proposal was also raised as a concern (the haul route layout was subsequently amended to overcome this concern).

3 representations were received against 21/01938/WCMM;

Including a duplicated objection that allowing the continuation of hundreds of thousands of tonnes of waste from across the UK to be dumped in the countryside should not allow the Council to claim to be green, and will lead to more traffic and air pollution and waste in the locality.

A representation from the secretary of Peterborough Ramblers raised no objection on the basis of their being no obvious impediment to the footpaths on or adjacent to the site.

2 representations were received against 22/01694/WCMM;

Objection due to noise and smell being intrusive, particularly on warmer days. Large amount of waste is being discarded by wild animals on nearby land, causing hazards to domestic animals, and there has been an increase in rodents in the area.

There are no financial benefits to the City, or the village of Eye. The noise research is outdated, and a bulldozer can be heard operating outside proscribed working hours. The site gates are

opened early, allowing and encouraging drivers to arrive early and, on some occasions to park up and sleep overnight on Eyebury Road in the passing places. The site receives approximately 2,500 deliveries a week, contributing to air pollution and occupying the roads. The surrounding area is subject to windblown litter from the site.

1 representation was received against 22/01713/NONMAT;

There is no material benefit to the City of Peterborough, and plans to extend the poisoning of the land and air in need to be prevented. The delivery lorries contribute to air pollution, and the operator is in breach of their operating times. Floodlights cause additional light pollution, and noise is audible off site in certain weather conditions.

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

### **a) The principle of development**

Planning for waste management is primarily considered under the National Planning Policy for Waste (NPPW) and the local development Plan, which in Peterborough constitutes the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (hereafter the MWLP) and the Peterborough Local Plan (2019).

The NPPW only requires applicants to demonstrate the quantitative or market need for new or enhance waste management facilities where proposals are not consistent with an up-to-date Local Plan. The MWLP is up-to-date, and waste management needs are set out in Policy 3; although no site specific allocations are made for non-hazardous (including SNRHW) landfill, it is acknowledged that there is a forecast capacity surplus (of some 1.278 million tonnes) to potentially accommodate some of London's non-apportioned household and C&I (commercial and industrial) waste. The capacity for non-hazardous waste disposal is further split, to account for Stable Non-Reactive Hazardous Waste (SNRHW), and 'general' non-hazardous waste because of Permit requirements, under which non-hazardous waste may be disposed of in a SNRHW facility, but not vice versa.

The proposal (as amended to provide a larger buffer to the Bar Pastures Scheduled Monument) is to provide some 2.3 million cubic metres of voidspace over a 15 year period (using a conversion rate of 1m<sup>3</sup> - 0.9t the proposal would provide capacity for approximately 2.07 million tonnes of general and commercial waste). Given that this would provide just over 150,000 cubic metres of void space per year it is not considered significant in terms of provision of the plan period, which will be subject to regular review, and it is not considered necessary for the applicant to demonstrate a quantitative or market need for the proposed landfill extension.

Policy 4 of the MWLP states that any additional capacity for the disposal of non-hazardous waste should be provided through extensions to existing non-hazardous waste and Stable Non-Reactive Hazardous Waste (SNRHW) disposal sites, which Eye landfill is considered to be.

The proposed extension to the Eye landfill can be considered an 'extension' site by virtue of the fact that the Environment Agency have confirmed that the extant Permit can be varied to incorporate the additional, proposed, area, and because the Environmental Compound (which incorporates the gas and leachate management systems for the wider landfill site) operates under a standalone planning permission (14/00477/MMFUL), and would be utilised for this proposed extension (should permission be granted).

The proposal is not in conflict with Policy 3, and is considered to accord with Policy 4 of the MWLP insofar as the broad location of the proposal is concerned, and the remainder of this report will deal with the environmental and amenity impacts, and the design and contribution of the proposal to the character and quality of the area as set out in the NPPW and the MWLP.

### **b) Ground Conditions & Water Resources**

The application is accompanied by "Ground Conditions and Water Resources" assessment, Flood Risk Assessment and Hydrogeological Risk Assessment, which, between them, assess the impacts on the water environment, including flooding and surface water management as well as the hydrogeological environment, soils and previously deposited inert materials within the Willow Hall Quarry (WHQ).

WHQ has been almost entirely stripped of soils in accordance with the extant permission, with excavations following a north - south direction from adjacent to the Bar Pastures Scheduled Monument. Restoration through infilling of inert materials to pre-extraction levels has been undertaken at the northern extent of the site, with soils re-placed in 200-300m of the northern phase (broadly in a line perpendicular with the Willow Hall Lane crossing to the north towards the SM), and this part of the site is currently part way through an aftercare programme back in agricultural use. Infill was due to continue in a broadly north-south direction in accordance with approved plans, however, pending a decision on this application, fill operations have moved to the west of the site, beyond the line of pylons, to reduce the possibility of abortive fill works (i.e to reduce the quantity of materials that may need to be re-excavated and re-deposited in the event that this application were to gain approval).

Non-hazardous landfill requires an engineered containment system for deposited wastes. As per the extant landfill at Eye, the geology of the area provides opportunity for use of the underlying Oxford Clay which ranges in thickness from roughly 12 - 18m. The Oxford Clay represents a natural geological barrier, providing hydraulic containment, separating the water bearing strata of the river terrace deposits (i.e. the sand and gravel subject of extraction) and the underlying Kellaways Sand, and can therefore be used to provide a suitable engineered containment system to prevent leaching to groundwater of landfilled wastes. Engineered landfill containment is an established and controlled process, and has been demonstrated to be suitable within the wider area at Eye landfill. Leachate will be managed via connecting through to the controlled system of leachate management via Miscanthus beds as used by the extant landfilling operation at the wider Eye landfill site. The operation of the landfill would be subject to Environmental Permit. Surface water management during operations can be managed by pumping to a settlement lagoon prior to discharge to the Cats Water Drain.

The Environment Agency do not object on flood risk grounds, and the Lead Local Flood Authority have confirmed that the flood risk plan and surface water management measures are acceptable. The North Level IDB have confirmed that the proposed stand-off to the Cats Water Drain is acceptable and advise that a formal application to them is required for the crossing point. As such it is considered that any risk to surface or groundwater throughout proposed operations is negligible and can be suitably controlled and managed through Permit or condition and the proposal accords with MWLP Policy 22 (Flood and Water Management).

Post development, the restored landform will be profiled in a domed arrangement such that surface water will be distributed towards perimeter ditches and ponds across the proposed wildlife areas such that areas of agricultural restoration (i.e. on the domed profile of the landfill) can maintain appropriate drainage for the intended use. The surface water attenuation basins have been designed to provide storage for a 100 year storm event plus a 20% allowance for climate change. The proposals are therefore considered to accord with MWLP Policies 1 and 22.

### **c) Ecology & Biodiversity**

The proposal site is located some 2.5km north of the Nene Washes SSSI, SPAC, SAC and Ramsar site (and within the functional land that supports it), some 2.7km east of Dogsthorpe Star Pit SSSI, and adjacent to the Cats Water Drain and Eyebury Road Pits County Wildlife Sites and was accompanied by a chapter within the Environmental Statement dedicated to ecology and diversity.

As an active quarry, the site has been previously assessed for its impact on the natural environment, with appropriate mitigation secured during operation of the quarry, and restoration. The Ecology and Biodiversity chapter of application therefore takes this baseline position (i.e. the

approved mitigation and restoration of WHQ).

Further to clarifications on the potential impact on the Nene Washes SPA, Natural England note that based on the information provided by the applicant it seems unlikely that the proposed development will have any significant on the Nene Washes SPA, Ramsar site.

The proposal was accompanied by a Landscape Masterplan based on the principles of the existing approved restoration scheme, and the restoration includes approximately;

- 34ha arable land,
- 4.38ha native woodland,
- 2.23ha native scrub,
- 1.865m hedgerows,
- 1ha ponds,
- 8.73ha wildflower mix,
- 1,135m of new footpath (i.e. retention of the diverted greenwheel path)

The Landscape Masterplan demonstrates significant additional ecological provision in the form of a 'wildlife corridor' along the western extent of the proposal site (providing connectivity and linkage with the wildlife corridor adjacent to the southern extension). A 'green corridor' would be provided alongside the Green Wheel Path (as opposed to the southern extent of the site as per the extant scheme), and additional woodland planting would be provided along the eastern flank of the southern half of the site (to complement the existing strip of woodland along the eastern boundary). An appropriate buffer to the Cats Water Drain would be maintained to allow for access and maintenance works to the drain as required, and which meets with the requirements of the North Level IDBs byelaws. The amended Restoration Plan (accommodating the 'drawback' from the Bar Pastures Scheduled Monument) removed some of the proposed planting at the northern extent to retain views of the Scheduled Monument.

The Wildlife Officer does not object to the scheme, which demonstrates an overall net gain in biodiversity, but would seek to control by condition a Construction Environmental Management Plan, Ecological Design Strategy, and Lighting plan (should any be needed) in the event that the proposal were to be granted.

Although the overall balance of the restoration has shifted towards greater provision of ecology and biodiversity, Natural England have not objected to the slight loss of agricultural land (in comparison to the extant approved scheme) that would result from this proposal; 35ha of the original site was Grade 2 land, with a further 21ha lying within Grade 3a, and requirements for the sustainable use of soils would remain.

The proposal is considered to accord with MWLP Policies 17, 19, 20 and 24 with regard to the ecological impacts and restoration design subject to elements of the construction, operation and restoration being adequately controlled by condition in the event that permission were to be granted.

#### **d) Landscape & Visual Impact**

The application was accompanied by a Landscape and Visual Impact Assessment, and, further to feedback on the initial proposals, a "Response to Representations from Consultees, Changes to Proposed Development, and Addendum to Environmental Statement", photo-montages and new drawings including Restoration and pre and post settlement level drawings (ref. PAS6, 7, and 15 revisions A).

The proposal site falls within National Character Area 46 'The Fens', and local Landscape Character Area 5b 'Eye Fen Fringe'. The assessment covers operational and post-restoration impacts, places emphasis on the visual impact of the proposal on heritage assets, and has regard to the impacts on Public Rights of Way. The proposal entails landfilling to pre-settlement levels of a maximum of 14.8m (18.1m aod) above original ground levels, with post-settlement maximum of 10.2m (13.5m aod) above ground levels. Restoration to the west of the pylons running through the



site, to the south of the Green Wheel, and to the northern extent adjacent to Bar Pastures Farm SM will be broadly to pre-extraction levels.

The proposed landform would be steeper and higher than the approved pre-existing levels within the site, and 'Field 2' would be substantially enclosed to the west and east, with the proposed mitigation planting along the Green Wheel affording screening to the south, although this would obscure all views from public footpaths to the north and restrict the sense of openness associated with Bar Pastures Scheduled Monument, the habitat creation would provide alternative interest and enhancement to amenity along the Green Wheel path. The amended proposals (to reduce the extent of fill at the northern end of the site in Field 1) represent an improvement against the initial proposals, with the peak of Field 1 being some 320m to the south of the SM. The Council's Landscape Architect acknowledges that the modified landform would secure an open setting to Bar Pastures Scheduled Monument when considered from the vantage of Willow Hall Lane, although the SM would be entirely obscured from the Green Wheel path to the south.

The proposal, even as amended, would still result in a 'moderate to considerable change to the setting of the designated heritage asset' considered a 'less than substantial harm' and discussed further in the Cultural Heritage section of this report. The Council's Landscape Architect does acknowledge the proposed restoration scheme would help deliver the landscape strategy guidelines of 'Improve and Conserve' for the management of Landscape Character Area 5b 'Eye Fen Fringe'.

