



**MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL
PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH
ON 9 JULY 2013**

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, Simons, Todd, Sylvester, and Ash

Officers Present: Nick Harding, Group Manager Development Management
Vicky Hurrell, Principal Development Management Officer
Theresa Nicholl, Development Management Support Officer
Alan Jones, Senior Officer Minerals and Waste
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Senior Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors North, Lane and Harrington.

Councillor Ash was in attendance as a substitute.

2. Declarations of Interests

Councillor Ash declared an interest in item 5.2 Thorpe Road in that the Agent was well known to him. Councillor Ash confirmed that he had not discussed the item with the Agent and intended to remain for the discussion of the item.

3. Members Declaration of Intention to Make Representations as Ward Councillor

There were no representations made by any Member of the Committee to make representation as Ward Councillor.

4. Minutes of the Meetings Held on:

4.1 11 June 2013

The minutes of the meeting held on 11 June 2013 were approved as a true and accurate record, subject to the inclusion of Councillor Hiller noted as being in attendance.

4.2 17 June 2013

The minutes of the meeting held on 17 June 2013 were approved as a true and accurate record.

The Chairman announced that an urgent item of business had been put forward for consideration. Members were advised that the item, regarding potential works being carried out within the City, contained exempt information. The Committee agreed that the item be heard.

5. Development Control and Enforcement Matters

5.1 13/00606/HHFUL- Conversion of garage into living accommodation, 13 Nottingham Way, Dogsthorpe, Peterborough, PE1 4NF.

The application site was comprised of a two storey detached residential dwelling located within a residential estate of uniform character. The main dwelling house was set back from the streetscene and sat behind an existing single storey detached double garage. The garage was positioned side-on to the street and shared a driveway with No.11 Nottingham Way. There had been a small area of landscaping to the front comprising shrubs and an immature silver birch tree which had provided some screening to the dwelling and garage. The garage had a blank gable elevation which fronted the public highway and was constructed of buff brick and brown concrete roof tiles.

The description of development referred to the conversion of an existing detached garage to form living accommodation. Notwithstanding this description, the proposed use of the existing garage as an annexe for occupation by a family member associated with the occupation of the main dwelling house, did not require the benefit of planning permission. Accordingly, the only elements for which planning permission were sought was the insertion of two small windows to the front elevation, the insertion of a door to the rear elevation and replacement of the existing plastic-clad metal roller shutter doors with a solid brick wall and cladding of a similar appearance to that which was existing.

The Development Management Support Officer addressed the Committee and provided an overview of the proposal. It was advised that there had been two further letters of objection received from local residents in addition to those detailed within the committee report. These objections were summarised within the update report. The officer recommendation was one of approval subject to the imposition of specified conditions.

Ward Councillors John Peach and John Shearman addressed the Committee and responded to questions from Members. In summary, key points highlighted included:

- There had been email communications received from Planning Officers which had stated that the officer recommendation would be one of refusal as the application was contrary to Planning Policy;
- The application was entirely out of character within the area, to the detriment of local residents and the environment;
- Whilst there were some extensions along Nottingham Way, none of them included a free standing annex such as a garage;
- The application was in a landscape road adjacent to a conservation area;
- Approval of the proposal may invite similar development requests to

- convert garages;
- Members of the Committee were asked to be mindful of the officer's original recommendation for refusal;
- There was sympathy for the Applicant wanting to care for an elderly relative, but the Committee was asked to be mindful of the shared driveway area and whether the living arrangements would be sufficient given the number of residents that would be living at the property;
- Whether the amenities included within the proposal was acceptable within planning regulations particularly due to one door being available in the proposed conversion;
- And concerns were raised over the building regulations for appropriate fire escape routes.

Mr Rod McDonald, a local resident and objector, addressed the Committee and responded to questions from Members. In summary key points highlighted included:

- Residents shared the same concerns as expressed by the Ward Councillors;
- None of the previous extension works along Nottingham Way had been to the extent of the proposal and none had included a free standing annex;
- The shared drive would be affected by the proposal due to the size of the dropped kerb;
- There was an element of confusion in that the initial report, which had formed part of an email from officers dated 10 June 2013, had stated that because the annex was detached planning permission would be required. The later report suggested that planning permission was not required as there was no change of use;
- There was concern that the amenities within the proposal would not be adequate enough for the residents;
- There may be some noise disturbance due to a vent that faced onto the pathway of number 15 Nottingham Way;
- Visitors to the proposed extension may increase the traffic activity, which would cause a disturbance; and
- Other areas of the house should be considered to accommodate the applicant's elderly parents.

The Group Manager Development Management offered clarification in relation to the confusion around whether the change of use required planning permission.

Following questions and debate it was commented that the physical change to the building would not necessarily impact upon the streetscene however, there would be a clear change in use in that the building would accommodate persons living within it.

Furthermore, Members expressed concern at the removal of trees to the front of the application and the installation of windows in the garage, which would ultimately lead to a change the character of the area and impact on the streetscene. To approve such an application may also set a precedence in applications for annex dwellings the area.

The Legal Officer advised the Committee that the trees in front of the property were not covered by tree preservation orders, therefore the residents were permitted to remove the trees if they felt it necessary. In addition, the Committee was to be mindful of the material facts that related to the planning permission being sought, and this did not include whether the annex was to be used as a residential dwelling.

Following further brief debate, a motion was put forward and seconded to refuse the application contrary to officer recommendation. The motion was carried by 4 votes, with 1 voting against and 2 abstentions.

RESOLVED: (4 For, 1 Against and 2 Abstention) to refuse the application, contrary to officer recommendation.

Reasons for the decision:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan.

The alterations to the street facing elevation with the insertion of two windows would be detrimental to the appearance of the streetscene, contrary to the provisions of Policy CS16 of the Peterborough Core Strategy 2011 and Policy PP2 of the Peterborough Planning Policies DPD 2012 both of which sought to ensure that new developments made a positive contribution to the quality of the built environment.

5.2 13/00652/OUT – Construction of a two bedroom dwelling, 95 Thorpe Road, Peterborough, PE3 6JQ

The application site was part of the rear garden associated with a two storey, predominantly unaltered Victorian villa. The house was identified as a locally listed building (WE15, under policy PP17 of the adopted Planning Policies DPD). The dwelling formed one of several dwellings of similar style and character and retained a number of architectural features that were important to the historic character of the area. The property had two off-street parking spaces to the front. The rear garden sloped to the south, falling to a watercourse, and was host to several species of trees, including a Horse Chestnut which was protected by a Tree Preservation Order.

The immediate area to the west of the application site was characterised by similarly sized, locally listed Victorian villas on large, linear plots which fronted Thorpe Road. Slightly further west were two modern stone dwellings which had received planning permission in 2003. The gardens of these properties had a number of mature trees within them which collectively provided them an almost rural character. To the east was Fairmead Way, an estate which received planning permission in the 1970's while to the south was Rivermead which was separated from the application site by a watercourse. There were more residential dwellings to the north.

The application sought outline planning permission for a two bedroom dwelling with all matters reserved. To support the proposal, indicative drawings had been submitted, which illustrated a two storey dwelling built into the slope, a detached garage and vehicular access to the side of 95 Thorpe Road.

Further to receiving the application, a number of trees had been trimmed/felled adjacent to the watercourse at the bottom of the application site. None of these were protected and so permission for the works had not been required.

The Group Manager Development Management advised that a further three representation letters had been received, one in objection, one in support and the third was received from the Police Architectural Liaison Officer also in support of the proposal. The officer's recommendation was one of refusal as the scheme warranted Committee scrutiny to establish whether the loss of garden was outweighed by the sites sustainable location.

Ward Councillor Nick Arculus addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Section 6 of the Planning Policy Framework should apply;
- There had been a number of negative responses received in response to the consultation;
- The Committee should give due consideration to objectors views and concerns;
- The construction of the proposed new dwelling would impact on the area and would specifically affect the nature of the surrounding area of the host dwelling;
- There would be a loss of garden space for 95 Thorpe Road;
- There would be a loss of privacy for the residents of Riverside Gardens;
- The application would undermine the character of the area and would have a detrimental affect on the scenery and would change the rural setting;
- The proposed dwelling would contain no windows to the east, north or the west, this might appear aesthetically unattractive for residents to look upon; and
- There had not been enough undertaken to address the various objections recognised by the appeals inspectorate in 2009 other than the removal of trees from the site;

Mr Trivedi, a local resident and objector, addressed the Committee and responded to questions from Members. In summary key points highlighted included:

- Mr Trivedi's parents lived directly behind the proposed development site;
- Mr Trivedi raised concerns over privacy if the proposed development was approved;
- With Committee approval, photographs were circulated showing the effect that the felling of the trees, in conjunction with the incline of the proposed dwelling, would have on neighbouring resident's privacy;
- The area was in a setting surrounded by greenery, trees and nature, which would be affected should the proposal be approved;

- There had not been any foxes sighted following the recent tree felling;
- It was felt that the proposal did not fit in with the Council's aspirations of becoming environment capital of the UK;
- Under City Council Policy there had to be a clear justification of the benefits from such works to the land and to a building of local importance, due to its locally listed status. The statement proved that there was no justification to approve the proposal and was against Council Planning Policies PP2, PP3 and PP17;
- The family had lived happily in the area for over 20 years; and
- Riverside Garden residents had also opposed the proposal as they wanted to enjoy the beautiful surroundings, which had also been enjoyed by many residents of the area.