A careful balancing of policy objectives must be undertaken and elements of design, biodiversity enhancement, restoration and aftercare objectives which are met through this proposal need to be carefully considered against the impacts on the historic environment to ensure the proposals are compliant with MWLP policies 17, 19 and 20.

#### **e) Traffic and Highways**

The application was accompanied by a Transport Statement (TS) which includes proposals for the replacement of the existing site reception to include a new car park, office, welfare facilities, weighbridge, wheelwash and leachate storage tank facilities, and an internal haul route to pass around the (now approved) composting facility (ref. 21/02004/MMFUL), crossing the Green Wheel, passing south of the 'central area' (of restored landfill) and crossing the Cats Water Drain to provide access to the proposed eastern extension fill area adjacent to Willow Hall Lane.

The proposal includes the continued use of the existing access to Eyebury Road, with vehicles routed south at the site access towards Oxney Road and Parnwell Way before joining the Strategic Road Network at the A1139 dual carriageway, and confirms that operations would not overlap with the extant landfilling operations at the site.

The proposal sets out that the operations would remain consistent with the current level of traffic generation at the site, which is stated as being a maximum of 180 two-way trips per day (e.g. 90 in and 90 out). Given that the current level of traffic generation at the site (in relation to landfilling operations) is finite and required to cease upon completion of fill and restoration at the southern extension, and, whilst any future traffic generation may be 'consistent' with previously approved operations, they must be considered as new traffic movements.

The proposal also entails the use of an internal haul route crossing point over the Green Wheel path, a new bridge crossing over the Cats Water Drain, and continuation of extant approved plans for the diversion, retention of the diversion, and reinstatement of the Green Wheel.

The TS acknowledges that the extant mineral extraction operations at the proposal site utilise a crossing at Willow Hall Lane, and confirms that the extant incoming waste vehicles depositing inert waste under the approved scheme for (i.e. for WHQ) would remove the need for continued use of the crossing by such vehicles (although all remaining mineral would continue to be exported from the site via the crossing).

The TS contends that by virtue of the established use of the Eyebury Road access that the

proposals would not constitute a material intensification of its use, that there are no significant impacts forecast above what impacts currently occur, that there are no recognised difficulties arising from the existing operation and that the proposal can be accommodated without any additional changes to the off-site transport network.

A 'Cumulative Effects' chapter was also presented within the ES. The 'Access and Transport' section concluded that there would be 'negligible' adverse cumulative effects from identified proposals, including residential development at Eyebury Road (19/00836/OUT), Land North of Broadlands (19/00657/FUL), Red Brick Farm (18/00080/OUT), or at the (since approved) OWC operation at the landfill (21/02004/MMFUL).

Further information was provided in the form of a full Transport Assessment, a 'Response to the LHA', and a Transport Assessment Addendum, which included reasons why the proposal could not utilise the existing approved access for WHQ.

Traffic concerns and the impacts on users of Eyebury Road, and the road itself, were raised in responses by Ward Councillors, and across the majority of representations.

National Planning Policy Framework paragraph 115 states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

As a Unitary Authority, Peterborough has both a Local Plan, and a Minerals and Waste Local Plan, which together comprise the development plan; the NPPF and the development plan start from the same premise, that the developer must have produced a sound and reliable transport assessment. The Peterborough Local Plan (LP13), states that,

"The Transport Implications of Development Planning permission for development that has transport implications will only be granted if:

- a. appropriate provision has been made for safe, convenient and sustainable access to, from and within the site by all user groups, taking account of the priorities set out in the LTP; and
- b. following appropriate mitigation the development would not result in a residual cumulative severe impact on any element of the transportation network including highway safety following appropriate mitigation."

The MWLP, Policy 23 states that;

"Mineral and waste management development will only be permitted if:

- (a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, to the degree reasonably available given the type of development and its location. If, at the point of application, commercially available electric Heavy Commercial Vehicles (HCVs) are reasonably available, then development which would increase HCV movements should provide appropriate electric vehicle charging infrastructure for HCVs;
- (b) safe and suitable access to the site can be achieved for all users of the subsequent development;
- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;
- (d) any associated increase in traffic or highway improvements would not cause unacceptable harm to the environment, road safety or residential amenity, and would not cause severe residual cumulative impacts on the road network; and
- (e) binding agreements covering lorry routing arrangements and/or HCV signage for mineral and waste traffic are agreed, if any such agreements are necessary and reasonable to make a

development acceptable.

The Local Highways Authority are concerned that the submitted information does not make clear that safe, convenient and sustainable access to and from the site by all user groups is achievable for the lifetime of the development; adequate consideration needs to be given to the impact of new developments, including those at Eyebury Rd, 19/00836/OUT, and Redbrick Farm, 18/00080/OUT, which, given the current status of the landfill site, and extensions of time for completion which it has been afforded has been concluded are acceptable for the operations that have permission at the landfill site (i.e. completion of fill operations at the southern extension, 21/01938/WCMM, and the OWC, 21/02004/MMFUL).

Although the timescales for implementation of those nearby permissions are satisfactory with regards to the capacity of the link at Eyebury Road as it currently used in association with the landfill site, the proposed eastern extension is a new activity at the site. Consideration is also given to the fact that access for the proposed new operation is being sought from a weight restricted road. Additionally, the proposal site benefits from an extant permission with alternative access (i.e. onto the B1040), although from the submitted information it is accepted that the extant routing agreement subject to S106 at the Willow Hall Farm quarry site could prove challenging and that use of this access route would increase the distance from the site to the SRN at the A47.

Further to clarification that the extant approved quarry access route was not favourable to the applicant, the applicant was advised to give consideration to the potential use of Willow Hall Lane as a point of access; the current crossing point is located some 2.2km from the junction with the A47, as opposed to some 4.5km from the current Eyebury Road access point to the A47 as identified in the applicants Transport Assessment (Table ES9.5). Whilst consideration of alternatives is not a policy requirement, given the congestion experienced along Eyebury Road, the weight restriction, alongside the predicted cessation of landfill activities taken into consideration in nearby applications, the Council has attempted to work with the developer to seek an appropriate and sustainable alternative means of access to that proposed.

The submitted transport information, incorporating the Transport Statement, Cumulative Impacts Chapter of the ES, the applicants response to the LHA, the Transport Assessment and Transport Assessment Addendum, do not demonstrate that there will be no significant adverse impact on the adjoining public highway, and there is no scope for improvements to be carried out to Eyebury Road to prevent the vehicles likely to be generated by this development from having an adverse effect on the safety and free flow of traffic upon it. Accordingly, the proposals do not accord with the NPPF, Policy 13 of the Peterborough Local Plan, or Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### **f) Air Quality and Nuisance**

The Air Quality and Nuisance Chapter of the Environmental Statement addresses a range of amenity impacts associated with proposal, including dust, odour, litter, birds, vermin and insects. Impacts from the extant quarrying and inert fill have been previously assessed with regard to dust impacts, and despite the proximity to the site of several sensitive receptors the extant management measures are acceptable and will continue to apply. The assessment demonstrates that the removal and replacement of some previously deposited inert materials (i.e. from Cell 17 to cells 19 and 20), would have no greater an impact than the currently approved operations. The Environmental Health Officer is content that the dust assessment has been undertaken appropriately and the Dust Management Plan, which would be a 'live document' forming part of the environmental management system of the site required by Permit.

A Nuisance and Health Management Plan has been submitted as an appendix to the Air Quality and Nuisance chapter, including an environmental risk assessment which sets out a medium probability of exposure, consequence and magnitude of risk, with the probability of exposure greatest in cells 9, 10 and 11, (Cell 13 is approximately 180m and Cell 14 approximately 220m from the nearest residential receptor, although both these cells are closer to commercial premises) which, subject to control measures would present a low residual risk; as such it is considered that effective management, controlled through the permitting regime, the site would not result in an

unacceptable adverse impact on the amenity of existing occupiers.

With regard to dust, although concerns have been raised that not every potentially affected residential receptor has been identified, this is not always necessary, and the Environmental Health Officer is content that the impacts of dust have been assessed appropriately and the Dust Management Plan is noted.

Despite some of the proposed filling areas being within the typical 250m distance from residential receptors, air quality issues such as dust and odour are considered to have been appropriately assessed and whilst the operation of the site would require additional management measures to ensure satisfactory mitigation measures the planning system should focus on whether the development is an acceptable use of land, and the impacts of those uses, rather than the control of the processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced, and as such, it is considered that the proposal accords with the amenity considerations of MWLP Policy 18.

### **g) Noise & Vibration**

The application is accompanied by a chapter within the Environmental Statement on Noise and Vibration, and a brief section within the Cumulative Effects chapter, and the assessment is underpinned by survey work used to inform the noise limits specified in the extant permission for quarrying and inert activities at Willow Hall farm Quarry on which the Environmental Health Officer cautions against reliance primarily due to the use of average noise levels being presented as typical. Notwithstanding this, it is acknowledged that the NPPF guidance specifies maximum permissible noise limits (of 55dB(A)LAeq, 1h (free field)) with an aim of not exceeding background noise limits by more than 10dB(A) at noise sensitive receptors, and that Policy 18 of the MWLP seeks to ensure that new development will not result in unacceptable adverse impacts from noise resulting in disturbance.

The proposed landfill design is such that the entire area of quarry would not be utilised for landfilling, with the area south of the Green Wheel remaining as an area for inert fill to pre-extraction levels (and thus having no discernible difference in operational impacts from the current approved operation in this area). Cells 10 and 11 (as depicted on PAS5 Layout and Base of Eastern Extension Landfill, rev. A) are proposed to be located such that a buffer of approximately 150 to the nearest sensitive receptors is maintained, although this is less than the 250m distance that would typically be used as a buffer for a Consultation Area for a Waste Management Area (MWLP Policies 10 and 16). The operation of these cells would necessarily entail above ground operations not currently approved, and the character and volume of noise generated would be distinct from what is currently approved, however, this buffer, and the management and operation of these cells, would enable the opportunity for additional mitigation measures to be incorporated into the design and use of the site such that any adverse impacts could be incorporated. Such measures could if required be implemented during temporary operations which can be limited to eight weeks in a calendar year.

The proposed hours of operation, 0700-1800 Mondays to Saturdays differ from the extant permission (17/00279/WCMM) for the quarry (0700-1800 Mondays to Fridays and 0700-1200 Saturdays), and, due to the proximity of sensitive receptors to the east of the proposal site (e.g. 27 Willow Hall lane and Willow Holt), if permission were to be granted the extant hours of operation (for WHQ rather than the Eye southern extension) would be carried forward. Similarly, different noise limits would need to be imposed to control operations undertaken outside of operational hours, such as the use of dewatering pumps and other control mechanisms that may be required for the safe operation of a landfill site.

The extant noise controls at Willow Hall Farm quarry have proven to be effective, and the imposition of the same controls, and working hours, would not result in unacceptable adverse impacts on the amenity of nearby existing occupants. However, the operation of a landfill, particularly around the eastern flank of the proposal site, would entail operations taking place above pre-existing ground levels which would create a different noise environment from current approved operations. However, through the use of permissible temporary noise levels it is

expected that suitable additional mitigation measures would be achievable, and could be controlled by condition such that the proposal is in accordance with MWLP Policy 18.