Mr Barker, the Agent, addressed the Committee and responded to questions. In summary the key points highlighted included:

- The proposal had been revised following a planning appeal and all the reasons for previous refusal had been addressed;
- National Guidance and the Council's adopted policy suggested that the proposal should be approved unless officers had significantly and demonstrably shown that the adverse impact would outweigh the benefits;
- The issues raised regarding trees could easily be addressed through new planting;
- It was important to note the error within the committee report regarding the houses to the west, which were stated as locally listed Victorian Villas. The properties mentioned were 20th century houses and the locally listed Victorian Villas were located to the east of the proposed development. All had short gardens with houses built behind them, which matched the proposal;
- The horse chestnut tree had bleeding canker. It was also situated to the southeast of the proposed dwelling and would only shade the garden for a time during the morning. By the middle of the day the garden would be in full sun. The horse chestnut currently shaded the gardens of 20 and 22 Fairmead Way from the south west. It was also important to note that there had been no pressure from those houses to remove the tree;
- Ten metres from the proposed development, the Council had thinned out some trees in order to enhance their appearance to extend the life span of the remaining trees;
- Overlooking was an understandable concern for the neighbours, however the issue could be overcome by the implementation of conditions to ensure suitable design at the reserve matters stage;
- Both platforms could be reduced to lower than ground level;
- The client was willing to enter into a Section 106 obligation;
- The proposed driveway would fall under permitted development as the building itself was not listed. The application had one letter of support from a neighbour immediately adjacent to the driveway, which stated that there would be no loss in amenity for them; and
- The Conservation Officer's concern was not in relation to the tree canker. This raised questions over why it did not match the opinion of the Applicant's tree consultant.

The Group Manager Development Management provided clarification over the differentiating opinions on the horse chestnut tree that had bleeding canker in that there had been no clear conclusion reached as to how long the tree would survive.

Clarification was also provided over the proposed development and its status within a development protection area. The property was locally listed and was a heritage asset which extended beyond the house itself and encompassed the whole of the site including the spacious garden within a rural setting.

Following questions, Members debated the application and raised a number of concerns relating to the differing opinions of experts, particularly in relation to the trees, the amenity and privacy loss that the proposal would bring and the fact that a bat survey had not been undertaken. This in itself raised concerns over how the development would truly impact the nature within the surrounding area.

A motion was put forward and seconded to refuse the application, as per officer recommendation. The motion was carried by 6 votes with 1 abstention.

RESOLVED: (6 For, 1 Abstention) to refuse the application, as per officer recommendation and:

1. The reasons R1 to R5 as detailed in the committee report

Reasons for the decision

- The area was traditionally characterised by large properties in spacious plots. The proposed development would constitute backland development and would result in significant and unacceptably adverse harm to the setting of a Locally Listed Building and would erode the established character and appearance of the area;
- A topographical survey had not been submitted therefore it was not possible to establish the amount of useable garden which would serve the new dwelling. The indicative drawings indicated two raised platforms which would become the primary amenity space for the proposal; given that the trees at the south of the site had been felled it would result in an unacceptably adverse loss of privacy and amenity to adjacent occupiers;
- Notwithstanding the fact that the trees at the south had been felled, the application site would be overshadowed by on-site and off-site trees, one of which was subject to a Tree Preservation Order. Therefore, any principal windows and the primary amenity space would be overshadowed throughout the day. As such future occupiers would place undue pressure on these trees to be felled. Further, the proposed access would result in the loss of a Grade B Holly tree and place unknown pressure on a Grade A Sycamore;
- An S106 Agreement had not been entered into; therefore it had not been possible to secure essential infrastructure improvements;
- Whilst the submitted drawings were indicative only, given the constraints of the application site it had not considered that the Planning Inspectorates' reasons for refusing the previous application had been overcome. The removal of the trees along the southern boundary had changed the relationship between the site and the properties to the south from that considered previously to be acceptable and

had considered to create a new concern. Further, the scheme had not demonstrated that it would provide a turning area for a fire vehicle; and
- There had been no changes in planning policy which would now make the scheme acceptable.

The proposal was therefore unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons as detailed within the committee report.

The meeting was adjourned for ten minutes.

5.3 13/00285/OUT – Residential development of up to 125 dwellings, means of access, open space and associated infrastructure works. Land off Coriander Drive, Hampton Vale, Peterborough

The application site was located to the south west of Hampton Vale. It was approximately 9.35 hectares in size, including land which had consent for the Western Peripheral Road and its corridor and for open space (VG9). The site was allocated for development under policy Sa3.47 of the adopted Site Allocations DPD.

The land to the north of the application site had consent for allotments with associated infrastructure (see planning permission 11/00786/FUL). To the east was the existing edge of Hampton Vale. Morris Homes were currently building out on site; some of the properties were occupied. Also to the east/south east was an allocated area of open space (VG9, see 06/00710/REM now known as Robins Wood) which was currently being laid out. Further to the south east was an area of land known as Haddon Heights which the Site Allocations DPD allocated for development (approximately 350 houses).

To the west was land set aside for the Western Peripheral Road (planning permission 04/01900/FUL refers) which would ultimately connect with junction 2 of the Fletton Parkway. Beyond the road corridor lay Orton Pit SSSI/SAC a site of international ecological importance for its population of Great Crested Newts and Stoneworts. To the south was another part of Orton Pit. Beyond Orton Pit was the site of the proposed Great Haddon urban extension (planning application 09/01368/OUT refers) which the Western Peripheral Road would connect with.

The site was formally used for clay extraction in connection with the brick works. There was a bank on the southern edge of the site which separated it from Orton Pit. The remainder had been relatively flat with little vegetation. There were a couple of small ponds within it.

The application sought outline planning permission for up to 125 dwellings with associated vehicular access, and other infrastructure including new open space with all other matters being reserved for later consideration.

It was proposed that access into the site would initially be from Coriander Drive. This access would be maintained but at a later date a new access onto the Western Peripheral Road in the form of a new T-junction would also be

constructed. Finally, the T-junction would be removed and a new roundabout on the Western Peripheral Road constructed (which would facilitate access into Haddon Heights).

The Principal Development Management Officer advised the Committee that since producing the report, there had been some wording changes and clarification to conditions, these were outlined within the update report. The officer recommendation was one of approval subject to the imposition of the relevant conditions and the entering into of a Section 106 agreement.

Ms Gail Revill, the Agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Officers had provided a clear presentation of the proposal; and
- The green space proposed within the application area identified was 1 hectare, for playing fields and was an outline application and would not be clear at this stage where the amenities would be placed; and

During debate Members raised a number of points in relation to highways issues and sought clarification from the Highways Officer as to the impact that the development would have on the western peripheral road and the capacity of Junction 2 Fletton Parkway during the works period. Members further commented that the ambitious growth agenda needed to be taken into account and the types of housing and accommodation should be further explored at the reserved matter stage.

The Highways Officer confirmed to the Committee that there had been consultation carried out in relation to the Western Road peripheral trigger point and the findings of this consultation would be communicated in due course alongside proposed solutions to resolve the existing issues. In relation to Junction 2, it was advised that there was a low probability that the proposal would cause any further significant traffic issues.

Following debate, a proposal was put forward and seconded to approve the application, as per officer recommendation and subject to the imposition of relevant conditions. The motion was carried unanimously.

RESOLVED: (Unanimous) to approve the application, as per officer recommendation, subject to:

1. Conditions numbered C1 to C9, C12, C15 to C16, C20 to C26 and C28 to C29 as detailed in the committee report;
2. The revised conditions numbered C10, C11, C13, C14, C17, C18, C27 and C30 as detailed within the update report; and
3. The informatives numbered 1 to 5 as detailed in the committee report.

Reasons for the decision

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

- The application site was allocated for development (up to 150 units under site reference SA3.46) in the Site Allocations DPD. As such the principle of development was considered to be acceptable;
- The development would not have any unacceptable adverse impact upon the highway network subject to conditions/S106 provision, which would include a Travel Plan. The principle of a three staged approach to access namely access from Coriander Drive, a new T junction onto the Western Peripheral Road and finally a new roundabout was also considered to be acceptable. As such the development accords with policy PP12 of the adopted Planning Policies DPD;
- The proposed alignment of the cat proof fencing and other associated mitigation measures were considered to be sufficient to prevent harm being caused to Orton Pit SSSI/SAC. Other ecological impacts could be mitigated via the detailed landscaping scheme. As such the proposal was considered to accord with policy CS21 of the adopted Core Strategy;
- It was considered that the detailed layout should be designed to ensure no adverse impact on existing properties and to provide a sufficient level of amenity for the new residents including the provision on site open space. As such the development would accord with policies PP3 and PP4 of the adopted Planning Policies DPD;
- The site was included within the area covered by the original Hampton Drainage Strategy and subject to the conditions, would not give rise to an increased risk of flooding/would be adequately drained. As such the proposal was considered to accord with policy CS22 of the adopted Core Strategy;
- Subject to conditions, site contamination would be addressed and any appropriate mitigation measures secured. The development was therefore in accordance with the National Planning Policy Framework;
- Subject to the imposition of a condition the proposal would make a contribution towards the Council's aspiration to become the Environment Capital of the UK in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011);
- The site would make a contribution towards infrastructure provision through a financial contribution under the Councils Planning Obligation Implementation Strategy (POIS) and the provision of on site infrastructure, to be secured through an S106 Agreement. As such the development accords with the provisions of policy CS13 of the adopted Core Strategy DPD.

The Chairman announced that items 5.4 and item 5.5 would be presented and debated jointly, however recommendations and decisions would be sought separately for each respective item.

5.4 13/00432/WCMM – Variation of condition C11 of planning permission 12/01544/WCMM dated 25/01/2013 to amend operating hours. Cooks Hole, Leicester Road, Thornhaugh, Peterborough

The application site was broadly rectangular and extended to some 54.4 hectares of which 39.5 hectares had been proposed to be worked. The site was located about 1.7 km west of the A1 at Wansford. Thornhaugh village lay about 1 km to the northeast and Wittering 1.7 km to the north. The cluster of residential properties at Home Farm (about 10 residences) lay about 400 metres to the north and several other isolated farm houses and residences lay within a few hundred metres of the site, notably Oaks Wood Cottage, 300 metres to the north beyond the A47,

Nightingale Farm about 325 metres to the South and Sibberton Lodge, about 500 metres to the east of the site beyond the A47.