## **h) Heritage**

The Cultural Heritage chapter of the Environmental Statement identifies the 'Iron Age and Roman Settlement at Bar Pastures' Scheduled Monument (the 'Bar Pastures SM') immediately adjacent to the north of the proposal site, two further Scheduled Monuments (bowl barrows) between 700-1000m to the east / southeast, and Grade II listed buildings Willow Hall, and Priors Farmhouse both some 100m to the east of the application boundary. All of which are described in terms of their Scheduled Monument description or listing building description respectively and identified as being subject to no direct effects. Indirect effects resulting from air quality, dust or noise emissions are considered to be limited. Indirect effects as a result of visual changes to the landscape are acknowledged and presented as representing a relatively modest change to the existing and permitted landform, despite the proposed landform rising to 13m above surrounding ground levels in an open fenland landscape.

The Conservation Officer acknowledges that the proposal is likely to result in less than substantial harm to the settings of listed building (at Willow Hall Farm) but is concerned that insufficient information has been provided to support this view. They were also concerned that the relationship between the site and the heritage asset had been assessed almost exclusively through the Landscape and Visual Impact Assessment, without giving meaningful consideration to what is significant about the site, and the relationship between the site and the heritage asset, and the impact of the proposal upon the significance of the relationship. They also contend that the tree screening (between the site and the heritage asset) is a relatively recent arrangement in clear contrast to the historical setting, and were concerned that the focus (of assessment) on visibility was not appropriate.

Although the Conservation Officer was concerned that the assessment failed to assess the impacts of benefits and harm, the magnitude of impact (on the listed buildings) will be correspondingly smaller than that on the Bar Pastures Scheduled Monument due to its significance and proximity despite the fact the Listed Buildings in question have a stronger relationship with the site due to their more recent direct relationship.

Following initial consultation, the scheme was amended such that the buffer between the northern extent of the fill area and the Bar Pastures Monument was increased (as depicted on Revision A of the 'Layout and Base' Restoration drawing, PAS5) and Cell 17 reduced in size, particularly along the eastern flank, from some 115m to some 290m to reduce the visual impact on the setting when viewed from the only publicly accessible views of the SM along Willow Hall Lane. The amended layout was reflected in the amended Restoration drawing (PAS15 rev. A), accompanied by several photomontages illustrating the proposals, a contention that focusing upon the visual effects to setting being proportionate to the likelihood of anticipated effects on setting, and public benefits of the proposal put forward for consideration.

Paragraph 200 (previously 194) of the NPPF requires applicants to describe the significance of any affected heritage assets, including any contribution made by their setting, and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 208). Similarly, MWLP Policy 21 requires a proposal to 'provide clear and convincing justification for any harm to, or loss of, the significance of a heritage asset (or from development within its setting)'.

Although comments from Historic England were received prior to the latest changes to the NPPF, resulting in some differentiation in referencing, the essential tenets remain; subject to the retention of the existing underground clay seal (already installed as part of the approved extraction and inert fill works) there are not considered to be any direct impacts on the adjacent Bar Pastures SM. The Conservation Officer's concerns with the methodology and approach to assessment notwithstanding, it is acknowledged that the proximity and impact on the setting of the Bar Pastures SM is of a greater magnitude than that on the nearby Listed Buildings, and accordingly,

the focus of this report is on the impacts on the setting of Bar Pastures SM. The revised plans represent an improvement in terms of reducing the visual impact on the setting of the Bar Pastures SM from the public vantage points along Willow Hall Lane, although views from the Green Wheel to the south would be entirely obscured.

The applicant has presented 15 points that they consider to be public benefits (i.e. those to be weighed against the 'less the substantial harm' to the significance of the Bar Pastures SM in accordance with Paragraph 208 of the NPPF) in their 'Response to Representations etc. & Addendum to Environmental Statement'. Of those listed, continuation of current extraction operations is not considered relevant (this can continue regardless), there is no capacity gap for provision of non-hazardous landfill (including SNRHW) in the MW Local Plan, albeit the provision of additional voidspace over longer timescales than the Plan period may be required and may provide greater capacity for fluctuations. Ongoing employment for 8 full time (equivalent) staff, and associated support and monitoring staff is of limited public benefit. The bringing forward of cessation of the Willow Hall Lane crossing point must be considered against the impacts of the use of Eyebury Road as a point of access, for some 15 years. The generation of electricity from landfill gas could be achieved from any site, regardless of its location. The amended proposals represent an improvement against the initial submission, not a public benefit per se. Similarly, the retention of previously restored land (at the northern end of the site) at the northern extent of the site also represents an improvement against the initial submission, not a public benefit per se.

Essentially, 11 of the points presented by the applicant (as described above) are not considered to represent public benefits, with some actually representing a worsening of impacts on the public, such as the use of Eyebury Road for 15 years. However, it is acknowledged that 4 of the applicant's listed 'public benefits' would not otherwise be achievable without this proposal. These points relate to the improvements to ecology / biodiversity which would result from the restored site being over and above those for the extant scheme, and which themselves must be considered against the reduction in provision of best and most versatile agricultural land.

Historic England advise that "The significance of the scheduled monument lies in its surviving form and its archaeological and paleoenvironmental potential. Although considerably changed since the Roman period, the open fenland landscape context of the scheduled monument also makes a contribution to its significance." The Scheduled Monument is positioned on a former gravel terrace, within the Fens, which gave it a prominent position and made it a feature within the landscape. The proposal would create a substantive raised landform directly adjacent to the Scheduled Monument, undermining its prominence within the area and detracting from the character of the immediate landscape for the Scheduled Monument which is broadly flat and open.

Despite the applicant's attempts to reduce the visual impact of the finished raised landform when viewed from Willow Hall Lane and present a restoration scheme more sympathetic to the setting of the Bar Pastures Scheduled Monument, the proposal still results in 'less than substantial harm' which must (NPPF paragraph 208) be weighed against the public benefits of the proposal. Whilst not considered contrary to MW Policy 3, the provision of additional non-hazardous waste disposal voidspace is considered to be a marginal public benefit, and whilst the restoration proposals do represent a positive uplift in provision of biodiversity against the approved scheme, less Grade 2 best and most versatile agricultural land would be returned into use post restoration. Additionally, the extant approved scheme was considered acceptable and so limited public benefit from the proposals can be derived in this instance.

The reservations of Historic England and the Conservation Officer were echoed by the Landscape Architect, although further to the amendments to the scheme, the Landscape Architect advised that despite the SM being obscured from view to the south, the immediate open setting of Bar Pastures Scheduled Monument, could be achieved.

Despite the amendments to the scheme, which the applicant has made in an attempt to address concerns surrounding the proposals impact on, in particular, the Bar Pastures Scheduled Monument, the need to strike a balance between harm and public benefit is finely balanced in this instance. The suitability of the assessment has been queried by the Conservation Officer and Historic England, whilst not having an outright objection, emphasise their concerns about the harm

arising from the change to the setting and the need to weight this against the public benefits. MWLP Policy 21 arguably goes further than the NPPF in this regard, and whilst acknowledging the need to balance harm and public benefit, is clear that as a first principle development should avoid harm on the historic environment. Given the finely balanced judgement between public benefit and harm, the proposal is not considered to accord with NPPF paragraph 200 or MWLP Policy 21.

### **i)Other issues**

The proposal site has been subject to archaeological investigation to enable mineral extraction and as such there is no requirement for any additional work in this field.

There is gas infrastructure near the existing internal haul route that would require appropriate protection and easements which should be brought to the applicant's attention.

Windblown litter is identified as an issue with the existing landfill site, and raised as a concern against any future proposals, however it is considered that suitable mitigation measures can be implemented such that the proposals could comply with MWLP Policy 18 in this regard.

Concerns have also been raised as to whether hazardous wastes could be accepted at the site in future; control over the broad waste streams could be achieved through condition, and any future amendments to such control would be subject to a new application.

The Peterborough Energy Recovery Facility (referred to as an incinerator in representations) is primarily used to manage municipal, rather than commercial and industrial waste streams, as such it is recognised that there is still a requirement for management for such waste streams within the Peterborough area.

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

## **7 Recommendation**

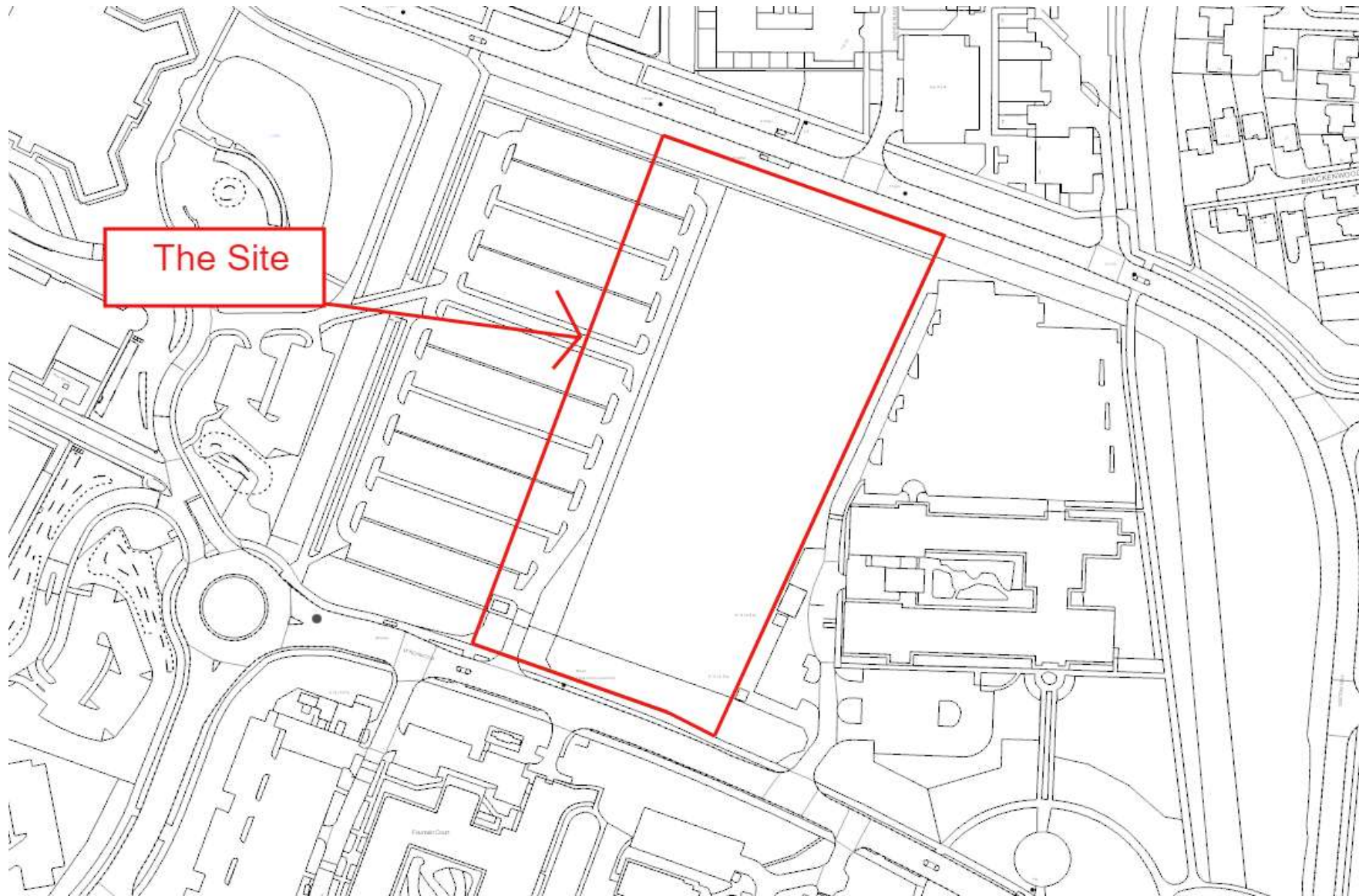
The case officer recommends that Planning Permission is **REFUSED**

- R 1 The submitted transport information does not demonstrate that there will be no significant residual cumulative adverse impact on the adjoining public highway in terms of both highway safety and capacity, contrary to Policy LP13 of the Peterborough Local Plan.
- R 2 Eyebury Road is unsuitable in its present condition to take the type and amount of additional HGC traffic likely to be generated by this proposal, and there is no scope for improvements to be carried out to this road, therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway, contrary to Policy LP13 of the Peterborough Local Plan.
- R 3 The proposal does not demonstrate clear and convincing justification for the harm it would cause to the setting of Bar Pastures Scheduled Monument as required by Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 21.