The northwest site boundary adjoined Thornhaugh I quarry (an active quarry being restored by landfill with access off the A47). The northeast boundary adjoined the A47 Leicester Road and the southern boundary adjoined the active Thornhaugh II quarry and agricultural land comprised Nightingale Farm. The west boundary was defined by a restrictive byway and the edge of Bedford Purlieus National Nature Reserve (which was a Site of Special Scientific Interest).

Thornhaugh Beck rose to the west of Bedford Purlieus, flowed eastwards through the site before joining the White Water Brook (a tributary of the River Nene). Although parts of the site had been worked previously for ironstone extraction the land generally sloped down, as to be expected towards the stream valley running west to east through the site.

Central to the site was Cook's Hole Farmhouse, an abandoned stone farmhouse and associated barn and outbuildings. The farmhouse had recently been grade II listed and so the associated buildings were also listed by way of being curtilage buildings. The property was uninhabitable without extensive restoration works.

The site was traversed by various Public Rights of Way.

The site comprised an area historically worked for Ironstone from the 1950s which benefited from a Renewal of an old Minerals Permission - RMP (i.e. an historic planning permission which had been reviewed and updated with appropriate conditions) and a new permission for an area of previously un-worked mineral. The two permissions (03/01171/RMP and 10/01441/MMFUL) were to all intents and purposes identical and were granted in April 2011. The two permissions had subsequently been superseded by the current operator who wished to work the site according to a different phasing plan - including a re-design of the site layout and re-positioning of the weighbridge – which resulted in permission reference 12/01544/WCMM and 12/01545/WCMM taking precedence, and complemented by permission 12/01266/WCMM for the siting of a weighbridge and site office.

Additionally, the site benefited from a further permission for the wheelwash facility and means of access from the A47 through the Thornhaugh I site (permission reference 10/01442/MMFUL).

The proposal was to vary condition 11 (of both permission 12/01544/WCMM and 12/01545/WCMM) to amend the hours of operation. The proposal was to extend site operational working hours during weekdays from; 0700 - 1700 hours to; 0600 - 1800 hours with the additional hour in the mornings being for the exiting of Heavy Goods Vehicles only and that no other activities would take place during this period.

The extension of operational hours in the evening would enable the lorries to be loaded ready for exit between 0600 and 0700 in the morning. It was not proposed to restrict what activity should happen on the site during the additional evening hour.

The officer recommendation was to approve the application subject to the relevant conditions. There had been an additional objection received following the publication of the committee report, from the owner of Thornhaugh Hall who objected to both the additional hour in the morning and the evening.

5.5 13/00434/WCMM - Variation of condition C11 of planning permission 12/01545/WCMM dated 25/01/2013 - to amend operating hours. Cooks Hole, Leicester Road, Thornhaugh, Peterborough

The site measured approximately 3.74 hectares and was triangular in shape and located to the north part of Cook's Hole Quarry, adjacent to the A47. In operational terms the site was part of the whole Cook's Hole Quarry but was originally permitted under a separate application because the area of the site had not been part of the old mineral workings at the site (1950's). Now, the site had been worked as part of the overall phasing of the whole of Cook's Hole Quarry. The description of the site and the issues to be considered were the same as those being considered under application 13/00432/WCMM.

The application was to vary condition 11 attached to the permission granted under 12/01545/WCMM to enable operating hours at the site to extend by one hour in the morning (0600 – 0700) and in the evening from 1700 -1800. The applicant proposed the morning hour to enable only lorries to leave the site during this period.

The officer recommendation was to approve the application subject to the imposition of relevant conditions.

The Development Management Support Officer and the Senior Officer Minerals and Waste provided an overview of the proposals, including the key issues for consideration, and advised that objections had been raised by Thornhaugh and Wansford Parish Councils over the amenity disturbance to local residents and noise levels within the proposed additional hours of operation. Further concern had been raised by the Noise Pollution Officer specifically relating to the additional hour requested for the mornings, it was therefore suggested that this be granted on a temporary basis only.

A noise surveillance survey had been conducted by the Development Management Support Officer and Senior Officer Minerals and Waste Officer and on balance, it was felt that the extra level of noise from the lorries would not cause significant disturbance to nearby residents. Conditions attached to the permissions related to noise nuisance and monitoring, particularly near noise sensitive properties, would be imposed should the Committee be minded to approve the application. Officers also advised Members that there had been significant control measure identified within the conditions.

As the applications were being discussed jointly the Chairman advised that each Parish Councillor's speaking time had been extended from five to ten minutes each.

Parish Councillors Martin Witherington, Thornhaugh, and Richard Clarke, Wansford, addressed the Committee and responded to questions from Members.

In summary key points highlighted included:

- Cooks Hole had experienced a range of applications over the period of 12 years;
- Part of the documentation that was submitted was a noise assessment; this was not a technical assessment however. Concerns had been raised by Parish Councillors over the report and that the summary referred back to previous noise assessments. It was therefore unclear if the assessment was correct or not;
- The original conditions agreed in 2010 / 2011 had experienced many changes to those originally agreed;
- There had been a number of references to the number of trucks travelling on the A47 and the noise levels this created. The noise from the trucks located at the Cooks Hill site would be more comparable to start up noise rather than a moving traffic noise, this would cause more disruption;
- Concerns were raised over how and when the trucks would be loaded;
- Hydraulic breakers used by the industry had been disruptive on a similar site, there was concern if the Cooks Hill site was to use the same equipment;
- Extended working hours in the evening may be disruptive to the neighbours. There was no clear evidence to prove the need for the site to operate past 5.00pm;
- The wording contained within one of the conditions was not clear as to the permitted hours and whether hydraulic breakers would be used during the extended hours or not;
- The changes would have an impact upon the wider community and it was unclear as to why it was necessary to revise the original agreement;
- There had been an incident in the past involving the running of two generators which had caused a low frequency beat or deep throbbing noise, this being due to the generators not being run in tandem. Consequently the second generator had been removed by the company following an investigation;
- If the lorries had been pre-loaded the night before, they would want to leave at the same time in the morning to reach the A47. The queuing of the lorries would result in them idling, would delay their exit and cause a low constant noise from the engines running;
- There was also an issue with late night loading and lorries arriving to use the weighbridge;
- There had been an occurrence of the company operating outside of the original hours of 5.00pm;
- The relationship with the company itself had been amicable however, the current operating hours allowed for 56 hours per week and the proposal would increase this to 66 hours. If the proposal was approved, it would only leave residents 4 hours of quiet waking hours. This was deemed unacceptable to the Parish Council.

Mr John Gough, the Applicant, addressed the Committee and responded to questions raised by Members. In summary the key points highlighted included:

- The City Council had adopted the minerals and waste policy which recognised the need for limestone extraction in order to meet the authorities

ambitious growth agenda;

- Cooks Hole was the limestone supplier for the Peterborough area;
- The quarry had direct access onto the A47, which until recently was a designated trunk road. There were no dwellings along the route to the A1;
- Several hundred HGVs used the A47 between 6.00am and 6.00pm daily, which had been confirmed in the officer's report;
- It was intended that the lorries would be loaded and pre-weighed the night before departure and would not all leave the site at the same time in the morning;
- The proposed times were intended to ensure that the site operated more efficiently and it was hoped that traffic congestion would be eased during the rush hour of 7.00am along the A47;
- Contrary to the Parish Council's views, the change in time would not impose any noise harm towards residents;
- A comprehensive noise appraisal was undertaken by nationally recognised acoustic consultants, this showed total compliance with the technical guidance of the National Planning Policy Framework;
- In recent years there had been permission granted for Lincolnshire, Northamptonshire and Cambridgeshire to permit operation from 6.00am. There had been no complaints received regarding the aforementioned operations;
- The National Planning Policy Framework required that Local Authority planning should be in favour of sustainable development;
- Not a single consultee had raised objections to the proposal;
- The request to change the operational hours was due to Cooks quarry being the only quarry in the area that provided limestone and the A47 becoming congested at the roundabout leading to Wansford. The improvements were also intended to reduce the carbon footprint and to make the operation more efficient;
- All the trucks would be loaded the night before and the drivers would arrive at various times and leave the site. There would be no other plant operator on site;
- There would be a metered sensible approach from the egress of the site which would be adopted over the 6.00 to 7.00am period;
- There would be 15 lorries sent out over the space of an hour and they may depart in two or three at a time; and
- The additional hour in the evening would bring the quarries operating hours into line with other operators and would be allocated for loading only.

The Development Management Support Officer advised the Committee that the application should be judged in its own merits and not in respect of the commercial motives of the company. The Committee was also advised that the Pollution Control Officer had not raised any objection to the application. It was further advised that the additional hour in the morning was for a temporary period of a year only and following this time, the Applicant would have to apply for an extension to this. Any issues arising could be addressed at this stage.

Following comments from officers, Members debated the application and raised a number of concerns in relation to the potential noise disturbance that the increase in operating hours would bring. It was however impossible to know for certain as to

what extent the additional hours would have an affect on potential noise disturbance.

13/00432/WCMM - A motion was put forward and seconded to approve the application subject to the imposition of relevant conditions, and with an amendment to Condition 24 to reduce the temporary period from a year to six months. The motion was carried by 5 votes, with 2 voting against.

RESOLVED: (5 For, 2 Against) to approve the application, as per officer recommendations, subject to:

1. Conditions numbered C1 to C23; and
2. Condition C24 as amended to decrease the temporary period from one year to six months.