Copies to Councillors – Councillor Steve Allen  
Councillor Rylan Ray  
Councillor Nigel Simons

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**Reference: 22/01793/FUL**  
**Site address: Land to the North Of Lynchwood, Peterborough**

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<b>Application Ref:</b>	22/01793/FUL
<b>Proposal:</b>	Development of 32 Class E(g) employment units, associated access works, parking and landscaping
<b>Site:</b>	Land To The North Of, Lynch Wood, Peterborough
<b>Applicant:</b>	FI Real Estate Management Ltd
<b>Agent:</b>	Tetra Tech
<b>Site visit:</b>	15.08.23
<b>Referred By:</b>	Cllr Stevenson
<b>Reason for Call-in:</b>	Not in keeping with the rest of the business park - change the nature of Lynch Wood from a business park to a light industrial park. Traffic increases impacting local communities.
<b>Case officer:</b>	Miss M Hood
<b>Recommendation:</b>	GRANT subject to conditions/contributions

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

**Site Description**

A parcel of land extending 2.07ha, the application site lies within the Lynch Wood Business Park. The site itself is allocated as “Lynch Wood North” for B1 uses under Policy LP46.6 of the Local Plan. Situated to the east is the Pearl Centre car park which had previously received permission (ref. 18/02017/OUT) for an office development. However, the reserved matters were not submitted in accordance with the timeframe as per Condition 3.

The Pearl Centre is Grade 2 listed, which is separated from the eastern car park by established landscaping. To the east is the former Yorkshire Building Society, which has extant prior approval consent for conversion to residential, and planning permission to be converted to a care home. This building has a large car park to the north.

Situated to the north, on the opposite side of Wistow Way, is the Orton Wistow Local Centre (Napier Place), which comprises a number of uses including newsagents, restaurant, takeaway, pharmacy, vets, a Tesco Express, and a community hall. There is also Napier Place Sheltered Accommodation, and Orton Wistow Primary School. To the south are a number of office buildings.

**Proposal**

The Applicant seeks planning permission for the ‘Erection of 32x employment units (Class E (g)), associated access works, parking and landscaping’. Class E(g) contains uses which can be carried out in a residential area without detriment to its amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. This includes the following:

- E (g)(i) Offices to carry out any operational or administrative functions
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes

Prior to the 2020 revision to The Town and Country Planning (Use Classes) Order 1987, the uses defined under Class E(g) were covered by Class B1.

Access off Lynch Wood into the site would be through the existing Pearl Centre car park access, then from the car park there are two new access points. In total there are nine buildings split into a three block layout.

To the southern end, the blocks of units would be as follows:

**Block A** (units A1- A4) would comprise 4 units, with 11 parking spaces situated forward of the units. By utilising a mono-pitch roof design, the units will have a ridge height of 7.3m and each one has a floor area of 56m<sup>2</sup>.

**Block B** (units B1-B3) would comprise 3 units, with 9 parking spaces situated in front of them. The units have a floor area of 93-95m<sup>2</sup>, with the building measuring 9.8m to the ridge, 23m in length and 13.6m in width.

**Block C** (units C1-C6) would comprise 6 units, each with a floor area of 140m<sup>2</sup>. These units each have 6 loading/delivery bays, with a single standard parking space. The building measures 43m x 11.3m and proposes to stand 9.6m to ridge.

A communal cycle store would be located to the west of Block A and bin storage is located forward of the units but incorporated into the landscaping.

In the centre of the site the blocks would be:

**Block D** (units D1-D2) would comprise 2 units with a floor area of 238m<sup>2</sup>. Forward of the units are 4 standard parking spaces and each unit having a loading/delivery bay. The unit would have a floor area of 31m x 9m and proposes to stand at 9.4m, this includes the parapet wall.

**Block E** (units E1-E4) would comprise 4 units, with 13 standard vehicle spaces along with four loading/delivery bays. The floor area of the units vary between 104m<sup>2</sup> and 108m<sup>2</sup>. The building measures 46m in length, 10.8m in width and 9.6m in ridge height.

**Block F** (units F1-F3) would comprise 3 units, each served by a loading/delivery bay. Forward of the units is 4 standard parking spaces. The building measures 30m in length, 14.3m in width and ridge height of 9.9m. The units floor area varies from 244m<sup>2</sup> – 256m<sup>2</sup>.

A communal cycle store would be located to the west of Block F and bin storage is located forward of the units but incorporated into the landscaping. There would be additional parking spaces, with provision of EV chargers to the west of the units.

To the northern end, the blocks would be as follows:

**Block G** (units G1-G3) would comprise 3 units, each served by a loading/delivery bay. The floor area varies between 244m<sup>2</sup> and 256m<sup>2</sup>. The building measures 31m in length, 14.3m in width and with a ridge height of 9.8m.

**Block H** (units H1-H4) would comprise 4 units, each served by a minimum of 2 parking spaces, and a loading bay. The unit would have a floor area of 58.4m x 16.8m and proposes to stand at 10.2m to the ridge. The floor area of the units varies from 218m<sup>2</sup> and 225m<sup>2</sup>.

**Block I** (Units J1-J3) would comprise 3 units, each served by a loading bay and standard vehicular parking bays. The building measures 28.5m in length, 16.8m in width and a ridge height of 10.2m. The units would have a floor area between 274m<sup>2</sup> and 290m<sup>2</sup>.

A communal cycle store would be located to the west of Block J and bin storage is located forward

of the units but incorporated into the landscaping. There would be additional parking spaces, with provision of EV chargers to the west of the units.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
22/00008/SCREEN	Screening opinion for 27 class E units with associated access, parking and landscaping	Comments	17/11/2022
18/02017/OUT	Outline application with details of access for up to 7,440sqm (80,000sqft) of office (Class B1) floorspace and 880sqm (9,472sqft) of retail (Class A1 - A5) floorspace, alongside associated parking areas and site works	Permitted	15/01/2020

## **3 Planning Policy**

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

### **Planning (Listed Building and Conservation Areas) Act 1990**

#### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

### **Peterborough Local Plan (2019)**

Policy LP2: Settlement Hierarchy and the Countryside  
Policy LP4: Spatial Strategy for Employment Development  
Policy LP12: Retail and other Town Centre uses  
Policy LP13: Transport  
Policy LP16: Urban Design and the Public Realm  
Policy LP17: Amenity Provision  
Policy LP19: The Historic Environment  
Policy LP28: Biodiversity and Geological Conservation  
Policy LP29: Trees  
Policy LP32: Flood Risk  
Policy LP33: Contamination  
Policy LP46: Employment Allocations

### **National Planning Policy Framework (2023)**

Section 8: Promoting healthy and safe communities  
Section 9: Promoting Sustainable Transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed and beautiful places  
Section 15: Conserving and enhancing the Natural Environment  
Section 16: Conserving and enhancing the Historic Environment

### **Other Documents**

National Design Guide (2021)

## **4 Consultations/Representations**

**Department for Levelling Up, Housing & Communities (11.01.23)**

The application has been the subject of third-party requests to call in for determination by the Secretary of State for Levelling Up, Housing & Communities. The Secretary of State has decided not to call in this application. He is content that it should be determined by the local planning authority.

**Orton Waterville Parish Council (05.06.23 & 22.12.23)**

Objection – should be refused or called into Planning Committee.

The existing office buildings, whilst differing in style, have been designed to be architecturally attractive. This design for the proposed buildings is not in keeping with the existing Business Park concept, particularly the next-door grade II listed Pearl building or the other neighbouring building.

The use of the units should be defined as currently its vague as 'commercial units'. The amended architecture and elevations of the units still suggest they will be used for industrial purposes. Outlining the uses of Class E(g) but these are very theoretical and again particularly as the actual uses of the proposed units are unspecified. The nearby purpose-built Orton Southgate Industrial Estate is the ideal and an appropriate place to provide for such Industrial Development.

Any plant equipment should be declared before any planning approval.

The transport assessment was only undertaken under four days and no allowance for covid affecting numbers. This should be done for at least 1 week, over 24-hour periods and preferably on more than one occasion.

Such Industrial Units with the potential combination for noisy/air polluting operations is not acceptable for all residents. Also, opposite this development along Wistow Way is Orton Wistow Primary School and Napier Place also providing homes for senior citizens.

**Peterborough Civic Society (01.02.23 & 21.05.23)**

Object - Lynch Wood Business Park is an office development in a campus style. Existing buildings are two to three storey offices, well-spaced in an attractive landscaped setting. The proposed buildings are industrial and warehousing units common to many industrial estates around the city. As such it is inappropriate development for the area and consequently the Civic Society objects to these proposals.

The Adopted Local Plan restricts the use of buildings on the Lynch Wood Business Park to class B1, now designated E(g). All existing buildings on the Park would now fall into categories E(g)(i) and E(g)(ii), i.e. offices and R&D of products and processes, respectively.

The proposed development is out of scale and character with the surrounding buildings on the Business Park. The Pearl building to the west is Grade II listed and the proposed industrial units fail to respect the setting and surroundings of the listed building. The proposed block structures are also dense and tall compared with the one and two storey, well-spaced buildings to the north.

The metal-clad blank walls are present in all directions to the surrounding area, with inadequate screening. The proposed development remains markedly out of character with the area and would have a negative impact on the amenity of neighbouring residents - Ascot House.

Whilst the size of some units is reduced the number of units has increased from 27 to 32.

**PCC Conservation Officer (07.02.23 & 23.05.23)**

Less than substantial harm (lower end). No objection.

Although a business estate the density of the development is low and substantial attention has been made to the overall landscaping, particularly creating the avenues along the main access routes and the overall green context of the site.

There were previously concerns regarding how well the proposal integrated within the designed setting of the business park. Following the revisions the landscaping and screening has been enhanced in an attempt to better hide the development from appreciation from the Listed building and the general site.

There was and still is, no concern that in summer the proposals would adequately screen the site so the incongruous design approach would not be readily appreciated, however this may not hold for winter. Provided that the Tree Officer is satisfied that the landscaping is suitable and creates an all year round screen and the Case Officer is satisfied that the screening is sustainable for the long term there is no objection to the proposals.

If either of the above officers are not satisfied, then there would be an objection to the proposals as they would be detrimental to the setting of the Listed building and the designed character of the business park.

**PCC Peterborough Highways Services (16.03.23, 02.06.23 & 06.02.24)**

Holding objection (pending clarification on a number of points relating to traffic modelling to enable full extent of any required mitigation to be identified),  
However, no objection to the principle of the development.