Reasons for the decision

Although the proposal was not necessarily in conflict with the NPPF, Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34 – Protecting Surrounding Uses required that permission would only be granted where it could be demonstrated that there would be no significant harm to residential amenity. It was not considered that the additional hour of operation in the evenings and the additional hour in the mornings for lorries to exit the site would result in “significant harm to residential amenity” due to the considerable amount of traffic using the A47 during these hours. However, in order to ensure that should complaints be received about any additional impacts of the increased hour in the morning, it was considered appropriate to recommend that the application be granted to extend the hours (as applied for) but add a further condition which would allow the lorries to exit the site during the additional morning hour for a temporary period only. The developer would still need to ensure compliance with the noise level condition applicable to the nearest noise sensitive properties (condition 5) with regard to noise emanating from the site.

13/00434/WCMM – a motion was put forward and seconded to approve the application, subject to the imposition of relevant conditions, and with an amendment to condition 24 to reduce the temporary period from a year to six months. The motion was carried by 5 votes, with 2 voting against.

RESOLVED: (5 For, 2 Against) to approve the application, as per officer recommendations, subject to:

1. Conditions numbered C1 to C23; and
2. Condition C24 as amended to decrease the temporary period from one year to six months.

Reasons for the decision

Although the proposal was not necessarily in conflict with the NPPF, Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34 – Protecting Surrounding Uses required that permission would only be granted where it could be demonstrated that there would be no significant harm to

residential amenity. It was not considered that the additional hour of operation in the evenings and the additional hour in the mornings for lorries to exit the site would result in “significant harm to residential amenity” due to the considerable amount of traffic using the A47 during these hours. However, in order to ensure that should complaints be received about any additional impacts of the increased hour in the morning, it was considered appropriate to recommend that the application be granted to extend the hours (as applied for) but add a further condition which would allow the lorries to exit the site during the additional morning hour for a temporary period only. The developer would still need to ensure compliance with the noise level condition applicable to the nearest noise sensitive properties (condition 5) with regard to noise emanating from the site.

5.6 13/00608/FUL – Continued use of former barn as 2 bed dwelling, retrospective. 1A Peterborough Road, Crowland, Peterborough, PE6 0AD

The site was located on the eastern side of the A1073 (Peterborough to Spalding Road) approximately 3km north of the village settlement boundary of Eye Green. The site lay to the south of 1 Steamhouse Cottage which was part of a pair of semi detached dwellings. The surrounding character was primarily open agricultural land with sporadic development along Crowland Road comprising primarily agricultural/commercial units. The site was rectangular in shape having a width of 13 metres and a depth of 31 metres and was set back from the highway boundary by approximately 6 metres. The site contained a brick built barn which had been converted to a residential dwelling. A porch/lobby had been added the side of the dwelling and a separate garage had been erected. The land on which the barn was situated was lower than the highway. There was an existing access which was shared with Steamhouse Cottage.

The application sought approval for the continued use of a barn to a 2 bed dwelling and erection of garage (retrospectively). The dwelling had a footprint of 14.7 metres x 4.6 metres and there had been limited alterations to the openings of the original building. A porch had been added to the north elevation and a detached garage had been erected to the north side of the building. The application was a resubmission of an identical application ref 12/00078/FUL which was refused on 2nd April 2012 and dismissed at appeal on 6th December 2012 (APP/J0540/A/12/2175375). The Inspector’s decision was appended to the committee report for information.

The application had been resubmitted as the Applicant considered that ‘the goal posts kept moving’ in planning policy terms and in terms of the interpretation of events surrounding the proposal.

The Group Manager Development Management addressed the Committee and provided an overview of the proposal including the key issues for consideration. There had been a number of unsuccessful attempts to obtain a change of use for the dwelling and the application was presented to the Committee following a change in planning policy. The officer recommendation was one of refusal in line with previous decisions.

The Agent had brought some photographs highlighting the state of the building prior to the building works and the Committee agreed that the photographs could

be circulated.

Mr David Landgrebe, the Applicant, and Mr John Dadge, the Agent, addressed the Committee and responded to questions raised by Members. In summary the key points highlighted included:

- The application was an extremely complex one;
- Planning Policy had evolved over time;
- The Applicant was 70 years old and had lived in the building for over 10 years, originally living in Steamhouse Cottage, which had been purchased by the Council;
- Whilst living in Steamhouse Cottage, Mr Landgrebe used the building as ancillary storage;
- There had been a number of reasons why the various past planning applications had been refused including floodrisk and highways issues. These issues were no longer relevant;
- It had been stated that the building was suitable for conversion;
- The Parish Council had no objections, amongst others;
- A Section 106 agreement would be entered into if the Committee was minded to approve;
- There were no neighbour objections and there was no harm on the characteristics of the area;
- The building had not been in productive use, therefore it was effectively redundant;
- The application would not set a precedent as each case was considered on its own merits;
- The dwelling was not isolated and had access to public transport;
- Mr Landgrebe had paid council tax on the property for two years.

Following questions to the speakers, Members debated the application and raised a number of points. In the first instance, the Applicant had built the property with no consent and although the situation had gone on for a number of years the Committee was not in agreement with an approval in policy terms. However, the property fitted in well with the surrounding area.