The LHA comments included a number of recommendations:

- A 2.0m wide connection from Lynch Wood and tactile paving at the dropped crossing at the existing junction with Lynch Wood.
- What will happen to the barrier and access controls onto Lynch Wood for refuse and emergency access.
- Whilst there are 25 spaces with EV charging facilities, all remaining spaces must provided the infrastructure for further EV charging points.
- Robust Travel Plan is required and monitored to promote the use of sustainable modes of travel to the site. LPA role is currently silent in relation to agreeing remedial measures. To be considered further through condition or S106.
- Cycle parking provision falls below the minimum standard.
- Vehicle-to-vehicle visibility splays proposed at the internal road junctions are 2.4m x 20m which would equate to a design speed of 19mph, it is unclear how these will be managed.

**PCC Pollution Team (28.02.23, 21.04.23, 26.06.23 & 11.01.24)**

The update to the Noise Assessment that has been undertaken to model operational noise from the proposed development, reflective of the revised layout and design, has been considered.

Whilst the noise report has assumed service will be positioned on elevations projecting away from the eastern building which is believed to be currently being converted into a care home. However, there is uncertainty that the services would actually be in these locations if developed.

The Noise Technical Note with two suggested conditions (Condition 1 – Building Services Plant & Condition 2 – Operational Noise) was noted and the offer accepts the principle of the conditions with their own revisions.

Recommended condition for restriction of deliveries, loading and unloading hours, Operational Noise limit and building services plant.

Lighting

A condition for external lighting was recommended and it was encouraged to imply a curfew hour for lighting to be minimised.

Contamination

A condition for unsuspected contamination was recommended.

**PCC Archaeological Officer (19.01.23)**

No objection - The site was evaluated in 1995. The evaluation provided no evidence of archaeological remains with the exception of some post-medieval remains of ridge and furrow at the northern end of the site. The earthworks on the site were the result of use as a buildings compound during the construction of the nearby Pearl Centre building. No further archaeological work is deemed necessary.

**Lead Local Drainage Authority (27.01.23, 19.04.23, 19.12.23 & 03.01.23)**

Initially objected seeking further information to the drainage strategy.

Following the submission of additional information, the objection was removed as a successful drainage strategy was presented that used source control SUDS to convey and store surface water was provided.

Following the increase in the number of units, the new FRA and drainage strategy maintained acceptable, however the LLFA noted the removal of green roofs as an additional SUDS. The LLFA sought for a condition to reinstate this feature

Green roof is a suitable addition to the SUDS train because first it's feasible at the site and secondly it provides attenuation, interception and biodiversity benefits. The revised FRA has removed green roofs and LLFA would suggest a condition to it in back again in the drainage strategy. Finally, the developer has considered other imperative elements such as drainage hierarchy, climate change allowance, soil conditions etc.

**PCC Wildlife Officer (02.02.23, 19.05.23 & 22.01.24)**

The Officer is confident the deficit in biodiversity units can be handled satisfactorily with off site credits and with the recommendations within the PEA being addressed the site, then the scheme can deliver a net gain in biodiversity with no significant impacts.

The recommended conditions aim to capture these requirements in documents which will be easily translatable into working documents on site. The Ecology Design Strategy (EDS) is required as there monitoring obligations with offsite biodiversity net gain contributions. Without the EDS we would not have the documentation to compare the delivered habitat with.

**PCC Tree Officer (01.02.23, 22.05.23, 19.06.23, 12.07.23 & 22.12.23)**

No objection – The application is acceptable on arboricultural/landscape grounds, in strict accordance with the submitted revised Planting Plans Ref: 3801 05 Rev F dated 13.12.23 from DEP Landscape Architecture Ltd.

**Anglian Water (27.01.23 & 05.06.23)**

No objection - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site; an informative is sought to be attached should permission be granted.

The foul drainage from this development is in the catchment of Peterborough (Flag Fen) Water Recycling Centre that will have available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. Request the agreed strategy is reflected in the planning approval.

**Local Residents/Interested Parties**



Initial consultations: 532  
Total number of responses: 74  
Total number of objections: 69  
Total number in support: 0

### Principle

- Cumulative impact from other developments – showground and climbing wall.
- Lynch Wood is an office/business park –light industrial, warehousing or distribution units are not appropriate.
- Class E can apply to a number of uses - should be restricted to Class E(g).
- Class E makes it easier to convert to residential.
- Would impact business in Orton.
- No control over activities.
- Employment growth and jobs.
- Increase in the number of units from 27 to 32.
- Already vacant units in Peterborough.

### Highway & Parking

- Bus stops on Wistow Way are not in use.
- Parking is limited on site with existing on street parking – especially at school times.
- Increase vehicular movements, HGV traffic & pressure to Oundle Road – creating congestion and parking issues.
- Loadings bays present for industrial.
- Access is cramped.
- Would require removal of the current access control to the car park.
- Safety issues for pedestrians and cyclists.
- No guarantee that a new access will not be opened on Wistow Way.
- VOI Travel zone – is no longer relevant as the operator has withdrawn the service.
- Chicane should be across the cycle path to protect cyclists.
- The traffic and noise surveys are out of date.
- Transport Assessment does not include the future impact of nearby residential development at Ascot House and Showground.
- Traffic data should not be relied upon between 2020 and 2022 due to covid.

### Residential Amenity

- Litter
- Use of units 24hrs would cause disturbance to residents.
- Who's responsible for the maintenance of drainage and pollutants run off?
- NIA references measurements at properties, but permission was not sought, or access granted.
- Operational hours of 7am-11pm are unacceptable.
- Air pollution – chemicals, exhaust fumes.
- Light pollution – especially with operations to 11pm.
- Waste Management – unknown use of the units raises a risk for waste.
- Noise pollution – vehicular movements, A/C units & machinery, waste collection.
- Doesn't belong next to a school, sheltered housing, care home and a residential area.
- Block out light for Ascot House residential properties.
- Should include a Noise Management Plan.

### Appearance, Design & Heritage

- Appearance and scale are out of character with the 'office campus' and the development Corporation brief.
- Must respect Pearl Centre setting.

- Landscaping must make a positive impact.
- Industrial metal cladding is out of keeping with brick.
- Buildings will be visible in the winter months.
- Does not take into account urban public realm design or consider the relationship between existing and proposed buildings.
- Builds to the site boundary.
- Height of the units will exceed the tree line.
- Damage the existing tree and shrub borders of the site – should be retained.

#### Other Matters

- Devalue properties.
- The site lies within several positive buffer zones (GCN, allotments, country parks, natural green and playgrounds).
- No consultation with local residents and was then rushed.
- The eastern building is no longer office (YBS offices) and is now Ascot House.
- Impact to ecological system.
- Have residents of Ascot House been consulted?
- Crime risk

#### Activities on the Site

- Lynch Wood is a business park and not an entertainment venue – a night club, food and operations until 1am is not appropriate.
- Groundworks have commenced – with heavy earthworks.
- Disturbance to residents from the operations on going currently.
- Site has been stripped, created a landscape bank and imported crushed stone.
- Cleared to use as compound for permission 19/01232/FUL

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

The main considerations are:

- a) The Principle of Development
- b) Design and Layout
- c) Heritage Matters
- d) Access and Parking
- e) Biodiversity and Trees
- f) Neighbour Amenity
- g) Other Matters

### **a) The Principle of Development**

Public representations expressed concern over the internal scale of the units and the ability of these to be used for larger commercial or warehousing operations. During the application, the development proposal has been altered to refine the use class, removing B2 (general industrial) and B8 (storage and distribution) uses. In turn this has also led to the revised sub-division of the floor area to create smaller units.

The reduction in the scale of the units (following amendments) means these are better suited to support the Class E(g) use proposed. The number of units has increased from 27 to 32, however the internal floor space has reduced by 8% across the scheme. In the original submission the floor area proposed was 5976sqm and the current submission seeks permission for 5499sqm. Representations expressed concern over the impact to Orton businesses, however those within the nearby local centre differ in use class and there are no immediate concerns from the site allocation of a Class E(g) use.

Following the changes to the Town and Country Planning (Use Classes) Order 1987 (as amended), a B1 use class is now captured by Class E(g) and are defined as uses which can be carried out in a residential area without detriment to its amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. These include:

- E(g)(i) Offices to carry out any operational or administrative functions
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes

The application site falls within the wider Lynch Wood Business Park (BP2) which supports the provision of B1 uses classes in accordance with Policy LP4. Furthermore the site is allocated further under employment allocation LP46.6 for a B1 use. For clarity, other uses including B2 (General Industry) and B8 (Storage and Distribution) in this location are not supported by these policies.

As highlighted above the Class E(g) uses (formerly B1) include a variety of uses and not solely office space. Therefore both of the above allocation policies designate the site for all Class E(g) uses and not solely offices. Whilst the public concern over the use class and compliance to the development corporation's vision has been noted, the proposal, being specifically for E(g) uses, remains compliant with the Local Plan policy and site specific allocation. For the avoidance of doubt the use class will be secured via condition to prevent the potential future change of use of the premises under Permitted Development Rights given this has been solely allocated for one use class.

Therefore, the principal of development is acceptable in accordance with Policy LP4 and LP46.6 of the Peterborough Local Plan (2019) and Section 24 of the NPPF (2023), as it falls within the scope of the Local Plan allocations. Further the proposal would be beneficial to the city's economic growth through the delivery of up to 150 jobs. However, the application remains subject to all other material considerations, which will be explored below. Within the remainder of the report only use Class E(g) will be referred to.

## **b) Design and Layout**

*Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. Enhancing positive qualities and improving negative ones, such as through responses to existing built development, including layout, form, scale, appearance, details, and materials – Paragraph 41 of the National Design Guide 2021.*

Since the submission, the design has evolved with the refinement of the use class (class E(g)) only, and alterations to the buildings massing. The proposal before Committee, is a scheme of 32 units ranging in floor area from 56-290m<sup>2</sup> which better supports the delivery of Class E(g). The revisions to the scheme have reduced the scale of the units, including the height and the subdivision of the buildings to create smaller blocks of development. It is considered this better relates to the layout, form and scale of surrounding development in the Business Park.

Public representations have expressed concern that the scheme would be contrary to the campus style of the predominantly office business park. It's noted the character of Lynch Wood is that of a leafy business park, with the most notable feature being the landscaping and treescape across the wider site. The development seeks to maintain the existing mature perimeter of trees and vegetation encapsulating the site, with only disruption where access points are required.

In addition, the scheme seeks to expand upon the existing vegetation, by establishing a greater landscape buffer along the easterly boundary. It supports the continuance of the 'leafy landscape' being the dominant character with the buildings and parking screened amongst this landscaping. In total the scheme would introduce 148 trees into the site, with a higher density along the eastern

boundary to improve the weaker tree cover in this area. As a result, the proposal positively contributes to the enhancing the existing qualities of Lynch Wood.

The scale of existing buildings varies across Lynch Wood, from single large units to a collection of smaller two storey or single storey buildings that focus internally. In the design evolution of this application, the footprint of the blocks has been reduced to establish a greater number of smaller buildings which are focused towards the internal road and rain gardens. More significantly, the total building footprint of the development has been reduced by 34%, by reducing the extent of ground floor area from 5,538 sqm to 3,658 sqm, with more efficient use of first floor space. It is considered by reducing the ground floor area, the scheme is sympathetic to the established character to the south-west of the wider business park.

Lynch Wood buildings are predominantly brick with some variety of roof materials. The proposed development incorporates modern materials such as metal cladding panels for the roof and rear of the buildings. However, it maintains cohesion with the Lynch Wood site, using brick detailing to the principal elevations and maintains glazing panels to reflect those surrounding office buildings. It is accepted the appearance of the buildings is a hybrid between a standard office block and industrial units, but it still contributes positively to the surroundings and acknowledges the existing built form.

Whilst the rear elevations project out towards the surrounding business park, this is not considered to be impactful to the street scene or the character of Lynch Wood. The existing mature vegetation is a strong principal of the site and the layout has allowed for minimal interruptions to this landscape feature. In addition, the mature vegetation will screen these elevations to a degree, which again limits impacts to the Lynch Wood street scene. The cladding will be two shades of green which will further support the cohesion with the tree belts. A materials condition will be applied to ensure the materials scheduled on each elevational drawing is complied with.

In accordance with Paragraph 135 (a) development should function well and add to the overall quality of the area, not just for the short term but the lifetime of the development. The proposal would introduce a development that delivers the abilities to accommodate all variants of Class E(g) uses for its lifetime, without compromising the character or quality of Lynch Wood, maintaining layout, scale and landscaping qualities that positively complements. As such, the proposal is compliant with Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 131 and 135 of the NPPF (2023).

### **c) Heritage Matters**

This application site itself isn't a designated heritage asset, however the following heritage assets have been identified within 500m of the site:

- Grade II listed Pearl Centre
- Grade II\* listed Pearl Centre War Memorial
- Grade II Registered Park and Garden of the Designed Landscape of the Pearl Centre

Although Lynch Wood is a business park the Conservation Officer recognised the substantial attention made to the overall landscaping and the importance of the proposal to integrate with the green setting. Revisions to the scheme would better enhanced the screening of the development from the Listed Building and within the general business park site. There was confidence that during the summer months the site would be adequately screened, however the Officer sought confirmation on this screening in winter months.

The landscaping scheme is a deciduous mix and therefore will not hold an evergreen structure all year round, however the density of planting is still considered to create a degree of screening or interest from the stem/trunk structure of the trees. Therefore, the landscaping scheme is considered suitable for the site, with the ability to create screening all year with differing degrees of intensity. The Trees Officer raised no objection to the landscaping scheme proposed.

It is recognised the Officer described the scheme as an incongruous design approach. However for the reasons outline in section (b) the design is considered appropriate for the business park site and with the appropriate provisions to better affiliate the site to the landscaped character of Lynch Wood there are no significant concerns on a wider setting impact to three heritage assets in proximity to the site.

with Paragraph 208 of the NPPF (2023) states, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. NPPG guidance states, 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).

The Conservation Officer considers the development to have less than substantial harm to identified heritage assets, however the public benefit of the development is that of an economic contribution through 32 employment units. On balance, the public benefit of the development is far greater than the limited less than substantial harm to the setting of the nearby heritage assets and as such accords with Paragraph 208 of the NPPF (2023). Furthermore, the development accords with Local Plan policy LP19.

#### **d) Highway Safety**

Access to the site is via the existing car park to the west from Lynch Wood highway and the development would create two new entry points to the west of the site. The first access would serve the block of six buildings – a total of 22 units and the second access point, furthest from Lynch Wood, would serve three buildings – a total of 10 units. Access is considered sufficient and no new access is required off Wistow Way. A condition will be applied to secure the visibility splays as demonstrated. Swept path analysis demonstrates appropriate manoeuvrability for several vehicles is achievable, in particular allowing for servicing and waste collection.

The site is well connected to the rest of Lynch Wood but also has good connectivity to the local Orton Wistow centre and bus stops on Wistow Way through the two footpath/cycleways to the east of Ascot House and to the west of the car park. It is confirmed the bus stop on Wistow Way is in use. Public representations and the LHA sought confirmation on the barrier controls at the access off Lynch Wood. These barriers will remain to prevent unauthorised access, however in the event these are required to be open to allow for serving, deliveries or emergency access this is feasible through the communication with the site management team.

A Travel Plan will be secured via condition, given the concerns raised by the LHA and the undefined version submitted with the application. In addition, conditions will be applied for a parking management plan to secure the provisions for overflow parking and a construction management plan to outline the processes to minimise impact on the highway.

The LHA raised no objection to the principle of the application, however at the time of writing the comments outlined one query which hadn't been resolved for junction modelling for Junction 26 – Wistow Way/Oundle Road/Orton Parkway Roundabout. In addition, clarification is yet to be received from the LHA regarding the standards of the cycle infrastructure and whether mitigation is required from the development. As such confirmation on these matters will be addressed in the update report, along with any mitigation if necessary.

#### **Parking Standards**

As addressed by the LHA the Local Plan doesn't specifically prescribe parking standards for Class E uses, however the development has been assessed based on its former classification (B1) – making a total parking requirement of 183 vehicular parking spaces as a maximum standard. The submission proposes vehicular parking as one space per 36sqm – totalling at 152 spaces. The

scheme delivers 141 on spaces site, which a mix of accessible space (7), 25 van parking/loading spaces and 14 designated electric vehicle parking spaces. However, all spaces will be conditioned to deliver the infrastructure for electric vehicle charging stations.

The Transport Assessment justifies the parking scheme submitted, referencing the parking survey for 18/02017/OUT which demonstrated a surplus of existing parking provision and an occupancy of spaces being no greater than 85%. Taking those findings into account the TA further applies the known modal shift and new working patterns of users, with more home and flexible working. The TA adequately demonstrates capacity within the business park to accommodate the minor shortfalls with the onsite parking provision. It is also noted application 18/02017/OUT has lapsed and therefore the full extent of the neighbouring car park could be available for workers to utilise. The LHA advised on the basis that surrounding car parks are not fully occupied the applicants proposed standard of provision is consistent with the aims inherent in Policy LP13. A parking management plan will be conditioned to secure the overflow provision in the event this is required.

Within the site there are several pockets of cycle parking provision, which provides 24 covered bicycle storage areas. However, the parking is significantly below the minimum standard. It is understood staff cycle parking will be internally provided and a condition will secure the full extent of the visitor and staff cycle parking provision.

As such, subject to the imposition of conditions, the proposed development is considered to accord with LP13 of the Peterborough Local Plan 2019 and paragraph 115 of the NPPF.

#### **e) Biodiversity and Trees**

The application has been supported by a Biodiversity Assessment Report 4.0, which concludes the development will result in a change of -3.76 biodiversity area units and 1.70 hedgerow biodiversity units. Whilst the deficit of the development is recognised, the Wildlife Officer is accepts this can satisfactorily handled with off-site credits. These credits will be secured through planning condition and the submission of an Ecology Design Strategy (EDS).

The Officer sought for the recommendations of the Preliminary Ecology Appraisal (PEA) to be secured via condition, however it is noted the site has since been cleared and therefore the reptile precautions would no longer be relevant. As such the recommendation condition for a CEMP will not be applied to the development. It is appreciated the site is not protected by any ecological designations, neither is it covered by a TPO and the clearance works were undertaken outside of the bird breeding season.

An informative will be applied for nesting birds and a sensitive lighting scheme will be captured under a wider external lighting condition for the site. Subject to the appropriate conditions, the development is considered to accord with the Policy LP28 of the Peterborough Local Plan 2019.

The landscaping of the site has been a consideration throughout the application, evolving with the revisions to the design & layout. The key principle is the retention of as much as possible of the existing boundary vegetation, given its maturity and key contributions to Lynch Wood and Wistow Way. The main area of loss is to allow for the creation of the two new access points. Public representations sought for these trees to be retained and protected – the landscaping scheme will ensure delivery of additional planting to compensate the loss.

Further on site enhancements include planters forward of the buildings, pockets of corner planting and rain gardens. The application has been supported by a landscaping masterplan, with supplementary planting plans. Tree pit and some maintenance details are included, however finer details of who is the responsible party for the landscaping maintenance, regular upkeep regimes and the long term maintenance arrangements are not specified. As such a condition is recommended securing this detail. In addition, the planting plans does not include the full details for the green roof planting – to ensure these are appropriate species a condition will be applied for this area of soft landscaping.

In accordance with Local Plan Policy LP29, the scheme has delivered compensatory planting to mitigate against the removal of G26 (40m removal of Field Maple, Hawthorn and Beech), T11 (sycamore) and T12 (Damson) all classified as category B. G26 was classified as a category B grouping due to the length and vigour, however the removal equates to only 25% of a loss against the overall 175m stretch. Based on stem diameter a total of 122 trees are required and the development exceeds this by producing a landscaping scheme with 148 trees.

The Trees Officer raise no objection to the Arboricultural reports or the planting scheme, with the compensatory planting met. As such compliance conditions are sought to secure these details and this include the tree protection plan.

In terms of hard landscaping a scheme was submitted with the application, however this proposes tarmac across the entirety of the site. Whilst the use of this material for the access route could be accepted, a variety of hard surface materials would be expected, such as permeable paving on the car parking spaces. This not only improves run off and drainage, but supports the visual affinity with the surrounding business park.

## **f) Neighbour Amenity**

### Built Form

The nearest existing residential properties existing are across Wistow Way, off Brackenwood and permission was recently granted for the conversion of the easterly office block into a care home (20/01035/PRIOR & 21/00881/FUL). Several public representations have expressed concern with potential for noise and disruption from the proposed uses on the site, to not only those residential properties to the north of Wistow Way but also the future occupiers to the east.

Firstly, by virtue of the separation distances, the introduction of built form in this location is not considered to raise any unacceptable residential amenity impacts to those future residents to the east or any other neighbouring land uses. The easterly units were separated into individual buildings and the scale reduced to minimise massing as far possible. Whilst in close proximity to the boundary the massing is not considered to be overshadowing, overbearing or oppressive to the care home.

Furthermore, the care building is angled in the site, with the design minimising glazing on the western elevation. Only four ground floor windows are proposed on the most immediate western elevations, with the remainder of the elevation being facing brickwork. There are inset habitable room windows on the west of the building, however these raise no concern due to distance. The eastern boundary of the application site will be heavily landscaped, and the care homes internal road is the closest aspect to the Class E(g) buildings. As such, the layout and scale of the nine buildings raises no unacceptable residential amenity impacts to existing or future occupiers, in accordance with Policy LP17.

### Use

In terms of the uses proposed on the site, these include offices, research and development and light industry, which are all encapsulated under Class E(g). In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), a B1 use class is now captured by Class E(g) and are defined as uses which can be carried out in a residential area without detriment to its amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Regardless, the application has been supported by a Noise Impact Assessment. The report outlines the locations of sensitive receptors, in particular the eastern care home development and properties to the north of Wistow Way. Whilst the noise report has assumed services will be positioned on elevations projecting away from the eastern building, there is uncertainty that the services would actually be in these locations if developed. As such a condition will be applied to secure details of any required plant equipment for the units.

A cumulative noise intrusion assessment of daytime and night-time operational noise shows cumulative noise levels are predicted to be within the acceptable criteria for windows open and closed scenarios. In addition, the proposed development is only expected to have a +1.4 dB contribution to existing ambient noise levels at nearby properties and therefore falls within the Lowest Observed Adverse Effect Level (LOAEL).

The proposed operations raise no significant or unacceptable amenity concerns to those identified sensitive receptors and the results of the NIA are an indication of a low impact from the uses proposed. Pollution Control accepted the findings of the report, raising no objection and recommend the inclusion of appropriately worded planning conditions to provide suitable control over noise - limiting delivery hours and the hours of operations of the units. Furthermore, the hours of operations will be conditioned to only occur between 07:00-19:00 Monday – Saturday and 09:00-17:00 Sunday and Public Holidays.

In terms of other matters covered by Policy LP17, light pollution will be mitigated through a condition for a scheme of external lighting (both freestanding and mounted) to be agreed with LPA before commencement of use.

In summary, the introduction of the Class E(g) use and buildings proposed raises no unacceptable noise, light or other pollution, overbearing, overshadowing or privacy loss to those residential uses within reasonable proximity to the development. As such, the proposal complies with Policy LP17 of the Peterborough Local Plan 2019 and paragraph 135(f) of the NPPF 2023.