A motion was put forward and seconded to approve the application contrary to officer recommendation. The building had been shown to be redundant and the personal circumstances of the Applicant were to be taken into account. The consent was not to be issued until a S106 agreement had been entered into. The motion was carried unanimously.

RESOLVED: (Unanimous) to approve the application, contrary to officer recommendation, subject to:

1. The entering into of a Section 106 agreement.

Reasons for the decision

The previous inspector, in dismissing the last appeal did not have before him evidence of the state and use of the building prior to conversion. This had now

been provided and the local planning authority was now satisfied that it was redundant / in a disused state. The proposal was therefore considered to meet the tests set out in para 55 of the NPPF. The access to the development was safe, the design and appearance of the building was satisfactory and it provided for satisfactory levels of amenity for the occupier and did not impact unsatisfactorily on the amenity of the neighbour. The site was not at risk of flooding and satisfactory parking was provided for on site. The proposal was therefore in accordance with Peterborough City Council's Core Strategy (2011) Policies CS13, CS16, CS22 and Peterborough City Council's Planning Policy DPD (2012) policies PP2, PP3, PP4 and PP13. Given the age of the occupier, his health and the number of years that the building had been occupied, these particular personal circumstances were considered to weigh in favour of the proposal.

There were no conditions as the proposal was retrospective.

5.7 13/00717/FUL – Development of site for the sale of cars and light vans. Land to the West of McDonalds, Crowland Road, Eye, Peterborough

The application site comprised a parcel of overgrown land adjacent to McDonalds restaurant. The site was bound to the east by the existing restaurant and service station, to the south by the A47 Trunk Road and to the north and west by open agricultural fields. The Green Drain Extension formed the immediate northern and western boundary of the site. Vehicular access was via the McDonalds car park and beyond from the roundabout on Crowland Road. Surrounding uses comprised the service station, restaurant, hotel a small development of employment and industrial buildings known as 'Eye Green Industries'. Clearance works had begun on site and some hardcore had been laid.

The parcel of land was situated within the identified settlement envelope of Eye/Eye Green which was allocated as a Key Service Centre within the Peterborough Core Strategy DPD (2011).

The application sought planning permission to change the use of the site for the sale of cars and light vans, up to a maximum of 54 vehicles. Associated with the proposed use, permission was also sought for a portacabin sales office and a vehicle washing/preparation area. Four car parking spaces were proposed to the front of the portacabin for customer parking, with three additional spaces for staff parking.

The application followed three previous applications for the same proposal. The first, application reference 12/00173/FUL was refused under delegated powers.

The two subsequent applications, (12/01713/FUL and 13/00418/FUL), had both been withdrawn upon the advice of officers, as the previous reason for refusal had not been adequately addressed.

The current application had been supported by tracking diagrams which adequately showed that delivery vehicles could be accommodated within the site.

The Group Manager Development Management gave an overview of the proposal, including the key issues for consideration and advised that the officer

recommendation was one of approval. Eye Parish Council had commented on the application and stated that any sales office buildings on the site should be permanent in nature and not portacabins.

The Highways Officer advised that he did not believe that there would be multiple cars visiting the site at any one time and in relation to a car transporter coming into the car park, this was not a public highway, hence the lack of any Highways objection.

A motion was put forward and seconded to approve the application as per officer recommendation and the imposition of relevant conditions. The motion was carried unanimously.

RESOLVED: (Unanimous) to approve the application, as per officer recommendation, subject to:

1. Conditions numbered C1 to C7 as detailed in the committee report.

Reasons for the decision

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

- The proposed use for car/van sales was compatible within its locality and appropriate within its context, in accordance with the National Planning Policy Framework (2012);
- The proposal provided sufficient access, parking and turning within the site and would not result in any unacceptable impact upon highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- The proposed site layout and portacabin would not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area and would not result in an unacceptable crime risk, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012);
- The proposal would not result in any unacceptable increase in surface water flood risk, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);
- The proposal would not result in any unacceptable harm to heritage assets within the locality, in accordance with the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012); and
- The proposal would not result in any unacceptable harm to existing trees surrounding the site, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

8. Urgent Item - Immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 restricting permitted development rights

Members were asked to determine whether the item, which contained exempt information as defined by Paragraph 6 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting for the duration of the item, or whether the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exemption and the press and public were excluded from the meeting.

The Committee received a report which requested it to make an immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 restricting permitted development rights at a property located within Park Ward.

Following debate, a motion was put forward and seconded to approve the making and serving of an immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to withdraw the 'permitted development' right of development within Class A of Part 31 of Schedule 2 to the Order. The motion was carried unanimously.

RESOLVED: (Unanimous) to agree the making and serving of an immediate Direction, as per officer recommendation.

Reasons for the decision

The Committee considered that the Direction was required as per the reasons outlined within the exempt committee report.

13.30pm – 17.40pm
Chairman