## **g) Other Matters**

### Drainage

It is recognised the site is located within Flood Zone 1, with no detrimental risks from surface water flooding. The surface water drainage strategy for the site includes rain gardens, permeable paving and underground attenuation tanks across the site. Following the submission of additional information the scheme was supported by a successful drainage strategy that uses source control SUDS to convey and store surface water was provided. To confirm, the green roof designs, remain present on Blocks A, B & C of the development and were not removed through the revisions. As such the condition recommended by the LLFA is not required and the planting details are captured under the landscaping scheme condition.

Anglian Water confirmed the foul drainage from this development is in the catchment of Peterborough (Flag Fen) Water Recycling Centre and will have available capacity for these flows. In terms of the surface water strategy, Anglian Water were satisfied the strategy was acceptable but also commented that there was no connection to the Anglian Water sewers. It was raised with Anglian Water that the hydrobrake controls the discharge the surface water away from the site to the Anglian water pipes at the constant rate of 2l/s. However, no further commentary was received from Anglian Water.

Regardless of the lack of follow up commentary from Anglian Water, the LLFA had reviewed the details and were satisfied with the strategies. In light of the above, the proposal complies with Policy LP32 of the Peterborough Local Plan 2019.

### Archaeology

The Council's Archaeologist has raised no objections to the proposal. The site was evaluated in 1995 and provided no evidence of archaeological remains with the exception of some post-medieval remains of ridge and furrow at the northern end of the site. Historic earthworks on the site were the result of use as a buildings compound during the construction of the nearby Pearl Centre building. As such no further archaeological work is deemed necessary.

As such, the proposal would not have an adverse impact on known and unknown buried archaeology, and the proposal would accord with Policy LP19 of the Peterborough Local Plan (2019).



### Contamination

Pollution Control recommended a condition for unsuspected contamination on the basis of the Geo-Environmental Desk Study report submitted with the application.

### Consultation

The Council have issued two rounds of public consultation on the planning application, with the latest being that from the 19<sup>th</sup> December. Whilst this extended across the Christmas period, it is considered this still provided sufficient opportunity for comments and several responses were received. In addition, the application has remained under assessment since the closing of the consultation period and was not determined immediately after. Any material planning issue raised in representations received after the consultation deadline and determination are taken into account.

In terms of Developer consultation, this is a separate to the Council, but it is noted the Design and Access statement advises of a public consultation which took place in November – December 2022 before the submission of the application.

## **6 Conclusions**

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

- The proposal aligns with the allocation of the site under Policy LP4 and LP46.1 of the Peterborough Local Plan 2019.
- 
- The development would not result in unacceptable residential amenity impacts or visual harm to the character and street scene of Lynch Wood – compliant to Policies LP16 & LP17.
- 
- In principle the development is acceptable on highway grounds, with justification and conditions for parking. The development accords with Policy LP13.

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** 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 The development hereby permitted shall only be carried out in accordance with the following approved plans:

Proposed Site Layout with Unit Floor Plans A1-02 U  
Proposed Site Layout with Unit Roof Plans A1-05 Rev D  
Block A GA Plans A2-01 Rev C  
Block B GA Plans A2-02 Rev C  
Block C GA Plans A2-03 Rev B  
Block D GA Plans A2-04 Rev E

Block E GA Plans A2-05 Rev C  
Block F GA Plans A2-06 Rev B  
Block G GA Plans A2-07  
Block H GA Plans A2-08  
Block J GA Plans A2-09

Block A GA Elevations A4-01 Rev D  
Block B GA Elevations A4-02 Rev B  
Block C GA Elevations A4-03 Rev C  
Block D GA Elevations A4-04 Rev D  
Block E GA Elevations A4-06 Rev B  
Block F GA Elevations A4-07 Rev B  
Block G GA Elevations A4-11 Rev A  
Block H GA Elevations A4-10 Rev D  
Block J GA Elevations A4-12;  
Street Scene Elevation A4-08 Rev B;  
Block C Detailed Façade A4-13;

Proposed Landscape Masterplan 3801\_04 Rev H  
Proposed Planting Plan 1 of 2 3801\_05 Rev F  
Proposed Planting Plan 2 of 2 3801\_06 Rev F

Block D Massing Comparison Elevations A4-14  
Block E Massing Comparison Elevations A4-15  
Block F Massing Comparison Elevations A4-16  
Location Plan 1881-A1-01-A  
Existing Block Plan 1881-A1-01-A

Arboricultural Impact Assessment & Arboricultural Method Statement  
Flood Risk Assessment and Drainage Assessment, Rev P04;  
Transport Statement, Version 3;  
Noise Assessment, Rev 06  
Biodiversity Assessment Report REV03  
Preliminary Ecological Appraisal  
Geo-Environmental Desk Study Assessment  
Archaeology Statement

Reason: For the sake of clarity and proper planning.

- C 3 The use hereby permitted shall only be used for purposes within Class E(g) of Schedule 2 of The Town and Country Planning (Use Classes) Order 1987, as amended, and, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other use.

Reason: The application has been assessed as being acceptable and complying with development plan policies LP4 and LP46.1 on the basis of the current proposed uses. Alternative uses, even those within Class E of Schedule 2, would need to be assessed as they may have impacts not considered as part of this application, including on neighbouring premises, highway safety and parking provision.

- C 4 In accordance with the approved drawings only units C, D, F, G & J shall incorporate first floors or mezzanine floors and for all other units the provisions of Class H, Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any

Order revoking or re-enacting that Order, with or without modification), no additional internal floor space (including but not limited to the insertion of mezzanine floors) shall be created other than in accordance with a planning permission granted by the Local Planning Authority.

Reason: To prevent unassessed and uncontrolled impacts upon the highway network, in the interests of highway safety and Policy LP13 of the Peterborough Local Plan 2019.

- C 5 The development shall be carried out in strict accordance with the material schedules demonstrated on drawings A4-01-D, A4-02-B, A4-03-C, A4-04-D, A4-06-B, A4-07-B, A4-10-D, A4-11-A and A4-12.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include but not be limited to the following:-

- a) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of debris whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
- b) Haul routes to the site.
- c) Hours of delivery.
- d) Banksman to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
- e) Details of site compounds, storage area and contractor and visitor parking.
- f) Details of any temporary lighting which must not directly light the public highway.

The development shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety in accordance with Policy LP17 of the Peterborough Local Plan 2019. This is a pre-commencement condition as the CMP needs to be in place before works start on site.

- C 7 Prior to the first occupation or commencement of use the area shown for the purposes:

- a) of loading/unloading;
- b) of parking/turning so that vehicles may enter/leave in a forward gear;

shall be provided in accordance with drawing A1-02 U Proposed Site Layout. Such provision shall thereafter be retained for this purpose and not put to any other use.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 8 The visibility splays shall be in accordance with the Visibility Splays drawing dated 31st January 2024 and available at either side of the junction prior to the commencement of the

use. The visibility splays shall thereafter be retained and kept permanently clear of all obstacles above 600mm in height.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 9 Prior to the commencement of the use a cohesive Travel Plan for all 32 units shall be submitted for the development to outline the shared targets, monitoring methodologies and timelines for monitoring activities. The plan should outline the responsible parties for the monitoring and illustrate the Travel Plan Coordinator for the units. The Travel Plan Information Pack must be provided with all units and available for use on the commencement of use for each unit.

Reason: In the interests of promoting sustainable transport to and from the development, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order superseding this, Schedule 2 Part 2 Class A;

- No gates or other means of enclosure shall be erected across the vehicular access hereby approved.
- No means of enclosure over 1 metre in height shall be erected forward of the front elevation of the dwelling/building.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C11 No development shall take place until details of works to the footpath connection and tactile paving have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all of the works have been completed in accordance with the approved details.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019). This is a pre-commencement condition because the off site highway works are required to make the development acceptable and in addition to planning approval will require permission from the Highway Authority under the Highways Act.

- C12 Prior to the occupation of each unit, a Noise Assessment to demonstrate the location and product(s) of plant equipment shall be submitted and agreed in writing with the Local Planning Authority. The rating level of building services plant noise emitted from the site shall not exceed 10 dB below existing background levels at noise sensitive receptors detailed within (Table 4.4 of the Noise Assessment 784-B032107TT). The measurements and assessment should be made according to BS4142:2014. The noise limit above should also be applied to existing or approved residential locations.

Reason: In order to protect and safeguard the amenity of the area and neighbouring residents, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 191 of the National Planning Policy Framework (2023). This a pre-commencement condition as the scheme is an integral part of the design and therefore must be agreed before development begins.

C13 Free field noise levels at locations representing facades of nearby dwellings, shall not exceed the noise criteria given below:

Daytime (07:00 - 23:00) : 50 dB LAeq,1 hour

Night-time (23:00 to 07:00): 45 dB LAeq,15 mins or 60 dB LAmax,15 mins

Reason: In order to protect the amenity of the area in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C14 The use hereby permitted shall take place only between the hours of 07:00-19:00 Monday - Saturday, 09:00-17:00 Sunday and Public Holidays.

Reason: In order to protect the amenity of the area in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C15 Deliveries, loading and unloading shall not occur between the hours of 19:00 - 07:00 Monday - Sunday.

Reason: In order to protect the amenity of the area in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C16 Prior to the commencement of use the drawings/specifications for the waste storage shall be submitted to and approved in writing by the Local Planning Authority. This should illustrate the design, materials and location of bin storage for each unit. The approved scheme shall be provided prior to the occupation of the unit(s) which it serves. It shall be retained thereafter for the storage of refuse and recycling bins only.

Reason: In order to ensure that adequate bin storage space is available and to protect the visual appearance of the street scene in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C17 No development other than groundworks and foundations shall take place unless and until the details of external lighting (free-standing or building-mounted) shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to the commencement of use.

Reason: In the interests of visual amenity of the area and biodiversity, in accordance with Policies LP16 and LP28 of the Peterborough Local Plan (2019).

C18 Notwithstanding the submitted details, no development shall commence until a scheme for the hard landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Hard surfacing materials
- An implementation programme (phased developments only)

The approved hard landscaping scheme shall be carried out prior to the occupation or commencement of use or in accordance with an implementation programme submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of visual amenity of the area and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2023). This condition is pre-commencement as details need to be agreed before construction begins.

- C19 The soft landscaping shall be carried out in accordance with the Landscape Masterplan 04 H and Planting Plans 05 F & 06 F.

The soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Development shall be carried out in accordance with the submitted details. Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity of the area and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework 2023.

- C20 A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the Local Planning Authority.

The plan shall include but not be limited to the following details:

- Long term design objectives
- Management responsibilities
- Maintenance schedules

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2023).

- C21 Prior to the completion of the sedum roofs for Units A, B & C the details of plant species shall be submitted and agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity of the area and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework 2023.

- C22 The development shall be carried out in accordance with the Arboricultural Implications Assessment and Method Statement 3801 dated December 2023 and the Protection scheme as demonstrated on drawing 06-C shall be present on site prior to the commencement of any works.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019). This condition is pre-commencement as the protection is required before any works commence to avoid unnecessary damage to retained trees.

- C23 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with, in accordance with Policy LP33 of the Peterborough Local Plan (2019) and paragraph 189 of the National Planning Policy Framework (2023).

- C24 No development shall take place until an ecological design strategy (EDS) addressing the creation of mitigation and compensation habitat both on and off site to cover the deficit in biodiversity units as outlined within the Biodiversity Assessment Report. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.
- k) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development and any biodiversity credits purchased for the development

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of the conservation and enhancement of biodiversity, in accordance with Policy LP28 of the Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework 2021. This is a pre-commencement condition because the habitat restoration and management scheme will be an integral part of the development including during the construction works.

- C25 Prior to commencement of the development, detailed contoured plans with existing and proposed spot heights and cross sections shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the levels shown on the approved drawing(s).

Reason: In the interests of the visual appearance of the development and in order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019). This is a pre-commencement

condition to ensure that no groundworks take place which result in finished development heights that may cause harm to the visual amenity of the area or neighbouring amenity.

- C26 Notwithstanding the details submitted, prior to the commencement of the use details of the cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking shall be available for each unit prior to its occupation and retained in perpetuity.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C27 Prior to the commencement of the use a parking management plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include details of the parking overflow capacity in the adjacent car park.

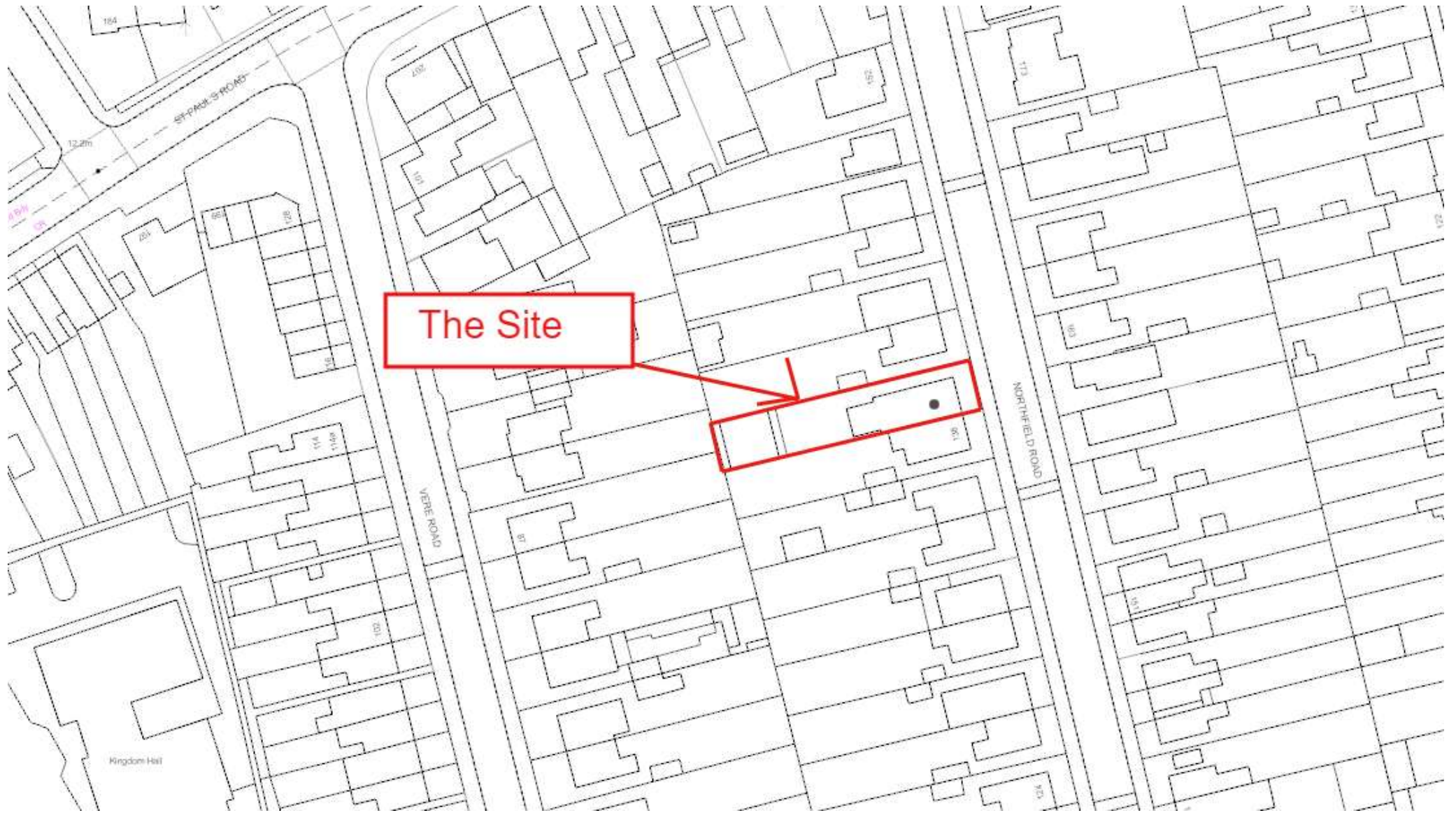
Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C28 No development above DPC level shall take place until a scheme for electric vehicle charging points or a scheme providing the servicing to allow future installation of electric vehicle charging points has been submitted and agreed in writing with the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation of the dwellings hereby approved or commencement of use.

Reason: In the interests of providing future proof parking facilities for users, in accordance with Policy LP13 of the Peterborough Local Plan 2019.

Copies to Councillors – Councillor Nicola Day  
Councillor Kirsty Knight  
Councillor Julie Stevenson





Reference: 24/000025/HHFUL  
Site address: 140 Northfield Road, Millfield, PE1 3QE

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**Application Ref:** 24/00025/HHFUL

**Proposal:** Single storey rear extension as a disabled bedroom and wet room - retrospective

**Site:** 140 Northfield Road, Millfield, Peterborough, PE1 3QE

**Applicant:** Mr M Ali

**Agent:** Mr Iqbal, M.A.Iqbal Architecture

**Site visit:** 01.02.2024

**Referred By:** Cllr Khan

**Reason for Call-in:** The reason why they have built this is they have an autistic child and requires their own space. This is recommended and supported by letter from the doctor.

**Case officer:** Rio Howlett

**Telephone No.** 07551042164

**E-Mail:** [Rio.Howlett@Peterborough.gov.uk](mailto:Rio.Howlett@Peterborough.gov.uk)

**Recommendation:** **REFUSE**

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

**Site and Surroundings**

The application site is located in Millfield in a predominantly residential area. The surrounding dwellings are of similar architectural style, most are two storey semi- detached constructed of red brick. The site itself is part of a two storey semi-detached pair, constructed of cream render, brown interlocking roof tiles and brown UPVC windows and doors.

The application site has two existing extensions to the rear of the property. The first was approved in 1998. The second extension has no planning permission; however, it is noted there is a 2002 permission for a conservatory (retrospective). The application site also houses an outbuilding to the rear of the garden, due to the size and scale of this development it would require planning permission. The exterior of the host dwelling has been rendered cream and appears to have been externally insulated, planning permission has not been applied for, but would have been required. With the exception of the 1998 extension the application site hosts a number of unauthorized structures and alterations. This application does not seek to regularise these structures and alterations within this application.

**Proposal**

Permission is sought for the erection of a single storey rear extension, to be constructed using matching materials to the existing dwelling (Retrospective). The proposal is 4.4m in depth 5.8m in width and 2.8m in height.

**Note**

An application was submitted in 2023 for a single storey rear extension of the same size and scale, and for the same use which was refused on design grounds under planning application 23/01312/HHFUL.

During the course of this application further information was requested from the Agent, however, no further details or justification was provided as to why the need cannot be accommodated in the existing dwelling or annex. As such there is no material difference in the current application from the previous application which was refused by Officers under reference 23/01312/HHFUL.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
97/01315/FUL	Single storey rear extension (amended scheme)	Permitted	21/01/1998
00/00862/FUL	Detached garage/store	Refused	22/09/2000
02/01804/FUL	Conservatory at rear - Retrospective	Permitted	13/02/2003
23/01312/HHFUL	Single storey rear extension for use as a disabled bedroom and wetroom (retrospective)	Refused	25/10/2023

## **3 Planning Policy**

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

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

#### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to

prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

#### **4 Consultations/Representations**

##### **PCC Enforcement Team**

No comments received.

##### **Millfield & New England Residents Planning Sub Group**

No comments received.

##### **Victoria Park Residents Association**

No comments received.

##### **Local Residents/Interested Parties**

Initial consultations: 6

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No comments.

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

The main considerations are:

- Design and impact on the character and appearance of the site and surrounding area
- Amenity
- Highway safety

##### **a) Design and Visual Impact**

The proposal is not sympathetic to the design of the host dwelling due to its cumulative impact in consideration of the two existing extensions. The proposals add a further 4.4m in depth, amassing 15m of development on the rear elevation of the host dwellinghouse. The additional depth would result in a contrived appearance that does not follow local patterns of development and represents an overdevelopment of the site. In the wider context of the site there are few examples of extensions which exhibit the same scale of the application site. The size and scale of the development combined with the outbuilding at the rear of the garden exacerbates concerns of overdevelopment as the rear elevation of the proposal and the principal wall of the outbuilding sit only 3.7m apart. This again demonstrates how the proposal would not be respectful or respond appropriately to the local patterns of development by virtue of the proposed size and scale of development.

The proposed single storey rear extension is to be constructed using matching and new materials. the proposal is to be constructed using red brick which differs from the cream render however matches the existing extensions. Brown UPVC windows and doors to match existing and the roof is to be flat and constructed of fibreglass which differs from the existing tiled gable roof on both extensions. The stark juxtaposition between the gable roof and flat roof is out of character for the area. Extensions in the vicinity of the application site predominantly adorn gable roof or roofs which slope away from the host dwelling. The flat roof contributes to an awkward appearance therefore adversely affecting the visual amenity of the application site and the surrounding properties.

In light of the above, the proposal is considered not to be in accordance with Policies LP16 of the Peterborough Local Plan (2019)

## **b) Amenity**

It is not considered that the development as proposed would have a material adverse impact on residential amenity in terms of overlooking due to the proposal being of a single storey height. The proposal adds an additional 4.4m along the shared boundary with No.138 Northfield Road. However, there is sufficient fencing between the properties and therefore, it is not considered to have an unacceptable adverse overbearing or overshadowing impact.

Through Policy LP17, the council seek to ensure the standards of amenity are obtained for both current and future occupiers. The proposal facilitates the loss of 4.4m of private rear outdoor amenity space and leaves only 3.7m separation distance from the proposal and existing outbuilding. Whilst officers are mindful of the need of the extension for the current occupants this reduction would not leave adequate private amenity space for future occupiers of the house. Therefore, this would adversely impact the amenity of future occupiers to a detrimental extent.

As the proposal reduces the separation distance to the outbuilding officers raised concerns over the provision of natural light in the outdoor amenity space however it is considered the impact will not be significant enough to be considered adverse.

Taking the above into account on balance, the proposed development is not in accordance with Policy LP17 of the Peterborough Local Plan (2019)

## **c) Highway safety**

It is not considered that there is any adverse highway safety impact from the proposal, with the proposed construction not causing disruption to parking provisions, nor disrupting access.

In light of the above, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

## **7 Recommendation**

The case officer recommends that Planning Permission is **REFUSED**

- R 1 The proposed rear extension would decrease the private amenity space of the application site and leave little garden area for future occupiers, which would unacceptably impact their amenity. As such, it is not considered to be in accordance with LP17 of the Peterborough Local Plan (2019).
- R 2 The proposed rear extension would create an overdevelopment of the application site and is deemed as out of character for the surrounding local pattern of development. As such, it is not considered to be in accordance with LP16 of the Peterborough Local Plan (2019).

Copies to Councillors – Councillor Muhammad Asif  
Councillor Arfan Khan  
Councillor Mohammed Sabir

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